

# **Clarke County Public Schools English as a Second Language (EL) Program Manual**

Clarke County High School  
Johnson Williams Middle School  
Boyce Elementary  
D.G. Cooley Elementary

*“Encourage, Inspire, Empower”*

[www.clarke.k12.va.us](http://www.clarke.k12.va.us)

# **Clarke County Public Schools (CCPS) EL Procedural Manual**

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### **Acknowledgement**

*The format of this EL Handbook, originally created in 2005 has been updated and remodeled after that of Manassas City Public Schools as shared by Megan Moore, Title III Coordinator and Accomack County Public Schools, Dr. Maribeth Haines.*

# **Legal Provisions for the Education of English Language Learners**

## **Federal Legislation**

### **The Fourteenth Amendment to the Constitution State Section 1 of the 14th amendment (1868) states:**

“No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.”  
(The Equal Protection Clause)

Even though at the time it was passed, the purpose of the fourteenth amendment was to extend equal rights to former slaves; its significance to LEP individuals is that it provides equal protection (i.e. non-discrimination) to people whose first language is not English. Later court rulings further explained and examined the relationship between LEP individuals and the equal protection clause.

### **Title I — Improving the Academic Achievement of the Disadvantaged**

The following section contains information on the Title I, Part A, and requirements as they relate to LEP students.

#### **Sec. 1111. State Plans**

States must submit state plans to (United States Department of Education) USED that outline how the following requirements for LEP students will be accomplished:

- All LEP students are held to the same challenging academic achievement standards as all students; [(2)(b)(I)(B)]
- All LEP students must meet or exceed the annual measurable objectives set by the state; [(2)(C)(v)(II)(dd)]
- All LEP students must take the same academic achievement assessments as all students; [(3)(C)(i)]
- All LEP students are provided reasonable accommodations on academic achievement assessments; [(3)(C)(ix)(III)]
- All LEP students’ academic achievement scores are disaggregated as a subgroup; and [(3)(C)(xiii)]
- All LEP students must participate in annual assessment of English proficiency that assesses oral language, reading, and writing skills in English.

#### **Sec. 1118. Parental Involvement**

**Accessibility**— In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under Section 1111 in a format and, to the extent practicable, in a language such parents understand. [(f)]

### **Title III — Language Instruction for Limited English Proficient and Immigrant Students**

#### **Sec. 3102. Purposes**

The purposes of this part are:

to ensure that limited English proficient (LEP) students, including immigrant children and youth attain English proficiency and meet the same academic content and achievement standards as all students;

- develop, provide, and sustain high-quality language instructional programs;
- promote parental and community participation;
- hold states accountable for increases in English proficiency and core academic knowledge by LEP students; and
- provide states with flexibility to implement language instructional programs.

### **English Language Proficiency (ELP) Standards**

#### **Sec. 3113. State and Specifically Qualified Plans**

States must submit state plans to USED that outline how the following requirements for ELP standards will be accomplished:

- raise the level of English proficiency;
- are derived from the four recognized domains of speaking, listening, reading, and writing; and
- are aligned with achievement of the challenging state academic content and student academic achievement standards described in section 1111(b)(1)[(b)(2)]

### **Assessment of LEP Students**

#### **Sec. 3113. State and Specifically Qualified Agency Plans**

States must submit state plans to USED that outline how the following requirements for school divisions will be accomplished:

- comply with the requirements in Section 1111(b)(7) to annually assess in English children who have been in the United States for 3 or more consecutive years;
- annually assess the English proficiency of all limited English proficient children participating in a program funded under this subpart, consistent with Section 1111(b)(7); [(b)(3)(D)]
- meeting all annual measurable achievement objectives described in section 3122; and [(b)(5)(A)]
- making adequate yearly progress for limited English proficient children, as described in Section 1111(b)(2)(B). [(b)(5)(B)]

### **Sec. 3121. Evaluations**

School divisions must ensure the following in their Title III applications:

- the number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and [(a)(3)]
- student attainment of challenging State student academic achievement standards on assessments described in Section 1111(b)(3). [(d)(2)]

### **Professional Development**

#### **Sec. 3115. Subgrants to Eligible Entities**

School divisions must ensure that professional development offered to classroom teachers, principals, administrators, and other school or community-based organization personnel is:

- designed to improve the instruction and assessment of limited English proficient children; [(c)(2)(A)]
- designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children; [(c)(2)(B)]
- based on scientifically based research; and [(c)(2)(C)]
- of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom. [(c)(2)(D)]

## **Parental Involvement**

### **Sec. 3302 Parental Notification**

This section includes the provisions for:

- providing a language instruction educational program; [(a)]
- informing the parent(s) of a limited English proficient child identified for participation in, or participating in, such program; [(a)]
- providing separate notification of failure to meet annual measurable achievement objectives; [(b)]
- providing information to parents in an understandable and uniform format, and, to the extent practicable, in a language that the parent can understand; [(c)]
- identifying a child for participation in a language instructional program and informing the parents within two weeks after placement in the program; and [(d)]
- implementing an effective means of outreach to parents of limited English proficient children. [(e)]

Detailed information about Title III can be found here: <https://www2.ed.gov/policy/landing.jhtml>

### **Parent Notification of Eligibility and Participation in an ELL Program**

Title I requires that a school division must implement programs, activities, and procedures for the involvement of parents including developing a written parent involvement policy, soliciting parental input, providing timely information to parents, and building capacity for parental involvement.

