



# **Guidance on Identification, Assessment, Placement, and Reclassification of English Learners**

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**Contents**

**Introduction..... 5**

**Part 1: Identification and Placement Procedures ..... 7**

**Part 2: Program Development and Evaluation..... 16**

    Program Development.....16

    Program Evaluation .....20

**Part 3: Placement and Progress Monitoring of Active ELs..... 22**

    Placement of ELs.....22

    Monitoring Progress of ELs .....22

**Part 4: Reclassification and Monitoring of ELs ..... 24**

    Reclassification of ELs .....24

    Instructional Programs for Reclassified ELs (former ELs) .....26

    Monitoring Progress of Reclassified ELs (former ELs) .....26

    Summary: Decision Guide for Language Program Processes .....28

**Part 6: Appendices ..... 29**

    Appendix A: Home Language Survey .....30

    Appendix B: Parent Notification Form .....31

    Appendix C: G.L. c. 71A School District Program Waivers for ELs .....34

        Requirements and Procedures .....34

        Sample Waiver Form 1 .....36

        Sample Waiver Form 2 (Older Students) .....37

        Sample Waiver Form 3 (Students with a Disability) .....38

        Attachment A: Sample Parent/Legal Guardian Informed Consent Form .....39

        Attachment B: Additional Documentation for Students with Special Needs .....40

    Appendix D: WIDA Performance Definitions.....41

    Appendix E: Glossary of Key Terms .....43

    Appendix F: FEL Monitoring Form .....46

Appendix G: Opt out Monitoring Form.....	49
Appendix H: ELE Program Folder Checklist .....	52
Appendix I: Reclassification Form .....	53
Appendix J: ESL Instruction .....	55
Appendix K: Integration Of Castañeda’s Three-Pronged Test Into Ele Program Review Process.	57
Appendix L: Rubric For Castañeda’s Three-Pronged Test.....	65
Appendix M: OPT-OUT Form.....	67
Appendix N: Program Evaluation Form.....	68
Appendix O: Program Evaluation Rubric .....	94
Appendix P: Parental Engagement .....	97
Appendix Q: Language Proficiency Screening Assessments.....	101
Appendix R: Title III Funding .....	103
Eligibility for a Title III Subgrant .....	103
Applying for a Title III Subgrant .....	104
Title III Subgrant Application Requirements .....	104
Title III Immigrant Subgrants.....	105
Title III Immigrant Subgrant Application Requirements.....	105
Amending a Subgrant Application .....	106
Carrying Over Title III Subgrant Funds.....	106
Use of Title III Subgrant Funds .....	107
Use of Immigrant Subgrants Funds.....	108
Requirements Applicable to Both Title III Formula Subgrants and Title III Immigrant Subgrants .....	109
Funding Staff with Title III .....	110
Private Schools and Title III .....	111
Title III Accountability .....	112
Parent Notification/Participation Requirements .....	112
Fiscal Audits.....	113

## Introduction

English learners represent a substantial and growing population of students in Massachusetts. Over the 10-year period from 2005-06 to 2015-16, K-12 English learner (EL) enrollment increased nearly 66 percent, from 51,618 students to 85,762 students. As a result, ELs made up 9 percent of the State's total student body in the 2015–16 school year. Although ELs have been increasing in the Commonwealth for some time, and they bring with them a wealth of linguistic and cultural diversity, many districts still experience challenges in meeting the linguistic, academic and non-academic needs of this population.

Education is a basic right of all children in the United States, including students who are ELs. Federal civil rights law, namely, Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974 (EEOA), requires schools to take appropriate steps to address the language barriers that prevent ELs from meaningfully participating in their education. Courts and federal guidance have interpreted these provisions to require districts to provide sufficient language and academic supports to enable ELs to become English proficient and meet academic standards in a timely manner. In addition, federal education laws such as the No Child Left Behind Act of 2001 (NCLB), and its successor, the Every Student Succeeds Act of 2016 (ESSA), address specific program requirements supporting ELs and the participation of parents of ELs in their students' education. At the state level, G.L. c. 71A also governs the education of ELs.

It is crucial to address the linguistic, academic, and nonacademic needs of ELs across their entire schooling trajectory, including after they have exited a district's ELE program, to ensure their federally guaranteed right to "participate meaningfully" in public school education programs.

