



INDIANA
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English Learner Guidebook

Indiana Department of Education
Office of English Learning and Migrant Education



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Chapter 1: An Introduction to English Learners

English Learners in Indiana

Providing foundational academic support to all students is a cornerstone of our state's educational goals. In efforts toward migrating to an increasingly asset-based approach for English learners (ELs) to mirror WIDA's English Language Development Standards Framework (2020), the Indiana Department of Education (IDOE) uses the term "multilingual learners" to encourage the use of terminology that is more indicative of Indiana's student population. Multilingual learner (ML) describes all students who come in contact with and/or interact with languages in addition to English on a regular basis, including current and former ELs. ML is a term used to encompass and honor the extensive linguistic repertoires of Indiana students. It is important to note that the Every Student Succeeds Act (ESSA) (2015) still uses the term EL; therefore, it will appear in reference to statutory language throughout this guidance.

Over 140,000 Indiana students speak a language other than English at home, and there are over 295 different languages represented in Indiana schools. Of these, over 93,000 students have been formally identified as ELs due to developing levels of proficiency in speaking, listening, reading, and writing academic English.

ELs comprise roughly 6% of Indiana's total student population, and they are enrolled in schools and districts in every corner of the state. Some EL students are immigrants and refugees, but the vast majority of Indiana's ELs were born in the United States. ELs have rich potential - culturally, linguistically, and academically. Indiana assessment data shows that students who achieve fluency in English often outperform native-speaking peers on statewide content assessments.

Whether a local educational agency (LEA) has one EL or thousands, they are obligated to meet certain federal requirements for their students.

This document is designed as a reference for district and school personnel working with ELs as they provide support and guidance throughout their educational journey. This guidance presents a compilation of information, examples, and resources directly for local use. IDOE will continuously update this document to provide further clarity and information to district and school personnel working with ELs as needed.

Please contact IDOE's [Office of English Learning and Migrant Education](#) with any questions or suggestions regarding this reference.

Legal Background & Federal Requirements for English Learners

Years of legislation and landmark court rulings have defined equal educational opportunity precedent and federal requirements for LEAs as they serve their EL students. These events and their implications for schools are detailed below.

Title VI of the Civil Rights Act of 1964: Its Regulations at 34 Code of Federal Relations (CFR) Part 100

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

May 25, 1970, Memorandum, U.S. Department of Health, Education, and Welfare (DHEW)

In 1970, the federal Office for Civil Rights (OCR) issued a memorandum that interpreted the Civil Rights Act of 1964. The memorandum delineates school districts' responsibilities under civil rights law to provide an equal educational opportunity to national origin minority group students whose English language proficiency is limited. The following quotes discuss some major areas of concern with respect to compliance with Title VI and have the force of law:

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

"School districts have the responsibility to adequately notify national origin minority group parents of school activities which are called to the attention of other parents. Such notice, in order to be adequate, may have to be provided in a language other than English."

"Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track."

"School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparation courses on a basis directly related to the failure of the school system to inculcate English language skills."

ELs are required to have full access to the entire range of district programs, including but not limited to special education, Title I, gifted and talented programs, and nonacademic and extracurricular activities.

Although the memo requires school districts to take affirmative steps, it does not prescribe the content of these steps. It does, however, explain that federal law is violated if:

- Students are excluded from effective participation in school because of their inability to speak and understand the language of instruction;
- National origin minority students are inappropriately assigned to special education classes because of their lack of English proficiency;
- EL programs are not designed to teach them English as soon as possible, or if these programs operate as a dead-end track; or
- Parents whose English proficiency is limited do not receive school notices or other information in a language they can understand.

Lau v. Nichols (1974)

Lau v. Nichols describes a case in which the U.S. Supreme Court ruled that, under the Civil Rights Act of 1964, a California school receiving state and federal funding must provide non-English speaking students English language instruction to receive an equal education. The basis for the case was the claim that the students in question could not understand the language in which they were being taught; therefore, they were not being provided with an equal education.

The Supreme Court's decision upheld the Office for Civil Rights 1970 memorandum addressing the provision of Title VI of the Civil Rights Act of 1964 regarding identifying discrimination and failure to provide services toward national origin minority students with limited English proficiency. **If English is the mainstream language of instruction, then measures must be taken to ensure that instruction is adapted to address those children's linguistic characteristics** (*Lau v. Nichols*, 414 U.S. 563, 1974). The *Lau* ruling stated:

"There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."

The case reaffirmed that all students in the United States, regardless of native language, have the right to receive a quality education. It also clarified that equality of opportunity does not necessarily mean the same education for every student, but rather the same opportunity to receive an education. An equal education is only possible if students can understand the language of instruction.

Equal Educational Opportunities Act (EEOA) of 1974

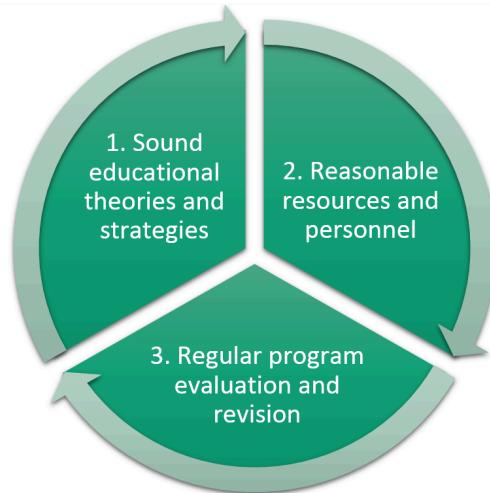
This legislation defined what constituted the denial of education opportunities and defined that all children enrolled in public schools are entitled to equal educational opportunity. The ruling states:

"No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin, by ... the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs."

Castañeda v. Pickard (1981)

The United States Court of Appeals for the Fifth Circuit established a widely adopted three-part test to determine whether districts have taken "appropriate action" to remedy the language deficiencies of their ELs under EEOA:

1. Is the school "pursuing a program informed by an educational theory recognized as sound by some experts in the field, or at least, deemed a legitimate experimental strategy";
2. Are the programs and practices truly used by the school "reasonably calculated to implement effectively the educational theory adopted by the school"; and
3. Does the program "produce results indicating that the language barriers confronting students are actually being overcome." Congress intended that schools make a "genuine and good faith effort, consistent with local circumstances and resources, to remedy the language deficiencies of their students."



Plyler v. Doe (1982)

The United States Supreme Court stated that school systems must enroll and educate children residing in their district even if their parents do not possess legal residency documents under the Equal Protection Clause of the Fourteenth Amendment.

Title II of the Americans with Disabilities Act (ADA) of 1990, 42 USC 12131-12161

Title II of the ADA prohibits discrimination against qualified individuals with disabilities on the basis of disability in all programs, activities, and services of public entities. Public

entities include state and local governments and their departments and agencies. Title II applies to all activities, services, and programs of a public entity.

Individuals with Disabilities Education Act (IDEA) of 2004

The purpose of IDEA 2004 is to ensure that all children with disabilities have access to a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; to ensure that the rights of children with disabilities and their parents are protected; to assess and ensure the effectiveness of efforts to educate children with disabilities.

Equal Opportunity for English Learners

The U.S. Department of Education's Office for Civil Rights oversees school districts' broad discretion concerning how to ensure equal educational opportunity for ELs. The Office for Civil Rights does not prescribe a specific intervention strategy or program model that a district must adopt to serve ELs but provides guidelines to ensure that programs are serving ELs effectively. LEAs should:

- Identify students as potential ELs;
- Assess students' need for EL services;
- Develop a program which, in the view of experts in the field, has a reasonable chance for success;
- Ensure that necessary staff, curricular materials, and facilities are in place and used properly;
- Develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students; and
- Assess the success of the program and modify it where needed.

The Office for Civil Rights provides fact sheets, guidance, and resources for education officials about their obligations to EL students and their families. For additional information regarding the provision of equal education opportunities to ELs, contact the U.S. Department of Education's [Office for Civil Rights](#) via phone at (800) 421-3481, [email](#), or their [website](#).

For additional information on civil rights requirements for ELs, please refer to the Office for Civil Rights and the Department of Justice's [Dear Colleague Letter](#) from 2015.

Chapter 2: Identifying English Learners

The Elementary and Secondary Education Act, as amended by ESSA, requires state educational agencies (SEAs) to establish and implement standardized, statewide entrance and exit procedures for ELs (Section 3113). Indiana has established standardized statewide entrance procedures to identify and screen potential ELs based upon the accurate and timely administration of the Home Language Survey (HLS) and the English language proficiency placement exam (Kindergarten Screener and WIDA Screener for grades 1-12). The standardized entrance and exit procedures are used to determine whether a student is considered an EL and therefore entitled to an English language development program required by Title VI of the Civil Rights Act of 1964 and EEOA.

All students enrolling in an Indiana school for the first time, including foreign exchange and preschool students, must be administered the Home Language Survey. Any student enrolling in grades K-12 with a language other than English included on the HLS is screened for English proficiency with the Kindergarten Screener or WIDA Screener, unless transferring from another WIDA consortium state. Although the HLS is administered for preschool students, they are not given the Kindergarten Screener until they enroll in kindergarten. Students who score below a 5.0 overall composite score* on the Kindergarten Screener or WIDA Screener are formally identified as ELs.

**First semester kindergarten students are only administered the listening and speaking domains of the Kindergarten Screener. The composite score is replaced by the oral language score.*

Home Language Survey

The HLS is a legally binding document that should only be completed once during a child's Indiana academic career upon their first enrollment in Indiana schools. To avoid duplicate administration, the HLS should **not** be included in the school enrollment packet, but only given to those students who have confirmed that they are enrolling in an Indiana school for the first time. The HLS must be kept in the student's cumulative folder as part of the permanent record and, in case of transfer, must follow the student to the receiving school.

The school administering the HLS must explain the purpose and questions in a language the parent or guardian understands. The Indiana HLS is provided in English and Spanish in Appendix A. Although the use of this particular form is not mandated, the three included questions are required and are the only allowable questions to determine the student's language assignment and ensuing EL placement assessment.

- 1. What is the native language of the student?**
- 2. What language(s) is spoken most often by the student?**
- 3. What language(s) is spoken by the student in the home?**

If a language other than English is indicated for any of the three questions, that language must be assigned to the student in local and state databases, and the appropriate English language proficiency screener (Kindergarten Screener or WIDA Screener) must be administered to determine whether or not the student formally qualifies as an EL. Only the Indiana HLS may be utilized in assigning student language and determining possible EL status, not those from other states.

In the case of student transfer, the sending school should send the original Indiana HLS to the receiving school. If a receiving school does not have the original Indiana HLS for an incoming student, the receiving school must contact the previous school to request that it be transferred. The receiving school should make at least three documented attempts to obtain the original HLS from the previous school or schools. Only once an LEA has exhausted and documented all options in acquiring the original HLS (including reaching out to prior district or school EL staff) can a new HLS be administered.

Digital Home Language Surveys

As many school districts move to online registration and record keeping, the HLS may also be administered online instead of using a paper format. The Indiana HLS may only be administered once in a student's academic career, so it should not be included in the general online registration packet; however, electronic registration may allow for the registrant to indicate that the student is enrolling for the first time in an Indiana school and trigger the HLS for completion. Even if administered online, the HLS must be signed by the parent or guardian (electronic signature is sufficient) with the completion date present. This electronic HLS must be accessible in the event of IDOE onsite monitoring or student record transfer.