Title I requires that schools must inform parents of a child identified for participation in a language instruction educational program supported by Title I no later than 30 calendar days after the beginning of the school year. For students who enroll mid-year, notification must take place within 14 calendar days of enrollment. The parent notification letters must be sent to all students identified as LEP on an annual basis. If a child transfers into CCPS from another Virginia school division, CCPS MUST send home the CCPS EL parent notification letter. The letters are division and program specific, and contain detailed information on the EL program, graduation requirements, and instructional practices in CCPS. Students who are identified as levels 1-4.3 are considered LEP and their parents/guardians must receive a notification letter. The parent notification must include information about students as outlined below:

1. The reasons for identifying their child as being limited English proficient and for placing their child in a language instruction educational program for LEP students.
2. The child's level of English language proficiency, including how the level was assessed and the status of the child's academic achievement.
3. The method of instruction that will be used in the program, including a description of other alternative programs.
4. How the program will meet the educational strengths and needs of the student.
5. How the program will help the child learn English and meet academic achievement standards.
6. The program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school.
7. How the program will meet the objectives of an individualized education program for a child with a disability.
8. Their rights, including written guidance that: (A) specifies the right that parents have to have their child immediately removed from a language instruction educational program upon their request; (B) describes the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and (C) assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered. [Sec. 3302]

The letter must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

#### **Title VI of the Civil Rights Act of 1964:**

Prohibits discrimination on the basis of national origin (and other civil rights) from participation in, be denied of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. [Sec. 601, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d]

According to Title VI of the Civil Rights Act of 1964, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." [Pub. L. 88-352, title VI, Sec. 601, July 2, 1964, 78 Stat. 25]

Courts have traditionally viewed "national origin" to include an individual's first language.

Title VI of the Civil Rights Act of 1964 "requires programs that educate children with limited English proficiency to be:"

- based on a sound educational theory;
- adequately supported, with adequate and effective staff and resources, so that the program has a realistic chance of success; and

- periodically evaluated and, if necessary, revised.
- <http://www.usdoj.gov/crt/cor/coord/titlevistat.html>

**Equal Education Opportunities Act of 1974** requires schools to "take appropriate steps" to assure equal access as stipulated in the Lau opinion below.  
<http://www.law.cornell.edu/topics/education.html> (full text)

**May 25th Memorandum 1970**, the former Department of Health, Education and Welfare (DHEW) published a memorandum to school districts on the Identification of Discrimination and Denial of Services on the Basis of National Origin (the May 25th Memorandum, 35 Fed. Reg. 11595 - Tab A). The May 25th Memorandum stated in part:

The purpose of this memorandum is to clarify DHEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin minority group children deficient in English language skills. Major areas of concern that relate to compliance with Title VI:

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 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 preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

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 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.

**Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (2000)** Requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.  
<http://www.usdoj.gov/crt/cor/13166.htm>

## **Significant Court Decisions**

**Lau vs. Nichols (1974)** ruled that providing the same access to curriculum, instruction, and materials for students of limited English proficiency as are provided to English dominant students is not in effect equitable opinion)

**Plyler vs. Doe (1981)** ruled that all students in public schools must be appropriately served, including any students who may not be documented as legal immigrants.

**Castañeda vs. Pickard (1981)** case precedent requires schools to use a three-pronged approach to assure that they are following the spirit of the above decisions vis-à-vis: a practice grounded in sound educational theory; effective implementation of an appropriate program; assurance that the program is working through an evaluation and subsequent program modification to meet this requirement.

## **Legal Decisions and Codes from the Commonwealth of Virginia**

The Constitution of Virginia states: The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained. [Article VIII, Section 1]  
<http://legis.state.va.us/Laws/search/ConstitutionTOC.htm>.

### **Tuition in Virginia:**

The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division. [COV, § 22.1-3. A]

### **School age in Virginia:**

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year. School boards may accept and provide programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their twelfth birthday, and who have not reached 22 years of age on or before August 1 of the school year. No tuition shall be charged to such students, if state funding is provided for such programs. Further discussion of this allowance is found in section 3. [COV, § 22.1-5. D]

### **Language of Instruction:**

Pursuant to § 1-511, school boards shall have no obligation to teach the standard curriculum, except courses in foreign languages, in a language other than English. School boards shall endeavor to provide instruction in the English language which shall be designed to promote the education of students for whom English is a second language. [COV § 22.1-212.1]

### **Social Security Numbers:**

It shall be unlawful for any agency to require an individual to disclose or furnish his social security account number not previously disclosed or furnished, for any purpose in connection

with any activity, or to refuse any service, privilege or right to an individual wholly or partly because the individual does not disclose or furnish such number, unless the disclosure or furnishing of such number is specifically required by federal or state law. [COV, §2.2-3808. A.]

### **Parental Notification and High School Graduation of ELLs:**

The Code of Virginia provides the following regarding parental notification and high school graduation:

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.) of this title, to the parent of students who fail to graduate or who have failed to achieve the number of verified units of credit required for graduation as provided in the standards for accreditation.