The RETELL (Rethinking Equity and Teaching for English Language Learners) initiative, designed and implemented in Massachusetts in 2011-2012, is a multifaceted and comprehensive approach to addressing the needs of ELs. It is designed to provide ELs access to effective instruction and to close proficiency gaps. The regulatory requirement that all core academic teachers of ELs and administrators who supervise/evaluate core academic teachers of ELs have or obtain the SEI endorsement is only one of the components of the RETELL initiative. RETELL also features the use of the World-Class Instructional Design and Assessment (WIDA) English language proficiency standards and assessment framework and ongoing opportunities for educators and administrators to extend their skills and knowledge related to educating ELs.

Massachusetts formally joined the WIDA consortium in the 2012-13 school year. WIDA provides a standards and assessment framework to aid educators in meeting the needs of ELs. The WIDA standards promote academic language development for ELs in four content areas (language arts, mathematics, science and social studies) as well as in social and instructional language, and thereby facilitate students' success in school. The WIDA standards, in conjunction with the 2011 Massachusetts curriculum frameworks, enhance the learning of ELs and provide more opportunity to improve their academic outcomes. The WIDA framework also includes screening, benchmark, and summative English language proficiency tests. The summative English language proficiency test, ACCESS for ELLs<sup>®</sup>, is administered annually in January and February and produces proficiency level information in each of the four language domains along with composite score information in literacy, oral language, comprehension, and overall proficiency. The screening tools are used to identify ELs at the time of enrollment. The benchmark assessments can be used to track interim English proficiency progress in

between annual summative assessments. In addition to the standards and assessments, WIDA provides professional development resources to educators and conducts research on behalf of Massachusetts and other member states that inform policy decisions and the development of guidance.

In view of the above, the Department of Elementary and Secondary Education (the Department) has issued this updated<sup>1</sup> guidance to assist school district personnel in building and sustaining successful English Learner Education (ELE) programs that ensure ELs learn English, have access to rigorous academic content, and meet the same challenging expectations for college and career held for all Massachusetts students.

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<sup>1</sup> This version updates the 2015 guidance document of the same name.

## Part 1: Identification and Placement Procedures

The Elementary and Secondary Education Act, reauthorized in 2001 as the No Child Left Behind Act, defines “limited English proficient” as follows:

The term limited English proficient, when used with respect to an individual, means an individual—

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C) (i) who was not born in the United States or whose native language is a language other than English;
  - (ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
  - (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
  - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
  - (i) the ability to meet the State’s proficient level of achievement on State assessments described in section 1111(b)(3);
  - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
  - (iii) the opportunity to participate fully in society.

State law defines the term “English learner” as a child who does not speak English or who is not currently able to perform ordinary classroom work in English.”

Under federal<sup>2</sup> and state law,<sup>3</sup> districts must take appropriate steps to identify ELs so they can receive instruction that is designed to assist them in learning the English language and subject matter content, and their parents can participate in the decision-making process relative to the type of program the identified ELs will receive. When a new student enrolls in a school district, it is the district’s obligation to determine whether the student is an EL by following **appropriate procedures** and to place the student in the appropriate instructional program to support content area and English language learning (603 CMR 14.02). In order to ensure that ELs’ diverse needs are met, districts must start by properly identifying students who need English language support. The diagram below provides a process for determining whether a newly enrolled student is an EL. A discussion of each step follows this diagram:

**Step 1:** Establish procedures in accordance with Department of Elementary and Secondary Education guidelines to identify students who may be ELs.

**Step 2:** Administer a home language survey (HLS) to all newly enrolling students.

<sup>2</sup> For more information on state educational agency (SEA) and school district obligations to ELs, the Department strongly encourages school officials and interested others to review the joint U.S. Department of Education (USDOE) and U.S. Department of Justice (USDOJ) EL policy document entitled *Dear Colleague Letter, English Learner Students and Limited English Proficient Parents (01/7/2015)* (referred to as “*Dear Colleague letter*” hereafter) at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. In preparing this document, the Department has drawn from the *Dear Colleague letter* for discussion of federal law and policy.

<sup>3</sup> G. L. c. 71A; 603 CMR 14.02.

**Step 3:** Screen the English proficiency of a student when the answer to any of the questions on the HLS is a language other than English. A screening test is not necessary for students who come from another Massachusetts district or another WIDA state if the district is able to obtain ACCESS results from the test that was administered within the **last calendar year**.

**Step 4:** Determine whether the student is an EL using screening test results and make initial placement decisions.

**Step 5:** Notify parent and/or legal guardian of language screening assessment results and initial placement. Inform parent of the right to “opt out” or to secure an SEI program waiver in a language the parent can understand, to the maximum extent practicable.