HLS Amendment Request Process

IDOE has a formal HLS amendment request process to address students who were misidentified as speaking a language other than English. This process is designed to address true cases of data entry error where the student was mistakenly assigned a language other than those documented on the original Indiana HLS in the state student database (i.e., the Ed-ID portal, formerly the STN Application Center). School districts must submit an HLS Amendment Request Form with parent and administrator signatures, including cause of misidentification, student English language proficiency assessment data (if applicable), and the original HLS. IDOE's EL team reviews the amendment request, determines whether the student's language was misassigned, and approves or denies the request. The [Home Language Survey Amendment Request Process and Form](#) are included in Appendix A.

Housing the HLS within Indiana ILP

Indiana ILP (IILP) is an online platform that houses the Individual Learning Plan (ILP) and other EL-related documentation for active students in the state. IILP also includes the capability to house a student's original HLS. This will allow the original HLS to travel with a student digitally throughout their Indiana academic career. For an HLS stored within IILP to be recognized as in compliance with federal regulations, one of the following must be in place:

- The school must upload a version of the original HLS; or
- The original HLS questions must be answered exactly as they were on the version initially administered and signed by the parent, including the date of parent signature and the school corporation in which the original HLS was administered. *The HLS is not completed by the parent within IILP itself.*

If successfully in place, that version of the HLS can be presented as documentation for federal monitoring purposes. A physical survey copy is not necessary to be maintained for a student whose HLS is stored in IILP. It is also important to note the following:

- The student's language assigned on their state student profiles (i.e., the Ed-ID Portal, formerly the STN Application Center) must be based on the responses to the HLS. See the "Language Reporting Requirements" section below for more details.
- Utilizing IILP to maintain the survey is not required, even if using the system for other features.
- The HLS can be stored for all students in IILP, not just those with a non-English language.

Language Reporting Requirements

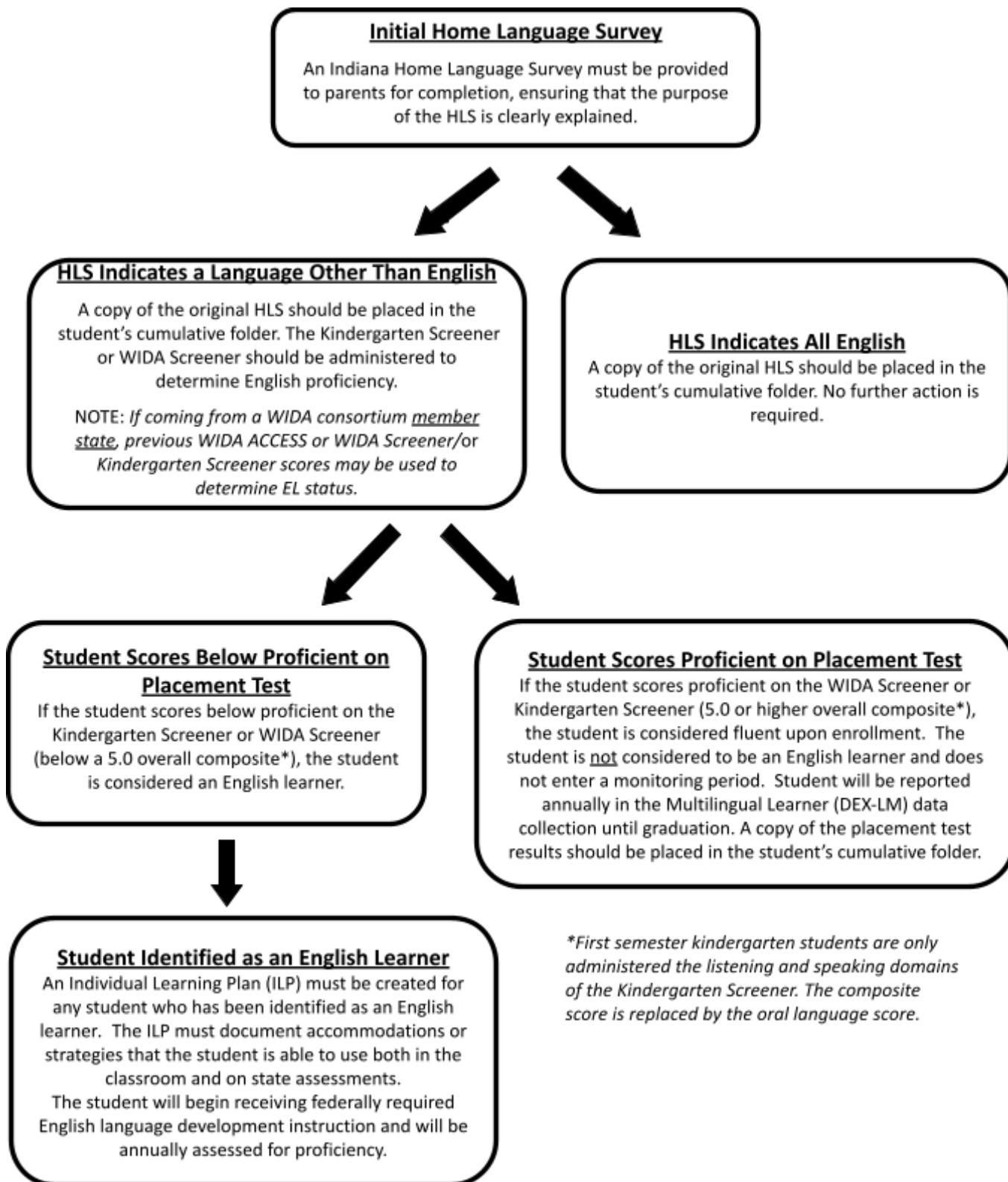
If a student's HLS includes a language other than English, that language should be assigned to the student in the local student information system (SIS) and reported to IDOE as their primary language in the Ed-ID portal (formerly STN Application Center) and via Data Exchange. If multiple other languages are included on the HLS, the first language listed should be coded as the primary language. Regardless of EL status, the student will be annually reported to IDOE through Data Exchange via the Multilingual Learner Report (DEX-LM) data collection each year until graduation.

All Indiana LEAs are required to submit their multilingual student information annually in the Multilingual Learner Report via Data Exchange. The purpose of this data collection is to gather information on ELs and other multilingual students enrolled on October 1 of

the collection year. The DEX-LM collection provides a count of ELs to generate per-pupil funding counts for Title III, the Non-English Speaking Program (NESP), and a count of immigrant students for the Title III Immigrant Influx grant. The DEX-LM collection also includes testing results from the English language proficiency placement and annual assessments for accountability purposes and for public schools to report their English language development program per *Lau v. Nichols* (1974).

More information on the Multilingual Learner Report collection can be found on the [Data Exchange Knowledge Hub website](#).

Enrolling First-Time Indiana Students



Enrolling Returning Indiana Students

Check the student's cumulative folder for the original HLS. If the original HLS cannot be located, contact the student's previous school to obtain the original HLS.

***NOTE:** If the original HLS cannot be obtained from the student's previous school after three documented attempts, administer a new HLS to the student. Documentation of the attempts made to obtain the original Home Language Survey must be maintained locally.*

Original HLS Indicates a Language Other Than English

The previous Indiana school was required to have already administered the English language proficiency placement assessment. Check the cumulative folder for the assessment results and contact the previous school to obtain the results if they have not been provided.

Original HLS Indicates All English

A copy of the original HLS should be placed in the student's cumulative folder. No further action is required.

Student Scored Below Proficient on Placement Test

If the student scored below proficient on the Kindergarten Screener or WIDA Screener (below a 5.0 overall composite*), and has not achieved a proficient score on the WIDA ACCESS assessment in years since, the student is considered an English learner.

Student Scored Proficient on Placement Test or Annual Assessment

If the student scored proficient on the Kindergarten Screener or WIDA Screener (5.0 or higher overall composite), the student is considered proficient upon enrollment. If the student scored below proficient on the placement test, but has since achieved a proficient score (5.0 or higher overall composite*) on the WIDA ACCESS annual assessment, the student is not considered to be an English learner. If the proficient score was achieved within the previous two years, the student should be placed in the district's formal monitoring system for former English learners. The student will be reported annually in the Multilingual Learner (DEX-LM) collection until graduation.

Student Identified as an English Learner

Parents must be notified of the student's placement in the EL program. An ILP must be created for any student who has been identified as an English learner. The ILP must document classroom and assessment accommodations or strategies provided for the student. The student will begin receiving federally required English language development instruction and will be annually assessed for proficiency.

**First semester kindergarten students are only administered the listening and speaking domains of the Kindergarten Screener. The composite score is replaced by the oral language score.*

Chapter 3: Serving English Learners

Providing EL Services

As required by *Lau v. Nichols*, and further defined by *Castañeda v. Pickard* and the Office for Civil Rights, identified EL students at all grades and English proficiency levels must receive language assistance services. Services must be provided to all EL students until reaching proficiency, with students meaningfully participating in educational programs without the need for language support. These required EL services can be referred to as a language instruction educational program (LIEP), English language development (ELD) services, or *Lau* services.

A school's EL program can take a variety of forms, and schools have flexibility in choosing an ELD service delivery model. Program models should be chosen while appropriately considering a number of factors impacting student needs, including, but not limited to, each EL student's English proficiency level, grade level, educational background, and their native language background for bilingual programs. Services must be appropriate and targeted to their EL proficiency levels. Newcomer ELs at emerging levels of English proficiency may require more intensive support and an approach that focuses on foundational English. On the other hand, for students at higher English proficiency levels, program models within the general education classroom have shown to be more effective than methods such as pull-out small group services.

Whichever approach, program model, and implementation method is chosen, the EL program must be evaluated to ensure it meets the three-pronged *Castañeda* standard:

1. Is the program based on a sound educational theory?
2. Are the programs and practices (including resources and personnel) reasonably calculated to implement this theory effectively?
3. Does the program succeed in producing results indicating that students' language barriers are being overcome within a reasonable period of time?

This section contains information on EL program models, teachers, and required documentation of core EL services. Additional details on providing ELs language development services can be found in Chapter 2 of the [U.S. Department of Education EL Toolkit](#) and the "Providing EL Students with a Language Assistance Program" section of the [Dear Colleague Letter](#).

EL Program Models

Program models to provide ELD services can be considered based on their purpose and goals, the language of instruction, and possible methods for implementation. The table below details recognized EL program models commonly utilized by schools. All

program models below must be delivered by a qualified EL Teacher of Record or EL Teacher of Service (see the *EL Program Staffing and the EL Teacher of Record* section within this chapter for more details).