If such student who does not graduate or achieve such verified units of credit is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5. [COV, §22.1-253.13:4. Standard 4.C]

### **Goals for Clarke County Public Schools EL Program**

- All English Language Learners will be identified and assessed within ten days of entering Clarke County Public Schools.
- LIEP instructional support will be provided for all students in Levels 1 – 4.3 and for 2 monitor years after English proficiency is achieved.
- English Language Learners will be assessed informally throughout the year and will complete required English language proficiency tests annually (currently the WIDA ACCESS for ELLs 2.0).
- English Language Learners will complete and pass the required Virginia Standards of Learning tests.
- 100% of Clarke County's English Language Learners will graduate.

### **Program Standards**

English Language Development (ELD) Standards On March 19, 2008, the Virginia Board of Education adopted the English Language Development (ELD) standards created by the WIDA Consortium as the statewide standards for the Commonwealth of Virginia. CCPS uses the WIDA ELD Standards as a basis for providing services to ELLs.

The WIDA Consortium has developed the following English language development (ELD) standards for LEP students in PreK-12:

- English Language Development Standard 1: English language learners communicate for **Social and Instructional** purposes within the school setting;

- English Language Development Standard 2: English language learners communicate information, ideas, and concepts necessary for academic success in the content of **Language Arts**;
- English Language Development Standard 3: English language learners communicate information, ideas, and concepts necessary for academic success in the content of **Mathematics**;
- English Language Development Standard 4: English language learners communicate information, ideas, and concepts necessary for academic success in the content of **Science**;
- English Language Development Standard 5: English language learners communicate information, ideas, and concepts necessary for academic success in the content of **Social Studies**.

The WIDA language proficiency levels show the progression of language learning and development from Level 1, entering the process, to Level 6, reaching the end of the continuum. The language proficiency levels represent what an LEP student should know and be able to do at each level within each language domain (listening, speaking, reading, and writing). The proficiency levels also include:

- Linguistic Complexity: the quantity and variety of oral and written text for a given situation – considered the Discourse Level;
- Language Forms and Conventions: the types, array, and use of language structures – considered the Sentence Level;
- Vocabulary Usage: the specificity of word or phrase choice for a given context – considered the Word/Phrase Level.

Listed below is a brief description of each WIDA ELP level:

#### Level 1 – Entering

- pictorial or graphic representation of the language of the content areas •
- words, phrases, or chunks of language when presented with one-step commands, directions, WH-words (who, what, etc.), choice or yes/no questions, or statements with sensory, graphic, or interactive support

#### Level 2 – Emerging

- general language related to the content areas
- phrases or short sentences
- oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one to multiple-step commands, directions, questions, or a series of statements with sensory, graphic, or interactive support

#### Level 3 – Developing

- general and some specific language of the content areas
- expanded sentences in oral interaction or written paragraphs
- oral or written language with phonological, syntactic, or semantic errors that may impede the communication, but retain much of its meaning, when presented with oral or written, narrative or expository descriptions with sensory, graphic, or interactive support

#### Level 4 – Expanding

- specific and some technical language of the content areas
- a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs
- oral or written language with minimal phonological, syntactic, or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic, or interactive support

#### Level 5 – Bridging

- specialized or technical language of the content areas
- a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays, or reports
- oral or written language approaching comparability to that of proficient English peers when presented with grade level material

#### Level 6 – Reaching, Year One and Year Two

- oral or written language equal to that of proficient English peers when presented with grade level material
- no longer require active language services
- ELL teachers monitor academic progress for two years

Language Domains Within each of the proficiency levels, the WIDA ELD standards also include the four language domains as follows:

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

#### **Model Performance Indicators (MPIs)**

A model performance indicator (MPI) is a single cell within the WIDA ELD standards' matrices that describes a specific level of English language proficiency for a language domain. An MPI is the smallest unit of a topical strand.

Within each grade cluster and domain, there are MPIs for each language proficiency level. MPIs focus on an example topic from a content area reflected in the standard, forming a “strand” that illustrates the language development continuum. Each MPI contains three elements: a language function (e.g., describe, justify), an example topic (e.g., weather, human populations), and a form of support (e.g., pictures or illustrations, working in small groups).

Detailed information about the WIDA ELD Standards can be found at: [www.wida.wisc.edu](http://www.wida.wisc.edu).

**Committed strategies to meeting program standards and achieving the goals of the Clarke County EL program include the following:**

- Clarke County Schools will provide a safe, communicative, academically stimulating program environment, where all English learners are welcomed and encouraged to become active members of the schools and community.
- Newly arrived EL students will be sheltered with school orientation and intensive focus on English survival skills and school vocabulary.
- Instructors will utilize proven, effective methods to encourage continued growth in English language acquisition.
- All educational personnel will participate in a concerted effort to enhance language acquisition.
- All CCPS services and activities, whether in school, or extra-curricular, will be made available to EL students.
- Once fluency is achieved, all EL students will receive continued monitoring and necessary support to facilitate personal and academic success.
- EL students will be encouraged to continue growth in knowledge of one's native culture and language, while at the same time, learning to become productive, confident, members of the community in which they now live.
- CCPS will continually seek to increase family and school communication, encouraging full participation of parents in their child's education.