**Step 6:** Code the student determined to be an EL in all future SIMS reports submitted to the Department.

### **Step 1: Establish procedures in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may be ELs**

Districts are expected to have policies and procedures in place for accurately identifying ELs in a timely, valid, and reliable manner. It is important to define these policies clearly and to maintain the consistency of the practices by providing ample training opportunities to the staff who are responsible for all steps of the process. This will help districts to comply with federal and state laws and regulations. Districts’ policies and procedures should emphasize the following in order to increase the validity and reliability of the process:

- Clearly state the purposes (see below) and intended uses of the HLS to those who will administer it and to those who will complete the survey. Clarify that the HLS is not intended to confirm citizenship status, or predetermine ELE services.
- Establish clear procedures for administering the survey and clarifying responses.
- Establish clear procedures for analyzing HLS results.
- Clarify how students’ educational background information will be utilized to determine whether a language proficiency screening test is required.

### **Step 2: Administer a Home Language Survey**

The primary purpose of a [home language survey](#) (HLS) is to find out whether a student has been exposed to a language other than English in the student’s home and should be assessed for English language proficiency. The HLS also presents an opportunity to collect other useful information about the student that will help district personnel understand the student’s personal and educational history in order to plan an appropriate educational program for the student.

When administering the HLS, districts must:

- **Administer the HLS to ALL new students.** Districts should administer the HLS provided by the Department of Elementary and Secondary Education<sup>4</sup> (the Department) to the parents<sup>5</sup> of all new students enrolling in Pre-K through 12<sup>th</sup> grade, or another survey that the district chooses provided the district survey contains the questions asked in the Department’s version. If new students are enrolled at a central intake location, a sufficient number of individuals should be designated and trained in administering the HLS to meet the need at that location. If new students are enrolled directly into schools, an appropriate person should be designated and trained at each school. The individuals administering the HLS should be professionals, such as teachers, principals, or guidance counselors, who have had training in the procedure. It is not appropriate for school secretaries or paraprofessionals to perform this task.
- **Establish a record-keeping system.** HLSs provide useful information about ELs and should be filed in students’ cumulative folders as a resource for educators.

### Step 3: Screen for English Language Proficiency

Every newly enrolled student whose HLS indicates that a language other than English is spoken at home must be screened for English language proficiency. In other words, students should be administered a language proficiency test when the answer to any question on the HLS is a language other than English with the following limited exceptions:

- Students who have already been in an ELE program and reclassified in a different district do not need to be screened again for English language proficiency.
- Similarly if a newly enrolled student transferred from another district within Massachusetts or from another WIDA state, it is possible that he or she participated in the annual language proficiency assessment (ACCESS for ELLs®). If so, and if the district is able to obtain ACCESS results of the test that was administered within the **last calendar year**,<sup>6</sup> instead of retesting the student, district staff can use ACCESS for ELLs® results in the student’s records to determine his or her English language proficiency.

The English language proficiency screening shall take place and parents will be notified of the results in their preferred language no later than 30 days after the beginning of the school year<sup>7</sup> and within two weeks if the student enrolls in the school district during the school year.<sup>8</sup> Districts should keep a record of the parents’ preferred language for future communications as well.

Districts are required to use WIDA screening assessments, including W-APT or MODEL, for initial identification of ELs in grade levels K-12 and Pre-IPT, Pre-LAS or Pre-LAS Observational Tool in Pre-K for initial identification of students in preschools. It is important that language proficiency tests be administered by licensed, experienced EL **educators** who are well-trained to administer the screening assessment(s) used in the district.

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<sup>4</sup> Please see Appendix A. Translated versions of this document can also be found online at <http://www.doe.mass.edu/EL/hlsurvey/>.

<sup>5</sup> The term “parent” as used in this document shall mean father, mother, or legal guardian.

<sup>6</sup> The Edwin Analytics system contains a mechanism for requesting historical MCAS data about a recently enrolled student who transferred from another district in Massachusetts. ACCESS data has also been available on the Edwin Analytics platform since September 2013. For more information about requesting or “claiming” transferred student assessment data from Edwin Analytics, email [edwin@doe.mass.edu](mailto:edwin@doe.mass.edu).

<sup>7</sup> See Title I requirement at 20 USC § 6312.

<sup>8</sup> See Title III requirement at 20 USC § 7012.

## Step 4: Determine EL or Non-EL Status & Make Initial Placement Decisions

Districts are required to use the results of one of the **state required language screening assessments**, namely W-APT or MODEL, and the guidance to interpret the scores provided below in order to determine whether the student **is** or **is not** an EL. The W-APT or MODEL is to be administered by licensed teachers or school administrators who are experienced EL educators and have been well trained to collect student language data and to accurately interpret the results. Interpretation of the screening assessment scores and subsequent decision about whether a student is an EL should be made by a **licensed ESL teacher or the district ELE administrator**.