Program Model	Description and Details
English Second Language (ESL)	<p>Description: Program of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (i.e., speaking, listening, reading, and writing). (<i>from USED OELA Toolkit</i>)</p> <p>Language of Instruction: English (with some native language supports)</p> <p>Goal(s): Proficiency in English</p> <p>Possible Implementation Methods:</p> <ul style="list-style-type: none"> • Co-teaching • Push-in small group • Pull-out small group • Dedicated ESL class (common for secondary)
Content-Based English Language Development (ELD)	<p>Description: This approach makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive, and study skills. English is used as the medium of instruction. (<i>from USED OELA webpage</i>)</p> <p>Language of Instruction: English (with some native language supports)</p> <p>Goal(s): Content-area knowledge; Proficiency in English</p> <p>Possible Implementation Methods:</p> <ul style="list-style-type: none"> • Dedicated class* (general education) • Dedicated class* • Co-teaching • Push-in small group • Pull-out small group <p><i>*Teachers must be both a qualified EL Teacher of Service (ToS) and licensed in that content area to deliver core grade-level instruction.</i></p>
Sheltered English Instruction	<p>Description: Sheltered English Instruction is an instructional approach used to make academic instruction in English understandable to EL students. Sheltered instructional approaches assist EL students in</p>

	<p>developing grade-level content area knowledge, academic skills, and increased English proficiency. In sheltered content classes, teachers use a wide range of instructional strategies to make the content (e.g., math, science, social studies) comprehensible to EL students while promoting their English language development (e.g., connecting new content to student's prior knowledge, scaffolding, collaborative learning, and visual aids). (<i>Dear Colleague Letter</i>)</p> <p>Language of Instruction: English (with some native language supports)</p> <p>Goals: Content-area knowledge; Proficiency in English</p> <p>Possible Implementation Methods:</p> <ul style="list-style-type: none"> • Dedicated class* (general education) • Dedicated class* (ELs only) • Co-teaching <p><i>*Teachers must be both a qualified EL Teacher of Service (ToS) and licensed in that content area to deliver core grade-level instruction.</i></p>
Structured English Immersion	<p>Description: Structured English Immersion is a program designed to impart English language skills so that EL students can transition and succeed in an English-only mainstream classroom once proficient. All instruction in an immersion strategy program is in English, however, teachers should have strong receptive skills in a student's native language. (<i>USED OELA Toolkit</i> and <i>USED OELA webpage</i>)</p> <p>Language of Instruction: English (with little use of the native language)</p> <p>Goals: Proficiency in English; Preparation to participate in traditional EL programs and general academic environments</p> <p>Implementation Methods:</p> <ul style="list-style-type: none"> • Dedicated ESL class
Newcomer Program	<p>Description: Newcomer programs offer specialized services and classes designed to meet the academic and transitional needs of newly arrived immigrants, including acclimation to U.S. schools and the development of foundational skills in English. Newcomer programs are short-term, typically lasting no longer than one year, and prepare students to enter more traditional ELD programs and mainstream instruction. (<i>USED OELA webpage</i> and <i>USED OELA Toolkit</i>)</p> <p>Language of Instruction: English (with native language supports) or Bilingual (English and native language)</p>

	<p>Goals: Build foundational skills in content areas (e.g., basic literacy, mathematics concepts, etc.); Preparation to participate in traditional EL programs and general academic environments</p> <p>Possible Implementation Methods:</p> <ul style="list-style-type: none"> • Co-teaching • Dedicated classes* <p><i>*Teachers must be both a qualified EL Teacher of Service (ToS) and licensed in that content area to deliver core grade-level instruction.</i></p>
<p>Dual Language</p>	<p>Description: Bilingual program beginning in Kindergarten or 1st grade, where the goal is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually composed of half primary-English speakers and half primary speakers of the other language. (<i>USED Toolkit</i>)</p> <p>Language of Instruction: Bilingual (English and native language)</p> <p>Goals: Bilingualism and biliteracy; Content-area knowledge</p> <p>Possible Implementation Methods:</p> <ul style="list-style-type: none"> • Two-way immersion <ul style="list-style-type: none"> ◦ Half of students enrolled are ELs or heritage language speakers of the target language and the rest are primary-English speakers • One-way immersion <ul style="list-style-type: none"> ◦ Majority of the students are primary-English speakers, or ◦ Majority of the students are ELs or heritage language speakers of the target language • 50/50 model with two teachers <ul style="list-style-type: none"> ◦ 50% of instructional time taught in target language and the other 50% is taught in English • 90/10 model with one bilingual teacher <ul style="list-style-type: none"> ◦ Programs begin with 90% of instructional time taught in the target language in Kindergarten, then increase instructional time in English each year as the program progresses, culminating in a 50/50 two-teacher model by ~4th grade
<p>Transitional Bilingual Education (TBE)</p>	<p>Description: Program that maintains and develops skills in the primary language while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the ELs' transition to an all-English instructional program, while the students receive academic</p>

	<p>subject instruction in the primary language to the extent necessary. (<i>USED Toolkit</i>)</p> <p>Language of Instruction: Bilingual (English and native language)</p> <p>Goals: English proficiency; Preparation to participate in all English setting; Content-area knowledge</p> <p>Implementation Methods:</p> <ul style="list-style-type: none"> • Bilingual teacher (required) • Co-teaching • Majority of instruction in native language in early grades
<p>Heritage Language</p>	<p>Description: Program that develops a student's native language skills and literacy (i.e. Heritage Spanish for Spanish speakers; Heritage German for German speakers). Research has shown that the stronger a student's native language literacy skills are, the stronger English literacy skills will become.</p> <p>NOTE: A Heritage Language program model must be implemented in conjunction with other program models that directly address English proficiency, and cannot be the sole ELD service model for a student.</p> <p>Language of Instruction: Native language</p> <p>Goals: Native language proficiency to support English proficiency</p> <p>Possible Implementation Methods:</p> <ul style="list-style-type: none"> • Dedicated class* <p><i>*Teachers must be licensed in the content area being taught</i></p>

For additional information and examples of EL programming approaches in secondary schools, refer to IDOE's Secondary EL Toolkit on the [ELME webpage](#).

Providing Sufficient English Language Development

A key factor to consider when planning core EL programming is the frequency and duration of the services being provided. There is no specific required amount of service minutes to be provided to EL students at the federal or state levels; however, recent national settlements where the amount of EL services had been in question led to corrective actions that required, at a minimum, 30-45 minutes of services, four to five days a week. Citations of these Office of Civil Rights settlements can be found in [this summary](#). When reviewing annual EL Plan submissions as part of the federal pre-application and when performing federal programmatic monitoring, IDOE has used

30-45 minutes/four to five days a week, at a minimum, as a benchmark when examining services for ELs at all proficiency levels.

EL Program Staffing and the EL Teacher of Record

The Office for Civil Rights and Department of Justice's [Dear Colleague Letter](#) from 2015 cites the following regarding EL program staffing:

“School districts have an obligation to provide the personnel and resources necessary to effectively implement their chosen EL programs. This obligation includes having highly qualified teachers to provide language assistance services, trained administrators who can evaluate these teachers, and adequate and appropriate materials for the EL programs.”

“Where formal qualifications have been established, e.g., the SEA requires authorization or certification to teach in particular EL programs, or a school district generally requires its teachers in other subjects to meet formal requirements, a school district must either hire teachers who already have the necessary formal qualifications to teach EL students or require that teachers already on staff be trained or work towards attaining the necessary formal qualifications and obtain the formal qualifications within a reasonable period of time.”

In Indiana, formal ENL licensure is required for teachers acting in the role of an English Learner Teacher of Record (ToR). Schools must provide each EL student with a licensed EL ToR; it is recommended that an EL ToR's caseload not exceed thirty students.

IDOE has issued guidance regarding Indiana EL teacher licensure requirements, the role and responsibilities of the EL ToR, and specifics on qualifications for an EL Teacher of Service (ToS) overseen by an EL ToR. Please see the following documents found on IDOE's [English Learning and Migrant Education webpage](#) for more information on this requirement:

- Initial EL Teacher Licensure Memo (2019)
- EL Teacher of Record Responsibilities
- Meeting the EL Teacher of Record Requirements
- EL Teacher of Record Frequently Asked Questions (updated 2024)

Qualifications to Provide English Language Development Services

English language development services may be delivered directly by the EL ToR, who holds the Indiana ENL professional educator's license, or by an EL ToS who meets these qualifications:

- Holds a professional educator's license, and
- Has continued participation in ongoing, meaningful, and job-embedded training on English language acquisition and EL best practices, as well as implementing the service delivery model.
- Meets at least weekly with the EL ToR to determine instructional needs and plan English language development for the student.

This training does not include WIDA test administrator training and must extend beyond single workshops or conferences. It must also surpass training on instructional expectations of all teachers of ELs, which includes ILPs and WIDA Standards implementation. The EL ToR may assist in providing training to the ToS.

Although in-service training for classroom EL teachers (e.g., sheltered instruction model) is beneficial in meeting students' needs and fulfills ToS qualifications, this training alone does not compare to the rigor required for full ENL licensure. Substantial evidence is needed to demonstrate training is of sufficient frequency and duration for an EL ToS, as services are not directly delivered by teachers with ENL licensure.

ELD Models Overseen by an EL ToR, Delivered by an EL ToS

When implementing an ELD model that is being overseen by an EL ToR, but directly delivered by a qualified EL ToS, the following must be in place:

- Oversight of EL services by a qualified EL ToR, as detailed in the [EL ToR Responsibilities guidance](#). This includes meeting at least weekly with the EL ToR to determine instructional needs and plan English language development for the student.
- Meet the training qualifications requirements cited in the previous section.
- Clear implementation of the chosen EL program service delivery model (e.g., sheltered instruction) with fidelity.
- Description of this structure within the LEA's annual EL Plan.

Documentation of ToS training and qualifications, EL ToR oversight and collaboration with the ToS, and the fidelity and effectiveness of the chosen model must be readily available in instances such as federal programs monitoring. An [EL ToS Agreement Form](#) template is available in Appendix A, which is recommended to be used to help document the requirements and expectations to serve as EL ToS and provide core ELD instruction.

English Learner Plans

Under ESEA (as amended by ESSA), Title VI of the Civil Rights Act of 1964, and EEOA, IDEOE is legally responsible for ensuring that all Indiana LEAs meet federal requirements

to properly identify, assess, and support ELs through an effective English language development program.

All LEAs are annually required to submit an EL Plan detailing their outline to meet the needs of ELs across all proficiency and grade levels. The EL Plan describes the program models, EL teachers or record and service, curriculum used, and additional details regarding EL services provided by the LEA.

All public LEAs meet the EL Plan requirements through the annual [Title Grants Pre-Application submission process](#). IDOE's EL team reviews the proposed plans and EL-related narratives within the pre-application and provides technical assistance and support for districts as they ensure effective programming for their ELs.

Additional information on the EL Plan can be found on IDOE's [Office of English Learning and Migrant Education webpage](#).

Maintaining Documentation of Services

To ensure that ELs are properly identified, assessed, and served in Indiana, schools are expected to maintain local documentation of EL programming. See [Appendix A](#) for a detailed list of required local documentation for ELs.

Opting Out of EL Services

Parents of ELs have the right to opt out of the formal EL program and refuse services. Further information on parent rights of refusal, the process for opting out, and required documentation for LEAs is provided in [Chapter 7](#) of this resource.

Chapter 4: EL Access to Core Content Area Instruction

Indiana English Language Development Standards

ESEA, as amended by ESSA, requires SEAs to adopt rigorous English language proficiency standards and assessments so that ELs may attain English proficiency, develop high levels of academic attainment in English, and meet the same rigorous Indiana academic content and achievement standards that all children are expected to meet [Sec. 1177, (b)(1)(F)]. ESSA requires each state to demonstrate English language proficiency standards derived from the four language domains: speaking, listening, reading, and writing.

Indiana adopted the WIDA ELD standards as the state English language proficiency standards in 2013. WIDA ELD standards address the academic language ELs require to engage with peers, educators, and the core curriculum in all classrooms and content areas. There are five WIDA ELD standards, which are to be implemented by all educators with ELs in their classrooms:

1. Social and instructional language;
2. Language of language arts;
3. Language of mathematics;
4. Language of science; and
5. Language of social studies.

WIDA has released the [2020 Edition of the WIDA ELD Standards Framework](#). Within the re-released framework, the five standard statements remain the same, however many features surrounding their implementation are new or have received significant revisions (e.g., Proficiency Level Descriptors). More information regarding the 2020 Edition of the WIDA ELD Standards framework can be found on the [WIDA website](#).