**Evaluating the Effectiveness of the LIEP Program**

Per federal law (*Castañeda*, 648 F.2d at 1014-15; 1991 OCR Guidance; 20 U.S.C. § 6841(b) (2)) school districts receiving Title III, Part A funds are required to engage in a self-evaluation every two years. This program evaluation should consider whether ELL students are making adequate language gains and if ELLs demonstrate meaningful participation in the core educational program comparable to their never-ELL peers.

To determine success of the program, the ELL department will review data on an annual basis that allows for a comprehensive comparison of how active ELLs, opt out ELLs, and monitored ELL students are performing in the district's educational programs over time when compared to their never-ELL students. This data includes, but is not limited to, longitudinal data that compare performance in the core content areas, graduation, dropout, and retention data for EL students, participation rates in the core content areas, proficiency levels of ELLs, and the exit rates of ELLs.

## Clarke County

### EL Eligibility and Monitoring Procedures

#### Identification of EL Students

An LEP student in the Commonwealth of Virginia is classified according to the federal government definition as described in ESSA.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>An LEP student is classified as one:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (A.) who is aged 3 through 21;                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| (B.) who is enrolled or preparing to enroll in an elementary school or secondary school;                                                                                                                                                                                                                                                                                                                                                                                                       |
| (C.) who was not born in the United States or whose native language is a language other than English; and who comes from an environment where a language other than English is dominant                                                                                                                                                                                                                                                                                                        |
| <b>AND</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (D.) whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual –<br>(i.) the ability to meet the State’s proficient level of achievement on State assessments described in section 1111(b)(3);<br>(ii.) the ability to achieve successfully in classrooms where the language of instruction is English; or<br>(iii.) the opportunity to participate fully in society.<br>[P.L. 107-110, Title IX, Part A, Sec. 9101, (25)] |

The following procedures will be utilized to determine student EL program eligibility as well as monitor student progress and program effectiveness in all grades K-12.

#### EL Registration Procedure for Elementary Schools

- All students enrolling in CCPS complete a Home Language Survey. The HLS is available in Spanish. Any indication on this form that a student’s first and/or primary language is other than English will be referred to the EL teacher for assessment.
- After they are identified, the registrar at D.G. Cooley Elementary School and Boyce Elementary School assists to complete the registration process. The registrar requests interpretation as needed (a bilingual staff person or Language Line).
- The registrar ensures that all documents (tax info, birth certificates, health records, former EL paper work and school records are collected).
- The registrar informs the EL teacher and the administrator in charge of EL placement in the classrooms. The EL students are clustered in grades 3-5 for ESL services due to departmentalized teams.
- The EL teacher is notified of a new EL student’s readiness to attend classes with a copy of an email notification of completed registration.

- New registrations for students that enroll at the beginning of the year are done with an interpreter during the week before school starts. One-on-one registrations are done as needed (students move in periodically during the school year). Interpretation/translation is offered to EL families for oral and written communication.
- Initial screening, using WIDA W-APT (K) and WIDA screener (1-5), and review of prior EL services (WIDA ACCESS scores) will be conducted by the EL teacher for proper placement.

#### EL registration procedures for Secondary schools

- All students enrolling in CCPS complete a Home Language Survey. The HLS is available in Spanish. Any indication on this form that a student's first and/or primary language is other than English will be referred to the EL teacher for assessment.
- After they are identified, the registrars at JW Middle School and Clarke County High School assist to complete the registration process. The registrar requests interpretation as needed (a bilingual staff person or Language Line).
- The registrar ensures that all documents (tax info, birth certificates, health records, former EL paper work and school records are collected).
- The registrar informs the EL teacher, guidance counselor, and assistant principal so that they can discuss the correct class placements. Foreign transcripts are evaluated by the EL teacher using MAFSA guidelines.
- The EL student and their parents are invited to a course selection meeting to approve of the EL's schedule. Interpretation is provided.
- The EL teacher is notified of a new EL student's readiness to attend classes with a copy of an email notification of completed registration.
- New registrations for students that enroll at the beginning of the year are done with an interpreter during the week before school starts. One-on-one registrations are done as needed (students move in periodically during the school year). Interpretation/translation is offered to EL families for oral and written communication.
- Initial screening, using WIDA screener (6-12), and review of prior EL services (WIDA ACCESS scores) will be conducted by the EL teacher for proper placement.

If a student **qualifies** for EL services, the EL instructor will:

- Notify the school principal and Title III coordinator.
- Place a copy of the assessment test and other screening results in the student's academic file, update PowerSchool.
- At the end of every quarter, the lead EL teacher will check all EL student codes in Powerschool for accurate reporting.
- Formally EL students will be monitored by the EL teacher at the end of the first and third nine weeks. A form will be completed by classroom teachers to collect documentation of student strengths and weaknesses.
- Notify the parents of screening and service plan.
- The EL teacher will notify parents of students in all levels (LEP 1-4.3 and formerly EL Level 6 years 1 and 2.)

- An annual progress assessment such as the WIDA ACCESS test will be administered each year. This assessment will be used to document proficiency and progress in PowerSchool. This will also determine new EL Levels in the following school year.

If it is determined that a student is **not** in need of EL services, the EL instructor will:

- Notify the school principal and Title III Coordinator.
- Place a copy of screening results in student's academic file
- Notify parents of findings.