### 1. Initial Identification of ELs in public school Pre-K programs<sup>9</sup>

Districts that provide a Pre-K program must identify ELs. The district must select and use a standardized screening instrument (Pre-LAS, Pre-IPT, etc.) to assess English proficiency for all potential ELs. Districts may not use current WIDA screeners (the W-APT) for this purpose. Once a student is identified as a Pre-K EL, the district must report the student to the Department as such through regular data submissions and provide the supports necessary to overcome language barriers for the student throughout the duration of the Pre-K program.

**Table 1: Initial Identification of ELs in preschools**

<b>TEST</b>	<b>AGE</b>	<b>DOMAINS ASSESSED</b>	<b>Not EL</b>
<b>Pre-IPT Oral</b>	Age 3	Listening; Speaking	Score at Level D or E (on a scale of A-E)
<b>Pre-IPT Oral</b>	Age 4-5	Listening; Speaking	Score at Level E (on a scale of A-E)
<b>Pre-LAS Observational Assessment</b>	Age 3	Oral and Early Literacy	Total score of 3 or 4
<b>Pre-LAS</b>	Age 4-5	Listening; Speaking	Total score higher than 77 (4 years old) Total score higher than 82 (5-6 years old)

<sup>9</sup> The USDOE and USDOJ *Dear Colleague Letter* (see footnote 1) states at p.18 that "...school districts must provide EL students equal opportunities to meaningfully participate in all programs and activities of the...district – whether curricular, co-curricular, or extracurricular. [fn omitted] Such programs and activities include pre-kindergarten programs... ." The *Dear Colleague Letter* does not describe what a Pre-K program for ELs must encompass. Until USDOE and USDOJ provides further guidance on this issue, the Department reminds districts of the state requirement that early childhood teachers of ELs must earn the Sheltered English Immersion (SEI) Endorsement. 603 CMR 14.07.

## 2. Initial Identification of ELs in Kindergarten

Kindergarten students will be administered only the Speaking and Listening components of the kindergarten W-APT or MODEL test at the beginning of the school year. If the student enrolls in the district in the second half of his/her kindergarten year, then s/he will take all four components of the test: Listening, Speaking, Reading, and Writing. The results of kindergarten W-APT will guide placement determinations. Students whose HLS indicates a language other than English and who have not been classified as ELs in the first half of the kindergarten year based on their Listening and Speaking results may be tested in Reading and Writing domains in the second half of the kindergarten year to ensure that these students are identified properly and they are provided specialized language and academic instruction should the test results show that they are ELs.

Regardless of whether or not a student was identified as an EL in Pre-K using a district chosen screening instrument, all potential ELs in Kindergarten must be screened using a WIDA screener. If a student previously identified as an EL in Pre-K exceeds the cutoff score for identification as an EL in Kindergarten, then that student will be considered a non-EL, but must be monitored for four full school years from the time of Kindergarten screening. If at any time during the monitoring period the student begins to struggle and it is determined through a comprehensive evaluation of all data available that the student requires language support, then the student must be reclassified as an EL and the instructional programming for such a student must be redesigned consistent with this guidance.

**Table 2: Initial Identification of ELs in Kindergarten**

<i>TEST</i>	<i>Kindergarten</i>	<i>DOMAINS ASSESSED</i>	<i>Not EL</i>
<b>W-APT Kindergarten</b>	First semester	Listening; Speaking	Oral proficiency raw score 29 or higher
<b>WIDA MODEL Kindergarten</b>	First semester	Listening; Speaking	Oral proficiency level 5 in both Listening and Speaking
<b>W-APT Kindergarten</b>	Second semester	Listening; Speaking; Reading; Writing	Oral proficiency raw score 29 or higher Reading raw core 14 or higher Writing raw score: 17 or higher
<b>WIDA MODEL Kindergarten</b>	Second semester	Listening; Speaking; Reading; Writing	overall composite proficiency level higher than 5  <b>and</b> composite literacy proficiency level higher than 4

### 3. Initial Identification of ELs in grades 1-12

Any student who is administered the W-APT or MODEL and scores below an overall composite proficiency level of 5.0 **and** a composite literacy (reading/writing) proficiency level of 4.0 is considered to be an EL and is eligible for ELE services. Only students who achieve a 5.0 composite proficiency level **as well as** 4.0 composite literacy (reading/writing) proficiency level are considered English proficient.