Individual Learning Plans (ILPs)

As established in Chapter 1, all students identified as ELs are legally entitled to receive ELD instruction designed to promote their growth towards English proficiency, as well as meaningful access to core grade-level curriculum. An ILP must be created for each EL enrolled in a school or district and must be implemented with fidelity by all teachers and staff who work with the student. The ILP is a locally-created document that details strategies, instructional and assessment accommodations, modifications, goals for the student, the student's English language proficiency levels, state and local assessment data, and details on their EL services (i.e., program model, frequency). ILPs should be revised at least once annually to reflect students' language proficiency growth but can be updated as necessary in response to student needs.

ILPs are designed to outline a plan to ensure ELs have meaningful access to the same rigorous content and college-and-career-ready standards as their native English-speaking peers. While grading and credit assignments are determined locally, IDOE has provided guidance on these topics specific to the unique needs of secondary ELs on IDOE's [English Learning and Migrant Education webpage](#).

An ILP is a legally binding document, and all staff who work with the student are responsible for its implementation. IDOE recommends that the ILP be created by EL staff in collaboration with content-area teachers to promote ongoing communication across programs to ensure that all responsible staff are aware of its implications.

Assessment accommodations should be documented in the ILP and implemented with fidelity on all local and state assessments. Allowable state testing accommodations for ELs are outlined by IDOE's [Accessibility and Accommodations Information for Statewide Assessments](#).

ILPs must be stored locally in the student's cumulative or EL folder and be sent with the student in the event of transfer to another school or district. ILPs should also be shared with the student's parent or guardian.

Retention of English Learners

Federal law states that the retention of ELs cannot be based solely upon the level of English language proficiency. Language acquisition is a long-term process and should be facilitated across all grade levels. The retention of ELs will not facilitate more rapid growth towards English proficiency. Local retention policies, especially for ELs, should not be based on one specific piece of data alone or any sole criterion. Prior to considering retention of an EL, the following points should be addressed in consultation with staff and the parents prior to retention.

- Has the student's level of English language proficiency been assessed?
- Has the student been enrolled in the school district for more than one full academic year?
- Are classroom modifications being made in teacher lesson delivery, assignments and homework, and formal assessments?
- Has an ILP been implemented by all teachers with fidelity to document classroom modifications and student progress? How has this been documented?
- How much individual ELD instruction is the student receiving via their EL program model during the school day? Does the student have a qualified EL ToR and qualified ToS delivering services?

- Has an alternate grading strategy been implemented including a portfolio, contract, or rubric assessment?

See the [flowchart](#) in Appendix A for additional guidance.

It is important to note that [Senate Enrolled Act \(SEA\) 1 \(2024\)](#) prohibits grade three students from being promoted to grade four if they do not pass IREAD after multiple test administration opportunities (following the grade three summer retest). Exceptions to this, which are the new statutory criteria for Good Cause Exemptions (GCEs), include a student who is an identified EL who has received services for fewer than two years and has an ILP committee that determines promotion to the fourth grade is appropriate. See the [IREAD for English Learners](#) section of Chapter 5 for more guidance on the retention of ELs as it relates to not passing IREAD-3. More information on SEA 1 requirements can be found [here](#) and [this memo](#).

English Learner Populations

Long-Term English Learners

While ESEA, as amended by ESSA, does not give a definition of a “long-term EL,” Section 3121(a)(6) mandates a report every two years of the number and percentage of “ELs who have not yet attained English language proficiency within five years.” SEAs and LEAs may consider these students as long-term ELs (LTELs) after this time.

District and school leadership should make every effort in monitoring and exiting their LTELs with exemplary programming and services. A checklist for addressing the needs of LTELs is available in Chapter 2 of the [U.S. Department of Education’s EL Toolkit](#).

English Learners and Evaluation for Special Education

If an EL has a suspected disability, referral and evaluation should happen in a timely manner, as required for any other student. Special education evaluation for an EL is only appropriate if consistent, objective monitoring conducted by EL and general education staff indicates that the student is significantly struggling academically and behaviorally and that the student’s academic or behavioral struggles are not related to a lack of English proficiency. The following considerations must be addressed throughout the special education evaluation process:

- The EL ToR and the multidisciplinary team in each school/district should lead this process. Additional educators (e.g., classroom teachers) who are knowledgeable about and familiar with the student’s language acquisition must be involved at every step.
- All notices and consents are required to be provided in the parents’ native language unless the language does not have a written form. Qualified

interpreters should provide all other information in a language the parents understand.

- Evaluations must be conducted by professionals who are able to select and administer assessments so that results are not biased by the child's culture or language. Both [IDEA](#) and [Section 504](#) provide specific information and answer common questions in order to assist school and district personnel to best serve students with special academic needs. Additional information from IDOE regarding the language of evaluation can be found in the [English Learners and Evaluation for Special Education](#) guidance.
- IDEA requires that when an EL has a disability, planning for the child's language needs and the effect of language development on the overall educational program be a consideration of the IEP team, which must include someone who is knowledgeable about the child's second language acquisition.
- If a child's disability affects their functioning in any academic area, it is likely that it will also affect the student's growth toward English proficiency. As such, it is neither appropriate nor allowable to withdraw language instruction from a child based on limited performance consistent with their disability.

See IDOE's [English Learners and Evaluation for Special Education](#) guidance and Chapter 6 of the [U.S. Department of Education's EL Toolkit](#) for additional helpful resources pertaining to EL students with disabilities.

Gifted and Talented English Learners

Federal law asserts that all ELs have a right to an education that addresses their specific needs as they are learning a new language (Civil Rights Act of 1964, the EEOA of 1974, and Titles I and III of the ESEA of 1965, as amended by ESSA). This includes access to all curricular and extracurricular programming, including gifted and talented programs. ELs may not be denied access to gifted and talented programs because of their English proficiency level. Schools and districts must ensure that their procedures for identifying gifted and talented students do not depend on English proficiency (explicitly or implicitly). In identifying gifted and talented students, procedures should compare ELs with other peers at similar English language proficiency levels, not only with native English speakers.

Additional resources regarding the identification of gifted and talented ELs can be found in Chapter 4 of the [U.S. Department of Education's EL Toolkit](#) and in the [Suggestions for Identifying and Supporting English Learners with High Abilities, Gifts, and Talents](#) document.

Chapter 5: Assessing English Learners

Assessing English Learners in the General Education Classroom

ELs must be provided with access to the same core curriculum as their grade-level peers and should also be held accountable to the same challenging academic standards. However, assessments for ELs must be differentiated to provide a variety of meaningful ways for students to demonstrate their understanding. Just as instruction should be personalized to meet their individual academic needs, assessments should be designed to consider English proficiency levels and build on students' strengths and abilities to provide opportunities for success and demonstration of content mastery.

For example, an EL at a beginning level of English proficiency in writing may not be able to show their mastery of a social studies standard by writing an essay explaining the cause and effects of a certain event in history. However, they may be able to show mastery of the same rigorous academic standard by creating a visual representation of cause and effect using pictures and simple labels or through an oral interview with the teacher. In this way, the rigor of the standard is not compromised, but the means through which students demonstrate mastery are flexible and tailored to individual student needs. Grading processes for ELs are developed locally but should be based on student mastery of academic standards, not on English language proficiency.

Appropriate classroom assessment accommodations for ELs should be documented in a student's ILP. See [Chapter 4](#) of this resource for more details.

English Language Proficiency Assessments (WIDA)

Assessing students' English proficiency in the four language domains (Listening, Speaking, Reading, and Writing) is a critical, required component of EL programming. Per ESSA, states are required to adopt standardized entrance criteria to determine EL status, which entails the administration of a placement assessment. Additionally, **all** identified EL students are required to be assessed annually for their English proficiency, which in turn determines a student's current level of English proficiency and EL status.

As a member of the WIDA consortium, Indiana has adopted the WIDA Screener to be utilized as its placement assessment to determine English learner status, and WIDA ACCESS and Alternate ACCESS (for ELs with significant disabilities) as its annual assessment. These assessments are required to be utilized by the following K-12 schools in Indiana: traditional public schools, public charter schools, accredited non-public schools participating in the Choice Scholarship Program, and accredited non-public schools participating in Title III.

Comprehensive guidance on WIDA placement and annual assessments is issued by IDOE's Office of Student Assessment and can be found on IDOE's [WIDA webpage](#).

State Testing for English Learners

ELs are required to participate in all state assessments and may be provided with state testing accommodations, as documented in their ILP. Testing accommodations are designed to provide all students with the opportunity to demonstrate their knowledge and ability. Specific details regarding state assessment considerations for ELs can be accessed via IDOE's [Accessibility and Accommodations Information for Statewide Assessments](#).

School staff responsible for creating the ILP should determine which accommodations are appropriate for each student and document these within the ILP. The following state testing accommodations are allowable for ELs:

- Student allowed to use a bilingual word-to-word dictionary (must meet the bilingual dictionary requirements found in IDOE's [Accessibility and Accommodations Information for Statewide Assessments](#));
- Student provided additional breaks during testing;
- Student tested individually or in a small group setting by a familiar teacher;
- Student may read aloud to self; and
- Student provided access to text-to-speech (cannot be used for the reading comprehension portion of test).

Previously, extended testing time was an allowable testing accommodation for ELs. State assessments are no longer timed, so this has been removed. However, additional testing time can and should still be available to ELs as a classroom or district assessment accommodation, when appropriate.

ELs with disabilities must be provided with all documented IEP accommodations in addition to their documented ILP accommodations. For example, an EL with a disability may have access to a bilingual dictionary as an ILP accommodation and access to a calculator as an IEP accommodation; both the ILP and IEP accommodations should be provided.

Note: Because the WIDA ACCESS assessment is designed to measure English language proficiency, language-based accommodations in an ILP are not provided. Only ELs with disabilities may be provided with testing accommodations on the WIDA ACCESS assessment as documented in their IEP.

Designated features on state assessments differ from accommodations in that they are available to all students for whom the need has been indicated. Some designated features may be appropriate and beneficial for all multilingual learners, including ELs,

former ELs, and others (i.e., the Spanish Toggle feature for biliterate students). Please see Section 8 of IDOE's [Accessibility and Accommodations Information for Statewide Assessments](#) for more details.

IREAD for English Learners

Indiana law requires the evaluation of reading skills for students who are in third grade, including ELs. To ensure students have a solid foundation in reading before being promoted to fourth grade, [Senate Enrolled Act \(SEA\) 1 \(2024\)](#) prohibits grade three students from being promoted to grade four if they do not pass IREAD after multiple test administration opportunities (following the grade three summer retest).

Exceptions to the new retention requirement, which will formulate the new criteria for GCEs (effective for the 2024-2025 school year), include:

- Special Education: The student has an intellectual disability or the student's individualized education program specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate.
- **English Learner (EL): A student who is an identified English learner (EL) who has received services for fewer than two years and has an Individual Learning Plan (ILP) committee that determines promotion to the next grade level is appropriate based on the implementation of research-based instructional practices outlined in the student's individual learning plan.**

The ILP Committee must consist of:

- the student's parent;
- a building-level administrator or designee;
- a classroom teacher of service;
- an English learner teacher of record, if one exists; and
- an English learner district administrator, if one exists

- Math Exceptionality: A student who passes the ILEARN Mathematics assessment.
- Retained Twice & Received Intensive Intervention: A student who was retained twice in K-2 and has already received intensive intervention for at least two years.
- Previously Retained: A student who was retained once previously in third grade.