### **Placement of EL Students**

In Clarke County Public Schools, most students are placed in grades according to their age, regardless of their English abilities. If the student qualifies for EL services, the EL teacher in consultation with the Principal and secondary counselors will recommend a program of study and place the student in appropriate instructional level.

### **Refused Services/Opt Out students**

The parent of a child who is identified as an EL may decline to enroll in, or have the student removed from, the Language Instruction Education Plan. Each school division must provide written notification to parents of ELs of information pertaining to the right of parents to have their child removed from the Language Instruction Education Plan (LIEP) or to decline to enroll in such a program. (ESEA 1112(e)(3)(A)(viii)). Under Title VI and the EEOA, parents' decision to opt out of a program for ELs must be knowing and voluntary, and a school division may not recommend that parents decline all or some services within a program for ELs for any reason.

Note, however, that if an EL is not participating in the LIEP, the school division still has the obligation under Title VI and EEOA to take "affirmative steps" and "appropriate action" to provide the student with access to its educational programs. The English language and other academic needs of such an EL student must still be met. The ESL teacher will use a monitor form to ensure academic progress is being met and will meet collaboratively with classroom teachers to offer instructional strategies and interventions if the student is not meeting state content standards.

In addition, the ESEA requires that the school division still assess all ELs using the annual English language proficiency assessment, including those students whose parents have declined to enroll them in, or had them removed from, LIEPs. All ELs enrolled in schools must be assessed annually using the English language proficiency assessment. State or district assessment policies, if they include a right to opt a child out of assessments, do not override or diminish the LEA's obligation to assess 100 percent of ELs using the annual English language proficiency assessment.

*Non-Regulatory Guidance: English Learners and Title III of the ESEA, As Amended by the Every Student Succeeds Act (ESSA) ESSA, p.30*

Parents are notified of their right to opt-out through the parent notification letter. The ESL Coordinator reviews all Parent Notification letters, including “opt-out” requests from parents and reaches out to parents. Parents who wish to opt their EL out of the ESL program are strongly encouraged to meet in person with the ESL teacher. During this meeting, the ESL teacher will explain the benefits of the student remaining in the ESL program. If the parent still wishes for their student to opt out of the program, the parent will sign the refused services letter. The parent/guardian must sign the letter every year.

*Students who have refused EL services or opted out are indicated on the caseload by a state service code of 2. The EL teacher has the responsibility of making these changes on our SIS platform and verifying them before each reporting cycle throughout the year.*

The parent/guardian must sign the letter *every year*. Schools must contact such parents/guardians and have a new letter signed by September 30 of each year.

The administrator/designee must review the following information with the parent before the letter is signed:

- The student will still participate in the annual WIDA ACCESS assessment until the child meets exit requirements;
- The student will still be classified as LEP/EL in the student information systems and in state reporting;
- The student will still be placed on a caseload (EL teacher roster) and their academic progress will be monitored quarterly by that assigned EL teacher;
- The student may be re-enrolled into the EL program with parental permission;
- The student is still allowed LEP exemptions and accommodations on state assessments and;
- The parent must opt out of EL services *each year by signing the letter*.

## **Clarke County EL Service Plans**

CCPS English Language Learners receive additional support in the following capacities:

### **Elementary**

The EL Teacher will create an EL plan to include the following:

- The EL teacher must provide inclusion services during content classes such as Science and/or Social Studies to assist in making the content addressed comprehensible for the EL student.
- Additional pull-out EL Instructional services will be provided based upon the student’s EL Level.

### **Middle School**

The EL Teacher must create an EL plan to include the following:

- Pull-out opportunities will be provided by the EL teacher based upon each student's specific needs. Special attention will be given to History and Science content support to ensure the student comprehends the class work presented.

## **High School**

The EL teacher must create an EL plan to include the following:

- The EL teacher may meet with students during the EL Resource block.

## **Methodology and Materials**

The EL instructor will offer experience and knowledge of proven effective methodology and materials to facilitate optimal language acquisition customized for each ELL's level of proficiency. Professional development opportunities are provided to staff throughout the year.

The focus of EL instruction will incorporate a balance of the four domains of language proficiency: listening, speaking, reading, and writing. The EL instructor will actively utilize methods including but not limited to: Total Physical Response (TPR), Sheltered Instruction Operation Protocol (SIOP), The Natural Approach, and Language Experience Approach.

Materials and activities may include, but are not limited to: EL texts and accompanying workbooks, songs, storytelling, picture books, focused re-write journals, books with accompanying CDs for backpack-to-home reading, content area texts designed for ELLs and auxiliary materials that accompany the division's adopted textbooks.

## **Grading**

EL students will be expected to complete all classroom and homework assignments. Modifications **MUST** be followed to adjust class and homework to the student's level of English proficiency. It is imperative that students understand the homework assignments prior to leaving school for the day as many students do not have someone to assist them at home.

Intervention may include:

- Review homework, class assignments and class participation.
- Review the Accommodations/Modifications Schedule and adjust as necessary. (e.g. advance notice of quizzes, retake tests with the EL instructor for an averaged grade, etc.).
- A conference with the teacher, EL teacher and student.
- Schedule a conference with all personnel, the parent and student.
- For a student receiving EL services, the above steps shall be followed prior to a student receiving a failing grade on his/her report card.