**Table 3: Initial Identification of ELs in grades 1-12**

GRADE	DOMAINS ASSESSED	Not EL
1-12	All four	overall composite proficiency level higher than 5  <b>and</b>  composite literacy proficiency level higher than 4

A student identified as an EL after a language screening assessment must be placed in an English Learner Education (ELE) program to address his or her limited English proficiency so that the student can be provided the opportunity to participate meaningfully and equally in the district’s educational program (603 CMR 14.04). However, the student’s parent may choose to “opt out” of direct language instruction or request a waiver (see below). For more information about making placement decisions for ELs, see the section titled [Placement of ELs](#) in *Part 3* of this document.

#### Students with Interrupted or Limited Formal Education (SLIFE)

Some ELs may have experienced interrupted or have limited formal education prior to enrolling in the district. State laws require that all ELs receive instruction that is specifically designed to meet their academic and language development needs. When a new student enrolls in a school district, it is the district’s obligation to determine whether the student is an EL and to place that student in an appropriate instructional program. Similarly, districts should ensure that SLIFE are properly identified so that placement and other important academic decisions can be properly informed. For more information about procedures for identifying SLIFE and programming considerations, please see the *Massachusetts Students with Limited or Interrupted Formal Education (SLIFE) Definition and Guidance* document located on the DESE website at <http://www.doe.mass.edu/ell/SLIFE-Guidance.pdf>.

#### Step 5: Notify Parent

As noted earlier, the student’s parent must be notified about the screening test results and the placement decisions **no later than 30 days** after the beginning of the school year or within **two weeks** if the student enrolls in the school district during the school year (Appendix B). Such notifications must be provided in English and in a language that the parent can understand, to the maximum extent practicable.

Massachusetts law requires districts to inform parents of their rights: (1) to “opt out” of specialized language instruction; and (2) to request a waiver from the state-mandated sheltered English immersion (SEI) program model. G.L. c. 71A, §5. “Opt out” indicates an informed decision by the parent to not have the child placed in the district’s English language development program. A “waiver” indicates a desire by the parent to waive the child from participation in the SEI program in favor of enrollment in another ELE program.

## 1. “Opt out” Requests

Parents of ELs may notify the district of their wish to have their child “opt out” of English learner education programs. The decision to opt out must be voluntary and informed, and not the product of district practices or influence, or the result of inadequate or inaccurate information, or inadequate district resources. In opt-out cases, the district must inform the parent of the services the child would receive in the district’s English learner education programs, as well as the type of support that would be provided to the student if the parent decides to “opt out”.

If a parent of an EL decides to “opt out” of a language program, districts should place the student in an English language mainstream classroom with an SEI-endorsed teacher<sup>10</sup> and maintain appropriate documentation of the parent “[opt out](#)” notice in the student’s file. Under federal law, districts must provide instructional support to ensure all ELs, including those whose parent(s) has chosen to “opt out” of English learner education programs, have access to the curriculum and be provided the same opportunities to master the same academic standards and curriculum frameworks as their native English speaking peers<sup>11</sup>. Districts are also required to classify them as “ELs” (or “Limited English Proficient” – LEP) on district reports, annually assess their language proficiency with the state mandated English language proficiency test ACCESS for ELLs® and notify parents of their child’s participation in such assessments, as well as assessment results. Therefore, in practice in Massachusetts, a parent’s choice to “opt out” means their child will not receive separate English as a Second Language (ESL) instruction focused on language development, but the district will provide the necessary support and actively monitor the student’s progress to ensure that the student’s English-language and academic needs resulting from lack of English proficiency are met ([Appendix G](#)).

Districts can meet their obligation to provide equitable access to the curriculum and English language development to an EL whose parent has chosen to “opt out”, in a variety of ways. Districts must assign the student to an English language mainstream classroom with an SEI endorsed teacher because such teachers have had training on the language needs of ELs. Districts may also provide additional literacy and language support through reading specialists qualified to teach ELs, or establish structured opportunities for the students’ content area teachers to plan content area instruction in collaboration with a licensed ESL teacher<sup>12</sup>.

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<sup>10</sup> Under Department regulations adopted in June 2012, starting on July 1, 2016, core academic teachers (including pre-school teachers) in public schools who are assigned to teach ELs must have an SEI Endorsement or must earn the Endorsement within one year of the assignment. 603 CMR §§7.15(9)(b)1 and 14.07(3); The following teachers are “core academic teachers” for purposes of providing SEI instruction: teachers of students with moderate disabilities; teachers of students with severe disabilities; subject-area teachers in English, reading or language arts; mathematics, science; civics and government, economics, history, and geography; and early childhood and elementary teachers who teach such content. Core academic teachers of ELs at Commonwealth charter schools are not required to hold an educator license but they are subject to the same SEI Endorsement requirements as core academic teachers of ELs in other public schools.