All students who do not pass IREAD must continue receiving reading instruction aligned to science of reading and will participate in IREAD spring and summer retest administrations until they pass or upon completion of sixth grade.

Retention of ELs receiving less than two years of service may not be based upon level of English language proficiency. If the ILP committee determines that a lack of English

proficiency is the determinant factor for the EL not passing IREAD, then a GCE should be issued and the school district may not retain the student.

According to a May 1970 memorandum from the U.S. Department of Education's Office for Civil Rights, "school districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English." School districts should provide an interpreter for families who are not proficient in English so that they may meaningfully participate in the ILP committee. School districts should not use the English proficiency of the student to determine the English proficiency of the parents and whether an interpreter is needed, as the parents may be more or less proficient than their students.

Refer to the following resources for additional guidance pertaining to EL participation and subsequent actions for the IREAD assessment.

- [Memo: Third Grade GCE & Retention Guidance \(June 21, 2024\)](#)
- [New State Laws Impacting K-12 Education in Indiana](#)
- [IDOE's IREAD Webpage](#)

Chapter 6: Supporting Former English Learners

Reclassifying and Exiting English Learner Status

An EL is reclassified as fluent upon achieving English language proficiency as defined by the state English language proficiency assessment. In Indiana, English language proficiency is defined as a 5.0 overall composite score on the annual WIDA ACCESS assessment. Beginning with the 2024-2025 school year, students may also meet proficiency if scoring between a 4.3 and 4.9 overall composite on WIDA ACCESS, followed by an additional evidence review by an ILP committee. ELs with significant cognitive disabilities who score a P1 overall composite or higher on the annual Alternate ACCESS assessment are also eligible for an additional evidence review by an ILP committee in conjunction with a Case Conference Committee. See the [*Exiting English Learner Status via Additional Evidence Review*](#) section below for more details.

After meeting the Indiana exit criteria, an EL is reclassified as proficient in English and enters a two-year formal academic monitoring period. Although ESSA allows states to extend this timeline, Indiana has chosen to maintain the two-year minimum requirement for rigorous, ongoing monitoring of these students.

Former ELs will still be included in the annual DEX-LM report, but will no longer generate state and federal EL funding. Students in their two-year academic monitoring period may still be provided access to all support services available through the district's English language development program if needed; however, they are not eligible for state testing accommodations and will not qualify for an ILP. Former ELs must have the same access to the academic support and interventions available to all students.

Under ESSA, states may choose to include the state content assessment results of former ELs in the EL subgroup for up to four years for accountability purposes. Indiana has chosen to include former ELs in the EL subgroup for the full four years allowable per ESSA.

Parents and families of students reclassified as fluent should be notified of the change in EL status and receive notification of their child's academic monitoring throughout the two-year period following the child's reclassification as fluent.

A student who demonstrates proficiency on the initial English proficiency screener (Kindergarten Screener or WIDA Screener) is considered proficient upon enrollment, and no formal monitoring period is required. However, if a student who is identified as proficient upon enrollment is later found to have language needs, the [*Reentering Students in the English Learner Program*](#) section of this chapter details how to reevaluate the student's English proficiency.

Students who transfer from another state or school and have met Indiana's criteria for English language proficiency by scoring a 5.0 or higher on the WIDA ACCESS or Screener assessment will be considered proficient. If the student achieved proficiency on the WIDA ACCESS assessment within the previous two years, they should be provided with rigorous, ongoing monitoring in their receiving school until the two-year period is complete.

Exiting English Learner Status via an Additional Evidence Review

Beginning with the 2024-2025 school year, Indiana has expanded their criteria for exiting EL status. The state's standardized exit criteria now allows for an additional evidence review by an ILP committee to make an exit determination for students who score within defined proficiency levels. Schools must adhere to the following guidance when implementing updated EL exit criteria:

- [EL Exit Criteria Change Memo](#)
- [Exit Criteria for ELs Guidance](#)

Additional training and resources related to students exiting via an additional evidence review can be found on IDOE's [English Learning and Migrant Education webpage](#).

Monitoring Former English Learners

School districts must monitor the academic progress of former ELs for at least two years to ensure they are meaningfully participating in the district's educational program in a manner that is comparable to their native English-speaking peers and comparable to other ELs who exited at the same time. Monitoring processes are defined locally, but LEAs must establish rigorous monitoring systems that include benchmarks for expected growth in acquiring academic content knowledge during the academic year and take appropriate steps to assist students who are not making adequate progress.

LEAs must implement a formal process and maintain robust documentation for their EL and content teachers to monitor former ELs. This documentation must include essential data such as the student's grades in each content area, scores on district and state assessments and standardized tests, and teacher observations of student strengths and weaknesses in each of the four language domains and each academic subject.

Although academic monitoring processes applied to all students should include former and current ELs, the monitoring system for former ELs must be in addition to general academic monitoring provided to all students, and must be conducted in collaboration with EL and general education staff.

Upon completion of the two-year monitoring period, LEAs must ensure:

- Former ELs who have been reclassified as fluent have full access to mainstream curricula;
- Any academic deficits resulting from lack of English proficiency have been addressed and remedied;
- Any recurring language needs identified through the monitoring process have been addressed and remedied; and
- Former ELs are meaningfully participating in the standard instructional program in a manner comparable to their native English-speaking peers.

IDOE has a responsibility to monitor LEAs to ensure that current and former ELs have meaningful access to grade-appropriate core content and language instruction. The U.S. Department of Education has provided additional guidance regarding monitoring and exiting ELs from programming and services in Chapter 8 of the [U.S. Department of Education's EL Toolkit](#).

Developing a Rigorous Monitoring System

When developing a formal, rigorous monitoring system for former ELs, consider the following points:

- What performance expectations and progress indicators do we have for former ELs in each academic subject?
- How carefully and how often do we monitor which former ELs are making adequate progress and which are not?
- Are measures used to monitor students' progress standards-based and do they maintain high expectations?
- How are former ELs meeting grade-level standards after reclassification?
- Are teachers who provide core instruction to former ELs adequately trained in language acquisition and are they aware that fluent students may still struggle with academic English?
- Is there ongoing evaluation of the core curriculum to ensure that former ELs are supported in the continuance of academic English acquisition?

Suggested Indicators for Monitoring Documentation

The following are recommended components for documentation of rigorous monitoring. This list is not exhaustive and should be adjusted to include the most useful and actionable data for the local context:

- Frequency of monitoring checks (e.g., biweekly, quarterly, once a semester);
- Student grades in all content areas;
- Summative and formative assessment data (including all state assessments);
- Content teacher observations;
- EL staff observations;

- Teacher observations of student progress in the four language domains of listening, speaking, reading, and writing; and
- Behavior and attendance data.

The formal two-year monitoring process can be documented within the IILP platform, or a sample monitoring form can be found in Appendix A. Regardless, documentation of the monitoring process should be maintained locally.

Reentering Students in the English Learner Program

When an academic or language need is identified during a former EL's two-year monitoring period, it is important to consider that all students, regardless of English proficiency or native language, can struggle with core content areas. In order to protect the civil rights of all students, SEAs and LEAs have an obligation to ensure that state exit criteria allow for appropriate exit from EL status for students who have achieved proficiency.

In some instances, students may meet the state criteria for reclassification as fluent without having truly attained English proficiency. In these cases, formal reentry into the program may be appropriate only if all of the following have been implemented:

- Establish a rigorous monitoring system for the student based on state and federal guidance to ensure students meet expected benchmarks and growth.
- Provide targeted interventions to address any academic deficits the student may have incurred as their English proficiency progressed.
- Ensure the student is meaningfully participating in the standard instructional program in a manner comparable to native English-speaking peers and other former ELs.
- Re-administer the WIDA Screener to determine if the student meets the Indiana criteria for EL eligibility.
- Maintain local documentation of all supporting sources of data, evidence of interventions implemented, evidence of the student's eligibility for reentry after re-administration of the WIDA Screener, and secured parent/guardian consent.

This process may also be implemented to reevaluate the English proficiency of students who were identified as fluent upon enrollment through the Kindergarten Screener or WIDA Screener for grades one through 12.

A student who is formally reentered in the EL program should be provided with an ILP, appropriate instructional and assessment accommodations, and access to an effective English language development program. The student's updated language proficiency level, as identified by the re-administration of the WIDA Screener or Kindergarten Screener, will be reported via DEX-LM. The student will be assessed annually with the

state English language proficiency assessment until again meeting the Indiana exit criteria. Upon achieving a score of proficient, the student will again be formally reclassified as fluent and will enter a two-year rigorous monitoring period.

Chapter 7: Engaging English Learner Families

Strengthening School and Family Partnerships

Family engagement is a key element of successful EL programming. Families who speak a language other than English may be reluctant to come to school events if they aren't sure an interpreter will be present. They may feel unable to help their child with homework in English or afraid that sharing their opinions in educational decisions will undermine the authority of the school. Families who aren't accustomed to Indiana or U.S. schooling norms may not instinctively be active members of the school-parent community. Each family and each local context brings different assets and unique needs, which makes effective two-way communication in an appropriate language essential.

Federal law requires that schools and districts effectively communicate with all parents and guardians, regardless of the percentage of students that speak a language other than English (ESEA, Sec. 3122 (c)). Title I of ESEA, as amended by ESSA, now also requires LEAs to conduct effective outreach to parents of ELs, including regular parent meetings (Sec. 1112(e)(3)(c)).

Effective communication with national origin-minority parents is also a requirement of Title VI of the Civil Rights Act of 1964. According to the 1970 memorandum from the U.S. Department of Education's Office for Civil Rights, "school districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English."

Schools must be aware that the English proficiency level of a student is not always indicative of a parent's language skills. For example, if a fluent English proficient student has parents with limited English proficiency, the school must take steps to effectively communicate with the parents in accordance with state and federal law.

Note: Due to the supplement not supplant provision of Title III (ESEA, Sec. 3115(g)), translation and interpretation services must be paid from state and local funds (e.g., general funds, NESP).

The U.S. Department of Education has released an [EL Family Toolkit](#) to provide useful information and resources surrounding enrollment, family and student rights, an overview of educational programs, and more.

Parent Notification Requirements

ESEA, as amended by ESSA, requires that parents of ELs be provided with official notification of their child's EL status each year [Sec.1112(e)(3)(A)]. Notification must be

sent no later than 30 calendar days after the beginning of the school year for all ELs newly identified or previously identified by the LEA. For students enrolling after the beginning of the school year, LEAs must provide the parental notifications within two weeks of a child being placed in a program.

Note: All parents of ELs must be notified annually of the student's placement or continued participation in a language instruction program—not just newly enrolled students.

The following are required components of the annual parent notification, outlined in ESEA, as amended by ESSA, [Sec. 1117, (3)]:

1. Reasons for the identification of the child as an EL and need for placement or continued participation in a language instruction educational program;
2. The child's level of English proficiency, how the level was assessed, and the status of the child's academic achievement;
3. The methods of instruction used in the program in which their child is placed and the methods of instruction used in other available programs, including how other available programs differ in content, instructional goals, and the use of English and native language in instruction;
4. How the program will meet the educational strengths and needs of their child;
5. How the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
6. The specific exit requirements for the program and the expected rate of graduation from high school;
7. For ELs with disabilities, how the program placement and services coordinate with the IEP; and
8. Information regarding parent rights, explicitly including the following:
 - The parents' right to have their child immediately removed from the EL program upon their request;
 - The parents' right to decline to enroll their child in the EL program or to choose another program or method of instruction, if available; and
 - Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the local education agency.