EL students may receive letter grades in the content area classes that they take, but that grade must be based on appropriate modifications to the curriculum. Teachers may indicate on the

report card that a modified curriculum was used. With newly arrived EL students a Pass/Fail system may be used until the student is participating more fully in class.

In accordance with federal civil rights laws, an EL student may not receive a failing grade if the reason for the academic failure is his/her lack of proficiency in English. It is unreasonable to require an EL student performing several years below grade-level to perform up to the standards expected of native English speaking peers.

If a student is consistently not turning in homework assignments or earning poor grades on tests, quizzes, and projects, the teacher should consult with the EL teacher to see if more appropriate modifications can be made. If the teacher is making appropriate modifications, and the student is not producing work within his or her ability, a grade that reflects this may be assigned. In these instances, the teacher must carefully document that this grade is not due to the student's limited English proficiency.

An EL student may not be retained due to his/her lack of proficiency in English. If retention is recommended, it must be documented that the reasons are unrelated to the child's English proficiency. Simply being behind academically is also an insufficient reason since this may be due to time spent learning English. Furthermore, studies show that retaining EL students rarely benefits the student. Rather, retention even in the early grades greatly increases an LEP student's chances of dropping out of school before graduation. It is recommended that EL students progress with his/her peer group, allowing the academic language to progress at a normal rate.

### **Testing Accommodations for LEP Students**

The LEP team at each school will prepare testing accommodation forms for eligible students following the guidelines set forth by the VDOE LEP guidelines for participation.

Accommodations for the SOL assessments should be selected from those the LEP student uses routinely in classroom instruction and assessment. The purpose of accommodations is to ensure, insofar as possible, that LEP students receive accommodations on the SOL assessments which allow them equal opportunity to demonstrate what they know and can do; however, students should not be provided with unnecessary or inappropriate accommodations. Furthermore, use of an unfamiliar accommodation during the testing may have a negative impact on the student's performance. Students must take the test in English; translations of the test into a different language are not permitted.

### **Annual Assessment**

#### **WIDA ACCESS**

Beginning with the 2009-2010 school year, all LEP students in kindergarten through grade 12 will be required to be assessed annually with an assessment that measures each of the language domains of listening, speaking, reading, and writing. LEP students may not be exempted from any portion of an annual ELL assessment.

The ACCESS for ELLs is large-scale test that addresses the English language development standards and model performance indicators developed by the WIDA Consortium. EL students are assessed on the each of the four language domains: Listening, Speaking, Reading, and Writing.

### **LEP Students with Significant Cognitive Disabilities**

“The Alternate ACCESS for ELLs is an assessment of English language proficiency (ELP) for students in grades 1-12 who are classified as English language learners (ELLs) and have significant cognitive disabilities that prevent their meaningful participation in the ACCESS for ELLs. The Every Student Succeeds Act (ESSA; 2015) requires that all students identified as ELLs be assessed annually for English language proficiency, including students who receive special education services. The Individuals with Disabilities Education Act (IDEA; 2004) also mandates that students with disabilities participate in state-wide and district-wide assessment programs, including alternate assessments with appropriate accommodations, when it is documented in their Individualized Education Programs (IEP).” (WIDA Consortium, 2015)

The Alternate ACCESS is administered by the student’s ELL teacher in collaboration with the special education case manager/special education staff member. The ELL Department is aware of the importance of collaborating with a special education staff member when administering the Alternative Assessment.

Please contact your school’s testing coordinator (STC) regarding the identification of students who are eligible to take the Alternate ACCESS assessment.

### **Does the ELL Have to Take ALL Required SOL Tests?**

**Elementary and Middle Schools:** ELLs in grades 3-8 are required to participate in applicable courses for the grade and take the grade-level SOL assessment.

The only exceptions include:

- **READING:** Students may be exempt from **Grades 3-8 Reading ONLY** if they have been enrolled in U.S. schools for less than 12 months.
- **HISTORY:** Students may be exempt from History once (either **Virginia Studies or Civics**). The student does NOT have to be enrolled a specific amount of time. If the student is in middle school, those making the determination regarding exemption would need to look at whether the student had this exemption in elementary school.
- **WRITING:** Students may be exempt from **Grade 8 Writing**. The student does NOT have to be enrolled a specific amount of time.

### **HIGH School:**

Any student enrolled in an **end-of-course class**, including an ELL, must take the Standards of Learning (SOL) test. At the high school, careful consideration should be given to a student’s scheduled in advance of them being placed in a course to ensure

appropriateness. The EL teacher, counselor, parent, and student should meet **prior to any placements** in courses to discuss student's proficiency levels and language readiness. For students in low levels of proficiency, courses may be scheduled so that students are in courses to build language prior to being placed in a course with a test required for graduation. The schedule for these students may have more EOC courses towards the end of their cohort (as opposed to the beginning). A **long-range plan** for high school is required for English Language Learners to map out a potential timeline for graduation.