<sup>11</sup> Title VI of the Civil Rights Act of 1964 (Title VI); Equal Educational Opportunities Act of 1974, 20 USC §1703(f) (EEOA)

<sup>12</sup> *Dear Colleague Letter, English Learner Students and Limited English Proficient Parents (01/7/2015)* at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf> pages 29-32.

Districts must also keep a record of how such students are provided meaningful access to the curriculum, how such students are progressing academically, and, if a student demonstrates English proficiency through ACCESS for ELLs and school work, documentation of that demonstration and any determination that the student's EL classification has changed.

## 2. Waiver Requests

Parents must be informed of their right to apply for a waiver and provided with program descriptions in a language they can understand, to the maximum extent practicable. A parent may request a program waiver to allow the student to participate in a different ELE program than the state-mandated sheltered English immersion program model (G.L. c. 71A § 5). Such a waiver may be considered based on parent request, providing the parent annually visits the school and provides written informed consent. For more information about the waiver process and sample waiver forms, see [Appendix C](#).

### Step 5: Code all students determined to be ELs correctly in the SIMS data collection and maintain program related records of ELs

Data for the Department's Student Information Management System (SIMS) is collected three times each year (i.e., in October, March, and June). All students identified as ELs should be appropriately coded as "Limited English Proficient (LEP)" on SIMS Data Element *DOE025* in all SIMS reports submitted to the Department. The following SIMS Data Elements are also relevant to students identified as ELs:

Table 4: SIMS Codes

<i>SIMS CODES</i>	<i>VALUES</i>	<i>DESCRIPTIONS</i>
DOE021		LEP Students in their first year in U.S. schools
DOE022		Immigrant status
DOE023		Country of Origin
DOE024		First (Native) Language
DOE025	00	Student is not an English Learner.
	01	Student is an English Learner.
DOE026	00	Not enrolled in an English language education program.
	01	Sheltered English immersion - A full day of sheltered grade-level content instruction and English as a Second Language (ESL) instruction. Sheltered content instruction is content instruction that is modified such that

		an EL student may comprehend it and participate in the class at his or her level of English proficiency. All instruction and materials are in English.
	02	Two-Way bilingual — A bilingual program in which students develop language proficiency in two languages by receiving instruction in English and another language.
	03	Other bilingual education (for waived students only) — An instructional program, including transitional bilingual education, in which the native language of the EL student is used to deliver some subject matter instruction. These programs must also provide for English as a Second Language (ESL) instruction.
	04	EL student whose parent/guardian has consented to opt out of all ELE programs offered in the district.
<b>DOE41</b>	00	Not SLIFE
	01	SLIFE

For more information about how to complete EL-related SIMS Data Elements, see the *SIMS Data Handbook* available at <http://www.doe.mass.edu/infoservices/data/sims/SIMS-DataHandbook.pdf> .

Districts must maintain records of each student enrolled in an ELE program. These records may include, but are not limited to, entry/exit information, ACCESS and MCAS/PARCC scores, screening test documents, reports and progress reports, documentation of monitoring for FELs and opt-out students and documentation of conferences and written communication with the parent ([Appendix H](#)).

## Part 2: Program Development and Evaluation

### Program Development

Under state and federal law, English learners must be taught to the same academic standards and be provided the same opportunities to master such standards as other students (G.L. c. 71A § 7; Equal Educational Opportunities Act, 20 USC § 1703(f); Title III of NCLB § 3102). Instruction provided to ELs must be meaningful and appropriate for their individual English language proficiency level.

All districts that enroll any number of ELs must plan, articulate, and implement an educational program and approach(es) designed to meet the academic and language development needs of all of its ELs. Any such program must provide ELs with:

1. systematic, explicit, and sustained development of English as a Second language (ESL) and
2. meaningful participation in the district's general educational program.

When determining whether a school district's ELE program complies with federal and state laws and regulations, the Department will apply the *three-prong test* established by the United States Court of Appeals for the Fifth Circuit in *Castañeda v. Pickard*<sup>13</sup> ([Appendix K & L](#)), which the U.S. Department of Justice and the U.S. Department of Education's Office for Civil Rights also use to determine ELE program compliance under the federal EEOA and Title VI laws respectively<sup>14</sup>. *The Castañeda test* sets forth the following analytical framework that districts are expected to consider in developing, implementing, and evaluating their EL program and activities:

#### ***Castañeda Three-Prong Test***

- The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy.
- The program and practices used by the district are reasonably calculated to implement effectively the educational theory adopted by the district.
- The program succeeds when producing results indicating that students' language barriers are actually being overcome.