IDOE's [Annual Parent Notification Letter template](#) can be found in Appendix A.

Additionally, the IILP system generates translated versions of this letter. A locally-created form may also be used, as long as all of the above required components are included. Schools may also share the ILP, which provides more detail on the services being provided, alongside this letter.

Parent Right of Refusal

Parents have the right to refuse English language development services for their child. Before making this substantially impactful decision, parents should be informed of the benefits of EL services and of the potential difficulties that often accompany the lack of EL services. This information must be provided to the parent in a language they understand using a review of the placement or annual English language proficiency assessment results (translated or interpreted, as needed). If parents decide to waive EL services after reviewing the information, the school corporation must keep written documentation of the decision with the parent's signature and date the decision was made. Parents have the right to opt back into EL services at any time and must still be notified annually of their student's English proficiency level according to the requirements above.

School districts with a low incidence of ELs may decide to only provide specified EL staff at certain buildings and may request that ELs attend those buildings to receive direct services. If a parent chooses not to participate in this model but wishes to receive services at the school in which the student would normally attend, the school district must develop an alternate plan to provide services for this student with designated EL staff. EL students have the right to receive services at the elementary or secondary school that they would normally attend.

When a parent declines participation in EL programming, the district retains a responsibility to ensure that the student has their English language and academic needs met. Districts can meet this obligation in various ways (e.g., adequate training to classroom teachers on second language acquisition; monitoring the educational progress of the student). Students not served by district EL programs are still required to complete state-required assessments and are counted in the district's progress toward meeting academic and graduation outcomes. Federal regulations require the annual assessment of ELs until they demonstrate proficiency in English. Parents who refuse direct language development services for their child must be aware that:

- The student will still be tested annually with the state English language proficiency assessment (WIDA ACCESS) until reaching English proficiency.
- The student will have an ILP and will receive appropriate adaptations to classroom instruction and assessments based on the student's language level in order to ensure the student's meaningful participation and learning in academic subject areas.
- The student will receive appropriate testing accommodations for ELs on all statewide assessments (e.g., IREAD-3, ILEARN, etc.).

Students whose parents refuse services should have the “EL - Parent Refusal” program association assigned in the local student information system, to be reported to Data Exchange in the DEX-LM collection. While these students must still be considered English learners and will receive state NESP funding, they will not be included in counts for Title III allocations, per federal guidance. A [Parent Refusal Letter](#) template is available in Appendix A.

Chapter 8: Funding English Learner Programs

Hierarchy of Related Laws and Programs

The U.S. Department of Education's Office for Civil Rights requires all LEAs to identify students who need language assistance, develop a program that has a reasonable chance of success, support it with the appropriate number of staff and resources, and evaluate its success. A school district must provide a core EL program prior to utilizing Title I and Title III funds. The chart below shows the succession of programs if an EL is eligible for Title I, Title III, and migrant services. Title III funds must "supplement and not supplant" [3115(g)] state and locally funded *Lau* requirements. Supplement versus supplant requirements ensure that services provided with federal funds are **in addition to** and **do not replace (or supplant)** services that students would otherwise receive.

Title I, Part C Migrant

Supplemental services for migratory students

Supplemental services provided to identified migrant students who qualified due to a move across district lines in search of seasonal, agricultural work.

Title III

Supplemental services for all ELs regardless of Title I participation

Supplemental language development services provided to EL students *above and beyond* the core instruction, core EL program, and if applicable, Title I services. Title III federal funds can be used for this purpose.

Title I

Supplemental services provided to EL students eligible for Title I.

For school-wide, all students are eligible. For targeted assistance, EL students are eligible using the same criteria as all students. Title I funds provide academic support to students, including EL students, to meet Indiana's challenging academic achievement standards. LEAs may also use Title I, Part A funds to provide a language instruction educational program for EL students eligible for Title I.

Core EL program

Required by federal law to be provided to all EL students (Lau, 1974; Castañeda, 1981). These English language development services are in addition to the core instruction. State and local funds are used to provide the core EL program. *Must occur in the absence of federal funds. Federal funds (i.e., Title I or III) cannot be used to provide the core EL program.*

Core Instruction

Provided to **all** students. Paid for with state and local funds.

State Funding for English Learner Programs

The state-funded NESP was first approved by the Indiana General Assembly in 1999. This program provides additional funding to eligible school corporations and charter schools that serve ELs. The purpose of NESP is to provide English language development instruction to kindergarten through grade 12 ELs to increase their proficiency and academic achievement.

All Indiana school corporations and charter schools that accurately report EL students on DEX-LM are to receive NESP funding. Prior to the 2023 legislative session, NESP was a subgrant for which LEAs needed to apply. With new legislation beginning in the 2023-2024 school year, LEAs will receive NESP funding directly via state tuition funding.

Additional information on NESP, including a memo detailing the legislative changes affecting 2023 and 2024, per-pupil amounts, and frequently asked questions, can be found on IDOE's [NESP webpage](#).

State Funding for Dual Language Pilot Programs

Indiana Code 20-20-41 details an appropriation for IDOE to establish and maintain a Dual Language Pilot Program grant to provide funding to school corporations and charter schools that implement dual language programs in Chinese, Spanish, French, or any other language approved by IDOE. Eligible entities must have a dual language program that begins in either kindergarten or grade one and uses an instructional model that provides at least fifty percent (50%) of its instruction in a second language and the remaining percentage of instructional time in English.

In two-way programs, an additional focus is on English language development for ELs whose home language matches the target language of the program. These students master subject content from other disciplines, using the partner language or both languages. [Research from Thomas and Collier](#) shows that dual language programs are the most effective way to close the achievement gap between ELs and native English-speaking students.

The Dual Language Pilot Program grant has expanded to provide tiered funding to LEAs and charter schools to support existing dual language programs. More information can be found on IDOE's [Dual Language webpage](#).

Title III: Federal Funding for English Learner Programs

Title III of ESEA, as amended by ESSA, seeks to ensure that children who are ELs, including immigrant children and youth, attain English proficiency, develop high levels of

academic attainment in English, and meet the same challenging state academic content and achievement standards that all children are expected to meet.

Title III sub-grantees are required to provide ELs with high-quality English language development instruction beyond the *Lau*-required English language development program. Title III also requires sub-grantees to provide high-quality professional development to classroom teachers, principals, and administrators and promote the engagement of EL families.

Additional information on Title III can be found on IDOE's [Title III webpage](#).

Title III Significant Immigrant Influx Grants

ESEA, as amended by ESSA, defines immigrant students as students between the ages of three and 21 who were not born in any U.S. state (or Puerto Rico) and have been enrolled in U.S. schools for less than three academic years [Title III, section 3301(6)].

In accordance with Title III, Sec. 3114(d)(2), IDOE provides a portion of the state Title III appropriation to support schools and districts that have experienced a significant influx of immigrant students. These schools are identified and notified annually of their eligibility for the Title III immigrant influx funding.

As outlined in Title III, Section 3115(e)(1), Title III immigrant influx funds are to be used for instructional activities, such as:

- Family literacy services, parent outreach, and training to support parents' active participation in their children's education;
- Support for personnel, including paraprofessionals, to provide services to immigrant students;
- Provision of tutoring, mentoring, and academic or career counseling for immigrant students;
- Acquisition of curricular materials, educational software, and technology used in the program carried out with funds;
- Basic instructional services directly attributable to the enrollment of immigrant students (supplies, transportation, etc.);
- Other instructional services designed to support immigrant student achievement (e.g., civics education, introduction to the U.S. educational system); and
- Comprehensive community services in coordination with community-based organizations.

Additional information on the Title III immigrant influx program can be found on IDOE's [Title III webpage](#).

English Learner Funding Counts

The annual Multilingual Learner (DEX-LM) report provides a count of accurately identified ELs to generate per-pupil funding counts for Title III, NESP, as well a count of immigrant students for the Title III significant immigrant influx grant and federal reporting purposes. The DEX-LM report collects testing results from the English language proficiency placement and annual assessments for accountability purposes in addition to the *Lau*-required English language development program.

The DEX-LM report collection is discussed in greater detail in [Chapter 2](#) of this guidance. More information on the DEX-LM report collection can be found on the [Data Exchange Knowledge Hub website](#).

Chapter 9: Accountability for English Learner Programs

The passage of ESSA in 2015 had significant impacts on federal accountability measures for ELs. For the first time, SEAs were required to include growth toward English language proficiency as a separate indicator in their federal accountability system. Additionally, states were required to set long-term goals for English language proficiency and define various means for uniformly including ELs in accountability systems. This chapter provides an overview of EL accountability in Indiana's federal accountability system.

State Long-Term Goals

Indiana's state long-term goal is for 67 percent of ELs to achieve their individual growth target each year, with a goal that all students attain proficiency within six years of their initial identification as an EL. The alignment of this goal with the English language proficiency domain of the accountability system promotes the attainment of this goal within the established timeline and allows schools to monitor this student group annually within the six-year timeline of the state's long-term goal.

English Language Progress Indicator

ESSA requires an indicator that measures progress for ELs toward attaining English language proficiency on the state-adopted English language proficiency assessment, which in Indiana is WIDA ACCESS for ELs. The English language progress indicator measures whether an EL is on track to attain English language proficiency within a period of time aligned with the state's long-term goal for English language proficiency.

Each school receives a score for the English language proficiency indicator based on the total number of ELs that meet annual growth targets or demonstrate English language proficiency. The indicator is aligned with Indiana's state long-term goal that EL students attain English language proficiency within six years of initial identification as an EL.

The ELP indicator applies to all schools with any combination of grades one through 12. In order to be included in the calculation for the ELP indicator, a student must be identified as an EL, enrolled in any of grades one through 12; enrolled at the school for at least 162 days, or 90% of the school year, and have valid test results for both the prior and current school year on the WIDA ACCESS assessment. Schools will only receive a score for the ELP indicator if they have at least 20 ELs who meet the criteria to be included in the calculation. The school's overall English language proficiency score is compared to the long-term progress goal to determine the final score and rating on this indicator. Please note that this indicator is only included in Indiana's federal accountability determinations and is not included in the state accountability calculations.

English Learner Student Group

Performance data will be reported for any student group with at least 20 students at the school, corporation, or state level. Schools with at least 20 ELs with reportable data in the academic achievement, academic progress, and graduation rate indicators (for high schools) will receive a federal grade for the EL student group.

Former English Learners

After ELs attain proficiency, they are no longer assessed with WIDA ACCESS, and so will no longer be represented in the school's English language proficiency indicator in subsequent years; however, in order to fully analyze the performance of this student group and to recognize schools' work to support ELs as they attain proficiency, these students will continue to be included in the EL student group for all other federal indicators (e.g., academic achievement, graduation rate, etc.) for an additional four years after their re-designation as proficient.

Recently-Arrived English Learners

Indiana uniformly applies statewide flexibility for ELs who have recently arrived in the U.S. for English Language Arts federal accountability purposes. Indiana defines a "recently-arrived EL" as an EL born outside of the United States and enrolled in U.S. schools for fewer than twelve cumulative months during the school year. This uniformly applied flexibility allows for three years before fully incorporating the achievement results of recently-arrived ELs in English Language Arts federal accountability determinations.