#### **ALL Schools:**

A **team** consisting of EL teacher, classroom teacher, administrator, parent, and student (if appropriate) should determine what **formats of assessment** and **testing accommodations** are most appropriate for students at English proficiency levels 1-5. If students are dually identified as both SPED and ELL, there should be a joint team, combining participants from the Individual Education Program (IEP) team and Limited English Proficient (LEP) team to make decisions. In these situations, **both IEP and LEP accommodations may be applied, as appropriate.**

### **Reclassification and Exiting EL**

Reclassifying an ELL student to a new English Development Level will be determined by multiple developmentally appropriate measures, including scores from ACCESS for ELLs, standardized achievement tests, as well as input from EL staff, parents and classroom teachers. Parents will be notified within 30 days of the beginning of the school year if their student continues to qualify for EL services.

The only way to exit EL status is achieving Level 4.4 on both the WIDA ACCESS Composite and Literacy scores. FLEP students continue to receive two years of monitoring by the EL Instructor (Level 6 years 1 and 2). Additional academic achievement data, teacher recommendations, and parental input will also be considered. Additionally, parents have the right to withdraw a child from the EL program upon written notice, however the student will still participate in annual accountability assessments and monitoring.

#### **Student Support Team**

An LEP student is eligible to be referred to Child Study at any time if there is a concern about emotional/academic issues or retention, regardless of the student's proficiency in English.

If you suspect that an EL student's lack of progress in the acquisition of English or in any academic area is not due primarily to second language acquisition considerations, the following procedures may help you to assess the student's situation. You may determine that a referral to Child Study is appropriate. This process may be especially helpful for EL students who fail to make sufficient progress to meet the monitor level criteria within five consecutive years at elementary school level or within seven consecutive years by middle or high school level.

- Note your concerns and any interventions that have been undertaken to address them.
- Collect work samples and anecdotal notes.

- Verify the student's English proficiency level.
- Check the student's assessments record looking for extended plateaus where the student stayed at one level orally, in reading or in writing.
- Talk to the classroom/content area teachers and the SPED teacher to discuss the student and any information you have gained from the student's records. These teachers may recommend new strategies or interventions.
- If appropriate, refer the student to Student Support Team. You need to check with the administration for the procedure for doing this. Sometimes one teacher is considered the referring teacher (you or the classroom/content area teacher); sometimes a joint referral is accepted. You may be asked to complete a Student Report
- When the Student Support Team meets, you will have the opportunity to share your concern that the student's difficulty or lack of progress is not due to second language issues.
- The Student Support Team may then determine that non-EL interventions might be employed to best serve the student. This could include a change in schedule, service through another program, or full evaluation to determine if the student is eligible for SPED services.
- Follow customary Student Support guidelines including inviting parents to all meetings and providing an interpreter if necessary.

### **Special Education General Guidance**

- LEP students must receive EL and Special Education (SPED) services concurrently.
- LEP students may be referred to Child Study at any time, regardless of English proficiency level or time enrolled in Clarke County Public Schools.
- When an LEP student is presented for Child Study, an EL teacher must be a member of the Child Study Committee to help ensure the proper identification and servicing of LEP students with special needs.

When an LEP student is found eligible for SPED services, or arrives with an IEP, the EL teacher must meet with the team that writes the Individualized Education Plan (IEP). The scheduling of these services and each program's involvement should be discussed at this time.

LEP students identified as needing Special Education services must continue to receive both EL and SPED. IEP accommodations do not "trump" EL accommodations. Rather, they are determined to allow students appropriate access to classroom instruction and testing.

### **Special Programs**

LEP students must be eligible for consideration for all special opportunity programs and may not be precluded from participating in any activity or course solely because of lack of English skills. These opportunities include, but are not limited to talented and gifted programs, specialty programs and extracurricular activities and sports.

Clarke County Public Schools  
317 West Main Street  
Berryville, Virginia

### Refusal of EL Services

I understand that my child, \_\_\_\_\_, qualifies for the English as a Second Language services at \_\_\_\_\_ School. I understand that the Clarke County Public School's EL program is designed to provide the English language skills and academic foundation for my child to be successful in school. At this time, I choose not to have my child enrolled in the CCPS-EL program. I understand that I have the option to re-enroll my child in the EL program at any time in the future. My child may begin to receive services then, if he/she is still eligible.

Parents/Guardians must complete and sign a "Refusal of EL Service Form" and return this form for **each year** you intend to remove your child from EL services. English language learners who have refused services are still **required to participate in annual language proficiency assessments** required by the state until they meet exit requirements, may still receive LEP accommodations on state assessments, will be listed as LEP in reporting to the state, and will have their progress monitored throughout the year.

The parents/guardians may request EL services at any time after opting out. This request is made in writing to the school principal.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal's Signature

\_\_\_\_\_  
EL Teacher's Signature

Las Escuelas Publicas del Condado de Clarke  
Clarke County Public Schools  
317 West Main Street  
Berryville, Virginia

Rehusó de Servicios de EL

Yo entiendo que mi hijo/a, \_\_\_\_\_, califica para los servicios de (EL) ingles como segundo idioma \_\_\_\_\_. Yo entiendo que el programa del EL de las Escuelas Publicas del Condado de Clarke esta diseñado para proveer habilidades de el lenguaje de ingles y una fundación académica para el éxito de mi hijo/a en la escuela. En este tiempo, he elegido no inscribir a mi hijo en el programa de CCPS-EL. Yo entiendo que tengo la opción de re-inscribir a mi hijo/a en el programa de EL en cualquier tiempo en el futuro. Mi hijo/a puede empezar a recibir servicios si, el/ella es elegible aun en ese tiempo.