The rest of this section addresses each element of the three-prong test in more detail and how it will be applied under Massachusetts state law, G.L. c. 71A.

<sup>13</sup> 464 F2d 989 (5<sup>th</sup> Cir. 1981)

<sup>14</sup> See *Dear Colleague Letter* (footnote 1).

## 1. The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy.

Each district must define the educational approach(es) they will use to meet the academic and language needs of its EL population by providing ELs with systematic, explicit, and sustained English language development and meaningful participation in the district's general educational program.

After a student is identified as an EL, the school district must place the student in an English language program with limited exceptions. G.L. c. 71A, §5 requires that students classified as ELs be educated either in a Sheltered English Immersion (SEI) program or Two-Way Immersion program (TWI), unless a program waiver is sought for another ELE program model, such as Transitional Bilingual Education (TBE). Massachusetts programs that are considered acceptable for purposes of the first *Castañeda* "educational theory" prong include SEI, TWI and TBE programs.

Core academic teachers<sup>15</sup> in **ALL** of these programs are expected to obtain the SEI Teacher Endorsement and to **shelter the content** for ELs to make the content of their lessons more comprehensible and to promote the development of academic language needed to successfully master content standards by providing English language development (ELD) to ELs. This requirement applies to all districts that enroll one or more ELs and must take place in all classrooms with ELs regardless of the ELE program adopted by the district.

The Department uses the term ELD to describe all of the language development that takes place throughout the day in content classes and also during the time of dedicated ESL instruction as described below:

- **ELD in content:** English language development happens in an integrated way in all content classrooms that have at least one EL as SEI-endorsed, content-licensed educators shelter academic instruction and help ELs develop discipline-specific academic language. ELD happens in SEI classrooms as ELs learn grade-level content along with their proficient English-speaking peers.
- **ELD in ESL:** English language development also happens in ESL classes, when ELs are grouped together and licensed ESL teachers guide students in a systematic, dedicated, and sustained study time to develop various aspects of the English Language that proficient English-speakers already know. For a full definition of the focus of ESL instruction in Massachusetts, please click [here](#).

### ESL

Districts are required to include ESL instruction in the implementation of their ELE program to advance English language development and promote academic achievement of ELs. The goal of

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<sup>15</sup> "Core academic teachers" are defined by 603 CMR 7.02 for purposes of sheltered English immersion instruction as early childhood and elementary teachers, teachers of students with moderate disabilities, teachers of students with severe disabilities, and teachers of the following academic subjects: English, reading and language arts, mathematics, science, civics and government, economics, history, and geography.

ESL instruction is to advance English language development and to promote academic achievement. ESL instruction must include social and academic language in all four domains including listening, speaking, reading, and writing. ESL instruction must provide systematic, explicit, and sustained language instruction, and prepare students for general education by focusing on academic language. Effective ESL instruction supports student success in school, including improvement of ACCESS scores and acceleration of academic achievement. Effective ESL instruction also supports long term goals such as college and career readiness.

Districts have the flexibility to choose the appropriate setting (push-in, pull-out, self-contained, or hybrid) and most effective combination of methods of ESL instruction (Total Physical Response, Communicative, Functional, etc). Whatever the chosen vision, setting, and methods for the program are, the ESL instructional focus must be evidenced by documentation such as lesson or unit plans or an ESL curriculum. **Academic tutoring of content subjects or sheltering the content for ELs in a regular education classroom is not a substitute for ESL instruction.**

G.L. c. 71A, § 1 calls on districts to promote and support the rapid and effective acquisition of English language proficiency by ELs. Thus, ELs must receive ESL instruction and language support consistent with their needs. For example, *Foundational* students (WIDA Levels 1–3) should receive proportionally more ESL instruction than those at higher performance levels. Districts should consider the following guidelines (See Table 5) in determining the allocated time for the ESL instruction. Kindergarten students who receive a score of *low* or *mid* should be considered at *Foundational* level. **Please note:** Districts may determine whether to group WIDA Level 3 students at either the Foundational or Transitional levels depending on student needs.