- Year One: Recently-arrived ELs will participate in all parts of the statewide annual assessment, but their English/Language Arts results will be excluded from federal accountability calculations and determinations (although their participation will contribute towards the school participation rate).
- Year Two: Recently-arrived ELs will participate in all parts of the statewide annual assessment, and only their participation and growth scores will be included in federal accountability calculations and determinations for English Language Arts.
- Year Three and Beyond: Recently-arrived ELs will participate in the statewide annual assessment, and their participation, achievement, and growth scores will be fully included in federal accountability calculations and determinations

Note: For mathematics and other content areas other than English/Language Arts, recently-arrived ELs are included in all applicable federal accountability measures from year one onward.

Appendix A: Additional Resources and Sample Forms

Home Language Survey

The Civil Rights Act of 1964, Title VI, Language Minority Compliance Procedures, requires school districts and charter schools to determine the language(s) spoken in each student's home in order to identify their specific language needs. This information is essential for schools to provide meaningful instruction for all students as outlined in *Plyler v. Doe*, 457 U.S. 202 (1982). The purpose of this survey is to determine the primary or home language of the student. The Home Language Survey must be given to all students enrolled in the school corporation or charter school and is administered once upon initial enrollment and remains in the student's cumulative file.

Please note that the answers to the survey below are student-specific. If a language other than English is recorded for ANY of the survey questions below, the Kindergarten Screener or WIDA Screener for grades one through 12 will be administered to determine whether or not the student will qualify for additional English language development support.

Please answer the following questions regarding the language spoken by the student:

1. What is the native language of the **student**?

2. What language(s) is spoken most often by the **student**?

3. What language(s) is/are spoken by the **student** in the home?

Student Name: _____ **Grade:** _____

Parent/Guardian Name: _____

Parent/Guardian

Signature: _____ **Date:** _____

By signing here, you certify that responses to the three questions above are specific to your student. You understand that if a language other than English has been identified, your student will be tested to determine if they qualify for English language development services, to help them become fluent in English. If entered into the English language development program, your student will be entitled to services as an English learner and will be tested annually to determine their English language proficiency.

For School Use Only:

School personnel who administered and explained the Home Language Survey and the placement of a student into an English language development program if a language other than English was indicated:

Name: _____

Date: _____

Home Language Survey Spanish Version

Encuesta del Idioma en el Hogar

El Decreto de los Derechos Civiles de 1964, Título VI, Cumplimiento de Normas para Minorías en Lenguaje, requiere a los distritos escolares y escuelas semiautónomas que determinen el idioma o idiomas que se habla en el hogar de cada estudiante. Esta información es esencial para que las escuelas puedan ofrecer instrucción útil a todos los estudiantes de acuerdo con Plyler v. Doe, 457 U.S. 202 (1982). El propósito de esta encuesta es determinar el idioma principal de su hijo/a en el hogar. Esta encuesta (HLS) es obligatoria para todos los estudiantes en el distrito escolar / escuela semiautónoma. Esta encuesta (HLS) es administrada una vez, durante la matrícula inicial en Indiana, y permanece en el archivo acumulativo del estudiante.

Por favor tenga en cuenta que las respuestas a la encuesta corresponden solamente a su hijo/a. Si en alguna de las tres preguntas escritas abajo, usted identifica un idioma diferente al inglés, la escuela administrará el examen Kindergarten Screener o WIDA Screener para determinar si su hijo/a calificará para el programa de desarrollo del idioma inglés.

Por favor responda las siguientes preguntas acerca del idioma(s) hablado por su estudiante:

1. ¿Cuál es el idioma(s) o el dialecto nativo de su **hijo/hija**?

2. ¿Cuál es el idioma(s) más hablado por su **hijo/hija**?

3. ¿Cuál idioma(s) habla su **hijo/hija** en casa?

Nombre del Estudiante: _____ **Grado:** _____

Nombre del Padre, Madre o Guardián: _____

Firma del Padre, Madre o Guardián: _____ **Fecha:** _____

Al firmar aquí, usted certifica que las respuestas a las tres preguntas mencionadas arriba corresponden a su hijo/a. Usted entiende que si se ha identificado un idioma diferente al inglés, su hijo/a tendrá un examen para determinar si él o ella califica para el programa de desarrollo del idioma inglés, para ayudarlo/a a que sea fluente en inglés. Si entra en el programa de desarrollo del idioma inglés, su hijo/a, tendrá derecho a servicios que le ayudarán a aprender el idioma inglés y tendrá un examen cada año para determinar su nivel de inglés.

For School Use Only / Para Uso de la Escuela Únicamente:

School personnel who administered and explained the HLS and the placement of a student into an English language development program if a language other than English was indicated:

Name: _____

Date: _____

Home Language Survey Amendment Request Guidance

The Home Language Survey Amendment Request Form should only be used in very rare cases when a true coding mistake has been made in the state student database (i.e., Ed-ID). The guidance below should be read carefully, and all supporting documentation should be provided so IDOE staff can make an appropriate decision regarding the correct language listed for a specific student.

All language code assignments are dependent on the language(s) listed on the original Home Language Survey when the student first enrolled in an Indiana school. Local educational agencies (LEAs) must reference the original Home Language Survey when making language code change requests. If a non-English language is listed for any of the three required Home Language Survey questions, then the non-English language is assigned to the student in the local student information system (SIS) and in the Ed-ID portal.

The Home Language Survey Amendment Request Form is only used when a student's language code of a non-English language is INCORRECTLY listed in the state student database (Ed-ID) and must be changed to English (Code 211). When submitting the request form, the following items must be included, or the form will be denied:

- Include the original HLS when the student first enrolled in Indiana schools;
- Provide all pertinent information requested that is available (testing data, other contextual factors, etc.);
- Obtain the parent's signature; and
- Have a district administrator sign the form. If the district does not have an EL coordinator, then another administrator responsible for this student can sign the form.

This form is NOT needed when:

- A student's language is currently listed as English (Code 211) but needs to be changed to a non-English code. If the original survey lists a non-English language, then LEAs can make this change request in their SIS without providing the Home Language Survey Amendment Request Form.

Home Language Survey (HLS) Amendment Request Guidance

Fax to 317-232-0589; ATTN: Office of English Learning and Migrant Education
 [Do NOT email this form or any of the supporting documentation, as it is in violation of FERPA]



INDIANA
DEPARTMENT of
EDUCATION

1. Student Test Number (STN): _____ Date: _____
2. School Corporation: _____ Corporation #: _____ School #: _____
3. Point of Contact Name: _____ Email: _____
4. Original Language(s) on HLS: _____
5. Current ED-ID Language Code: _____ Previous School Attended: _____
6. Please include a brief overview indicating the reason the HLS should be amended.

7. Spring WIDA ACCESS Scores Overall: _____ Date: _____

Score Type	Score	Proficiency Level	Score Type	Score	Proficiency Level
Speaking			Writing		
Listening			Oral		
Reading			Comprehension		

8. Previous WIDA ACCESS Overall Proficiency Level: _____ Date: _____
9. Previous WIDA ACCESS Overall Proficiency Level: _____ Date: _____
10. WIDA Screener Overall Proficiency Level (If Applicable): _____ Date: _____
11. ILEARN Assessment Results (If Applicable)

Date	English/Language Arts	Mathematics

12. Additional Assessment Data (IREAD, End-of-Course Assessments, SAT)

EL Coordinator/Corporation Administrator Signature

Parent Signature

The EL Coordinator or Corporation Administrator and parent signatures ensure that the form, and the effects of a language code change, have been explained. This form **must** be accompanied by the original HLS with a parent's signature in order for an amendment to be considered. Submission of this form does not guarantee that a change will be approved. The Indiana Department of Education will review all submitted information and will contact the requestor with an approval/denial determination via email.

El Coordinador EL o el Administrador de la Corporación y las firmas de los padres garantizan que se hayan explicado el formulario y los efectos de un cambio de código de idioma. Este formulario debe ir acompañado del HLS original con la firma de uno de los padres para que se considere una enmienda. El envío de este formulario no garantiza que se aprobará un cambio. El Departamento de Educación de Indiana revisará toda la información enviada y se comunicará con el solicitante con una determinación de aprobación/denegación por correo electrónico.

Cumulative Folder Guidance Specific to English Learners

Cumulative folders are legal and confidential student education records. Cumulative folders and all information contained therein are only allowed by law to be viewed by school officials for whom the viewing of the record is required to fulfill his/her professional responsibility. Parents may request in writing to view their child's records and students over the age of 18 may request in writing to view their own records. (20 U.S.C. § 1232g (b); 34 CFR subpart D)

When working with cumulative folders, school staff must keep all information intact, confidential, and safe.

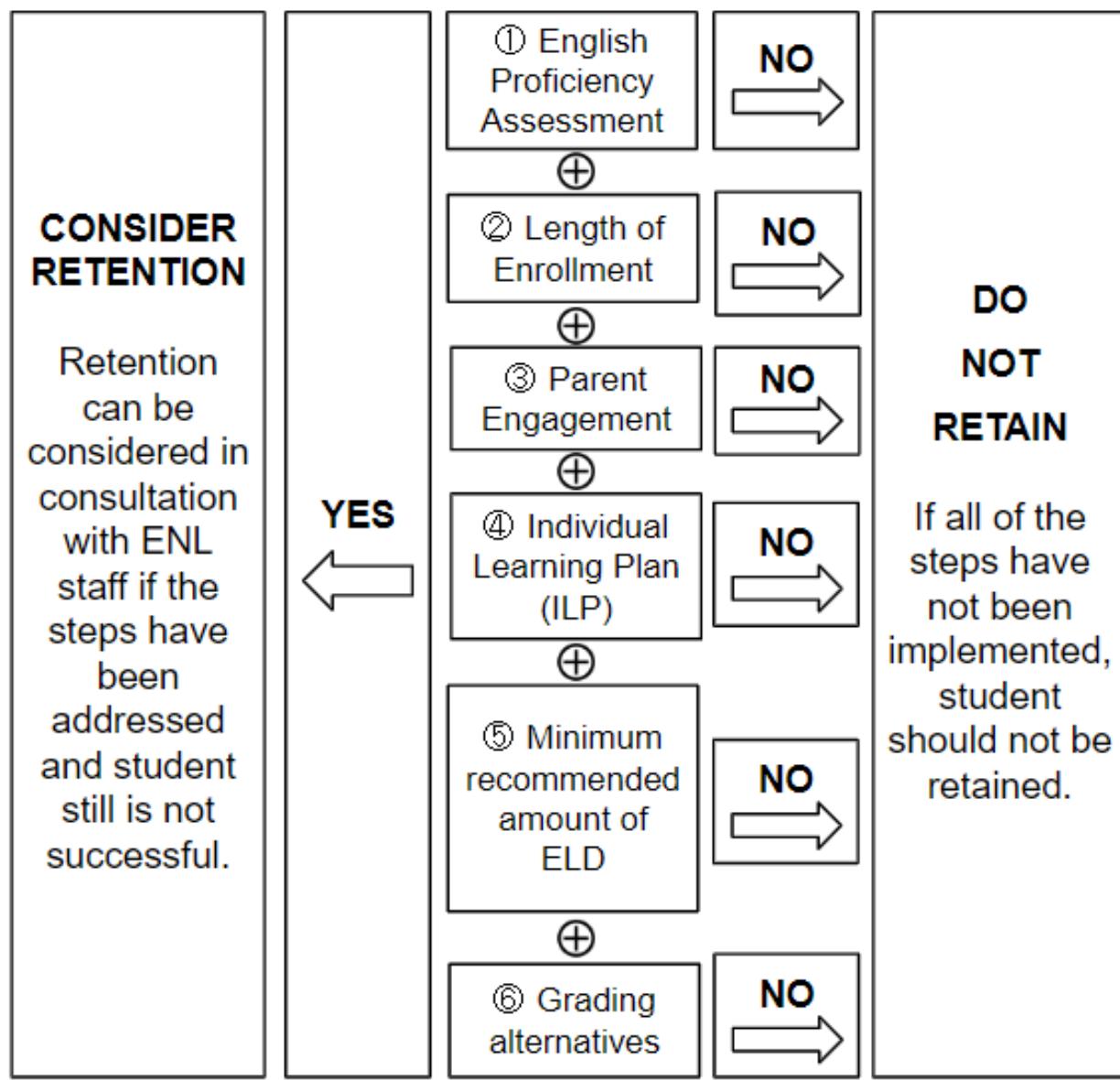
Please use the following checklist to ensure that information specific to identified English learner students is included in the cumulative folder. Update all information in cumulative folders at the end of each school year or when a student transfers to another school or school district.