Padre(s)/Tutor(es) deben completar y firmar un forma de “Rehusó de Servicios de EL” y regresar este forma cada ano que usted no quiere que su hijo reciba servicios de EL. Los Aprendices del lenguaje de ingles que han rehusado servicios en el pasado aun son requeridos a participar en las evaluaciones anuales de competencia de lenguaje requeridos por el estado hasta que cumplan con los requisitos de salida, pueden recibir acomodaciones de LEP (Competencia de Ingles Limitado), sera alistado en LEP en reportar al estado y tendrán su progreso monitoreado atravez del ano.

Los Padre(s)/Tutor(es) pueden pedir servicios de EL en cualquier tiempo después de haber rehusado servicios. Este pedido se hace por escrito y dirigido al director de la escuela.

\_\_\_\_\_  
Firma de Padre/Tutor

\_\_\_\_\_  
Fecha

\_\_\_\_\_  
Firma del Director de la Escuela

\_\_\_\_\_  
Firma de la Maestra de EL

## General EL Teacher Responsibilities

| Month(s)           | Duties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| August – September | <ul style="list-style-type: none"> <li>▪ Review ACCESS scores with Director of Curriculum and Instruction and ensure they are noted in PowerSchool.</li> <li>▪ Update FLEP 1 and 2 students in PowerSchool</li> <li>▪ Meet with teachers and teams with ELLs. Share LEP form.</li> <li>▪ Determine classroom and testing accommodations with teachers and prepare documents</li> <li>▪ Share WIDA Can Do Descriptors and how to incorporate WIDA Standards in lesson planning with teachers/teams.</li> <li>▪ Screen new students using WIDA-APT. Use ACCESS scores from prior school if available.</li> <li>▪ Fulfill document requests from school districts with students who have transferred.</li> <li>▪ Prepare schedule with teachers for pull-out/inclusion.</li> <li>▪ Prepare and distribute goals</li> <li>▪ Prepare 30 Day letters. Have Director of Curriculum and Instruction review prior to mailing and also supply a copy of letters for documentation.</li> <li>▪ If any parents refuse service document in PowerSchool (code 2) for monitoring/testing.</li> </ul> |
| October            | <ul style="list-style-type: none"> <li>▪ Attend team meetings to monitor student progress.</li> <li>▪ Start CD/Book sharing program with students. When a book is returned they may select another.</li> <li>▪ Review VDOE LEP Reports with Data Base Specialist</li> <li>▪ Adjust teaching schedule as needed.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| November           | <ul style="list-style-type: none"> <li>▪ Continue with instruction schedule.</li> <li>▪ Meet with teachers and adjust modifications/accommodations as needed.</li> <li>▪ Prepare Monitor Reports</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| December           | <ul style="list-style-type: none"> <li>▪ Continue with instruction schedule</li> <li>▪ Meet with Division Director of Testing to prepare ACCESS order.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| January            | <ul style="list-style-type: none"> <li>▪ Continue with instruction schedule</li> <li>▪ Meet with teachers/teams to update goals</li> <li>▪ Enroll and update students in PowerSchool as necessary.</li> <li>▪ Complete WIDA annual online training.</li> <li>▪ Prepare ACCESS testing schedule with DDOT.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| February           | <ul style="list-style-type: none"> <li>● Begin ACCESS testing division wide.</li> <li>● Complete 2<sup>nd</sup> Monitoring updates of FLEP1 and FLEP2 students.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| March              | <ul style="list-style-type: none"> <li>● Complete ACCESS testing.</li> <li>● Meet with DDOT for packaging and return shipping of tests.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| April              | <ul style="list-style-type: none"> <li>● Return to regular instruction schedule, make adjustments as necessary.</li> <li>● Review Testing Accommodation forms with each building's STC.</li> <li>● Complete 3<sup>rd</sup> monitoring updates of FLEP 1 and FLEP2 students.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| May                | <ul style="list-style-type: none"> <li>● Continue with schedule.</li> <li>● Prepare students for SOL testing procedures.</li> <li>● Review Data Submission for ACCESS with DDOT</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| June               | <ul style="list-style-type: none"> <li>● Continue with EL schedule as long as possible.</li> <li>● Prepare final monitoring reports.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | <ul style="list-style-type: none"> <li>● <b>Review End of Year Reports for VDOE with Data Base Specialist.</b></li> <li>● <b>Assist with SOL testing as needed.</b></li> <li>● <b>Update PowerSchool with student scores.</b></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Ongoing</b> | <ul style="list-style-type: none"> <li>● <b>Meet regularly with Director of Curriculum and Instruction to review data and maintain necessary Title III documentation.</b></li> <li>● <b>Screen new students, notify administration, teachers/teams, and parents within 10 days of arrival.</b></li> <li>● <b>Attend IEP, Gifted, Data, and Child Study meetings as needed.</b></li> <li>● <b>Attend and offer professional development opportunities.</b></li> <li>● <b>Continue to monitor and adjust classroom modifications and accommodations as needed.</b></li> <li>● <b>Assist teachers with preparing lesson plans/projects using WIDA Standards and Can Do Descriptors.</b></li> <li>● <b>Update EL Program Manual and submit changes to Director of Curriculum and Instruction for review.</b></li> </ul> |