- Original Home Language Survey from when the student first enrolled in Indiana schools
- Current ILP, a document that includes at least:
 - The student's language level;
 - A list of the accommodations and modifications that must be made for the student in all of their classes and on standardized examinations; and
 - An overview of the federally required English language development services being provided to the student.
- Current copy of the Annual Parent Notification Letter that indicates the student's score on the English language proficiency assessment and their placement in a program aimed at helping EL students reach proficiency
- A copy of the English language proficiency assessment results; student proficiency reports should remain in the cumulative folder for at least two years or be stored in an electronic format that is easily accessible and made available as needed.
- Standardized assessment results (i.e., IREAD-3; ILEARN)
- Existing/Monitoring documents for students in the two-year monitoring period (for former ELs)
- If the parents refuse services, written documentation should be included in the cumulative folder
- A log of updates, including the date and the name of the person who updated the folder

For Migrant Students, also include:

- A record of GED coursework if applicable
- A copy of the student's Certificate of Eligibility (COE)
- A copy of the family's most recent Work Survey
- Verification of enrollment in the Migrant Education Program by Migrant Regional Center staff

Retention Guidelines for English Learners



Note: For guidance on retention as it pertains to EL students not passing IREAD-3, see the [IREAD-3 for English Learners](#) section of this resource.

Formal Two-Year Monitoring of Exited ELs – Year 1

Student Name: _____ **STN#:** _____ **Date:** _____

School: _____ **Grade:** _____ **Birthdate:** _____

School Year: _____

Concerns after Semester #1: _____

Concerns after Semester #2: _____

Assessment	Reading	ELA	Mathematics	Other (Specify)	Date
ILEARN					
End-of-Course Assessments					
IREAD					
Formative Assessments (i.e., DIBELS, Acuity)					
PSAT/SAT					

- After 1 year of monitoring, the student is performing successfully in the mainstream classroom(s).
- After 1 year of monitoring, the student is having difficulties in one or more mainstream classroom(s).

After 1 year of monitoring it is recommended that (check one):

- Continue monitoring without intervention
- Academic Intervention(s) (provide start date and description below): _____

Signature of primary teacher (elementary): _____ Date: _____

Signature of EL teacher: _____ Date: _____

Signature of counselor (secondary): _____ Date: _____

Signature of building principal: _____ Date: _____

Formal Two-Year Monitoring of Exited ELs – Year 2

Student Name:

STN#:

Date:

School:

Grade:

Birthdate:

School Year:

Concerns after Semester #1:

Concerns after Semester #2:

Assessment	Reading	ELA	Mathematics	Other (Specify)	Date
ILEARN					
End-of-Course Assessments					
IREAD					
Formative Assessments (i.e. DIBELS, Acuity)					
PSAT/SAT					

- After 2 years of monitoring, the student is performing successfully in the mainstream classroom(s).
- After 2 years of monitoring, the student is having difficulties in one or more mainstream classroom(s).

After 2 years of monitoring it is recommended that (check one):

- Continue monitoring without intervention
- Academic Intervention(s) (provide start date and description below):

Signature of primary teacher (elementary): _____ Date: _____

Signature of EL teacher: _____ Date: _____

Signature of counselor (secondary): _____ Date: _____

Signature of building principal: _____ Date: _____

Annual Parent Notification Letter

Last Name		First Name	
School		Grade	

[Insert Date]

Dear Parent/Legal Guardian:

We are sending this letter to inform you of your child's identification as an English learner (EL) and of their placement into an English language development program for the **[insert year]** school year. Federal law requires that all school corporations:

1. Identify English learner students;
2. Assess students' progress in learning English; and
3. Provide EL students with services to increase their English proficiency and academic achievement.

To identify students as English learners, we use the Home Language Survey (HLS) and administer a placement test (WIDA Screener) if a non-English language is indicated. After identification as an EL based on the placement test results, ELs are assessed annually with the WIDA ACCESS assessment. Both the placement tests and WIDA ACCESS measure students' English abilities in listening, speaking, reading, and writing and provide an overall proficiency level between 1.0 – 6.0. These results help determine the educational services needed. Your child's current English language proficiency scores are:

Listening	Speaking	Reading	Writing	Overall Score

Your child will participate in a program to help them attain English proficiency in listening, speaking, reading and writing, succeed in academics, and meet graduation requirements.

As a parent, you have the right to:

1. Remove your child from the English language development program; and
2. Decline your child's participation in the program indicated or choose another offered program or method of instruction

In order to exit the English language development program, your child must obtain an overall composite score of 5.0 on the WIDA ACCESS assessment or demonstrate English proficiency by scoring a 4.3 Overall or higher with additional evidence reviewed by an ILP committee. After exiting from the program, your child's academic progress will continue to be monitored for two years. While the rate of attaining English language proficiency varies greatly from student to student, research has shown that it typically takes three to seven years to attain English proficiency and exit from English language development services. The expected rate of graduation is: **[Insert local EL Graduation Rate]**

The following table identifies the method(s) of English language instruction that will be used with your child: **[Put "x" in placement for this child; Delete programs that you do not use/offer]**

Name	Description	Placement
English Second Language (ESL)	Program of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (i.e., speaking, listening, reading, and writing). The goal is proficiency in English, and instruction is in English.	
Content-Based English Language Development (ELD)	This approach makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. The goals are proficiency in English and content-area knowledge, and English is the language of instruction.	
Sheltered/ Structured Immersion	Program where instruction is provided in English only and is adapted to a student's proficiency in English to make the language and content comprehensible. Instruction is supported by visual aids and support (as available) in the student's native language. The goal is proficiency in English while focusing on learning content knowledge and skills in an all-English setting.	
Dual Language	Bilingual program where the goal is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that usually consists of half primary English speakers and half primary speakers of the other language.	
Transitional Bilingual Education	Program that maintains and develops skills in the primary language while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the ELs' transition to an all-English instructional program, while the students receive academic subject instruction in the primary language to the extent necessary.	
Newcomer Program	Newcomer programs offer specialized services and classes designed to meet the academic and transitional needs of newly arrived immigrants, including acclimation to U.S. schools and the development of foundational skills in English. Newcomer programs are short-term, typically lasting no longer than one year, and prepare students to enter more traditional ELD programs and mainstream instruction.	
Heritage Language Class	Program that develops a student's native language skills and literacy (i.e. Heritage Spanish for Spanish speakers; Heritage German for German speakers). Research has shown that the stronger a student's native language literacy skills are, the stronger English literacy skills will become. NOTE: A Heritage Language program model must be implemented in conjunction with other program models that directly address English proficiency, and cannot be the sole ELD service model for a student.	
Other	[Insert description, including content, instructional goals, and the use of English in instruction]	
Not Applicable	Written confirmation has been received from the parent indicating the parent wishes to deny English language development instruction for their child	

If your child has been identified with a disability that also requires an Individual Education Plan (IEP), the English language development program will be implemented in coordination with your child's existing IEP.

If you decide to not have your child participate in the English language development program, they will still be required to complete the WIDA ACCESS assessment annually until exiting EL status under federal law. If you have any questions about the placement of your child for this school year, please contact **[Insert Name, Title]** at **[Insert Phone Number]**.

Sincerely,

[Insert Director's Name, Title]

Parent Refusal Letter Template

Date: _____

Dear Parent or Guardian,

We understand that you would like to decline the English learner (EL) program or particular EL services proposed for your child _____ (**insert child's name**). EL services are specifically designed to help your child obtain English language proficiency as well as acquire grade-level content. However, as noted in the Annual Notification Letter, you have the legal right to opt your child out of the program or particular services. If you still wish to opt your child out of the EL program, please initial next to each item on the checklist below. Doing so will indicate that you fully understand and agree with each statement. After you have initialed next to each of the statements, please sign, date, and return the form to your child's school. We will keep this document on file stating that you have declined or do not want these indicated EL services for your child.

- I am aware of my child's score on the WIDA English language proficiency assessment and other information about my child's current academic progress and understand why they were recommended for additional English language instruction.
- I am familiar with the EL programs and services the school has available for my child as well as their academic benefits.
- I understand that my child will still have an English learner designation and have their English proficiency assessed once per year on the WIDA English language proficiency assessment until they score proficient and no longer meet the definition of an English learner.
- I understand that my child will continue to have an Individual Learning Plan (ILP), which includes daily instructional supports as needed and accommodations on state and local assessments.
- All of this information has been presented to me in a language I fully understand.

I, _____ (**insert name**), with a full understanding of the above information, wish to decline all of the EL programs and EL services offered to my child.

Parent's Signature

Child's Name

Date

English Learner Teacher of Service (ToS) Agreement Template

School District or Corporation: _____

School(s) Served: _____

School Year: _____ Date: _____

EL Teacher of Service Name: _____

EL Teacher of Record Overseeing Services: _____

EL Program Model Implemented by Teacher of Service: _____

Number of English Learners Served (EL Teacher of Service Caseload): _____

Students on EL Teacher of Service Caseload: _____

Collaboration with EL Teacher of Record (at least weekly): _____

Ongoing, job-embedded training in English language acquisition: _____

I, _____, understand my role as EL Teacher of Service and the responsibility to provide core English language development services for the students listed above.

EL Teacher of Service Signature: _____ Date: _____

EL Teacher of Record Signature: _____ Date: _____

Change Log

Changes from 2023-2024 to 2024-2025	Section	Page(s)
Added section regarding digital administration of the Home Language Survey.	Digital Home Language Surveys	10
Added section addressing the frequency and duration of English language development services.	Providing Sufficient English Language Development	19-20
Added section regarding the required qualifications for EL Teachers of Service to provide core EL services.	Qualifications to Provide English Language Development	20-21
Added section describing the requirements for program models being delivered by EL Teachers of Service (ToS) and overseen by EL Teacher of Record (ToR).	ELD Models Overseen by an EL ToR, Delivered by an EL ToS	21
Updated the subsection regarding IREAD for ELs to align with most recent legislation.	IREAD for English Learners	29-30
Added section detailing the newly established process to review additional evidence to make an exit determination for students who score within defined proficiency levels.	Exiting English Learner Status via an Additional Evidence Review	32
Updated the Annual Parent Notification Letter template with new exit criteria language.	Appendix A	54
Added Parent Refusal Letter template for parents or guardians to sign annually to opt out of EL services.	Appendix A	56
Added English Learner Teacher of Service (ToS) Agreement Form template detailing the responsibilities and requirements for ToS to provide core ELD services.	Appendix A	57
Table of Contents, table numbers, Appendices, and hyperlinks updated throughout, as applicable.	N/A	N/A