**Table 5: Recommended periods of ESL instruction for ELs based on ACCESS for ELLs® results (full-day Kindergarten through grade 12)**

<b>ACCESS for ELs Overall (Composite) Score</b>	<b>Recommended Periods of ESL Instruction</b>
<b>Foundational (WIDA Level 1, Level 2 and Level 3)</b>	At least two to three periods (a period is not less than 45 minutes) per day of direct ESL instruction, delivered by a licensed ESL teacher
<b>Transitional (WIDA Level 3, Level 4, Level 5 &amp; Level 6)</b>	At least one period (a period is not less than 45 minutes) per day of direct ESL instruction, delivered by a licensed ESL teacher

**Please note:** By the time a student reaches Level 5.5 or greater in both reading and writing and Level 6.0 in speaking and listening, he or she should no longer be classified as an EL. Students who achieve these levels of proficiency as measured by the ACCESS for ELLs® can reasonably be considered to have achieved English language proficiency comparable to that of their English- proficient peers and

can be expected to perform ordinary class work in English without specialized language supports. Students who meet these criteria should participate in the general education program alongside fluent or native English-speaking peers. Their progress must be monitored for **four years** after their EL classification is removed. Such students should also receive additional [supports and services](#) if needed. (See section on “Reclassification”)

## ELE Program Types

### Sheltered English Immersion (SEI) program<sup>16</sup>

“Sheltered English immersion” means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language. Books and instruction materials are in English and all reading, writing, and subject matter are taught in English. Although teachers may use a minimal amount of the child’s native language when necessary, no subject matter shall be taught in any language other than English, and children in this program learn to read and write solely in English.

### Two Way Immersion (TWI) program<sup>17</sup>

A Two Way Immersion (TWI) program is a dual language education model designed to promote bilingualism and biliteracy, cross-cultural competency, and high levels of academic achievement for both native English speakers and English Learners (ELs) from a single language background. TWI programs are considered additive bilingual programs because all students develop and maintain their home language while adding a second language to their repertoire. They receive the same core curriculum as all students in the state and instruction is provided through two languages throughout the program. From a program design perspective, TWI programs should begin in the early grades (PreK–K) and may continue through the secondary level.

### Transitional Bilingual Education

The goal of **Transitional Bilingual Education (TBE)** is for ELs to be able to achieve long-term academic success through English-medium instruction in general education classrooms. Although the home language is used for instructional purposes, the transitional nature of the program does not support the further development of the students’ home language. TBE programs can be initiated at any level, including middle and high school.

## 2. The program and practices used by the district are reasonably calculated to implement effectively the educational theory adopted by the district.

Once the district has determined the program type that it will use to meet the academic and language needs of its ELs, it needs to provide the necessary resources to implement the program including qualified instructional and support staff, ESL and content curricula, instructional equipment and materials and instructional space.

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<sup>16</sup> Guidance on SEI Programming will be published in SY 2016-17

<sup>17</sup> Please see <http://www.doe.mass.edu/ell/TWI-TBE-Guidance.pdf>.

**Instructional and Support Staff:** Districts should identify the number of instructional and support staff appropriate to implement the district’s English Learner Education (ELE) program (e.g., qualified teachers, interpreters, translators, and others). Educators who teach ELs must hold an appropriate license or current waiver issued by the Department. Districts are also required to take steps to ensure that core academic teachers of one or more ELs and principals/assistant principals or supervisor/directors (for example, the department head) who supervise or evaluate such teachers have or obtain their SEI endorsement.603 CMR 14.07.

**ESL and Content Curricula:** Regardless of the ESL approach, method, or setting of instruction (pull-out, push-in, co-teaching etc.) districts must provide ELs with sheltered content instruction and ESL instruction that is aligned to the Massachusetts Curriculum Frameworks and the WIDA ELD Standards Framework. An ESL curriculum is integral to an effective ELE program in which ELs become English proficient at a rapid pace. See, G.L. c. 71A, §1. Districts are expected to develop an ESL curriculum that will guide the ESL instruction and address the English language needs of the EL population at all levels.

**Instructional Equipment and Materials:** Districts must also identify and make available the materials and resources such as specialized books and equipment to implement the ELE program in the district. For instance, districts may choose to purchase ESL textbooks and/or modified course books for other core academic subjects. However, districts should note that purchased ESL textbooks alone cannot be a substitute for an ESL curriculum. Additionally, districts should develop their curriculum based on the needs and the proficiency levels of their students and take into consideration the ELE program type(s) in the district. Instructional materials provided to ELs should be equivalent to the ones provided to the other students in the district.

**Instructional Space:** Districts are required to educate ELs in appropriate facilities, comparable in all respects to the facilities provided to non-ELs.

### 3. The program succeeds when producing results indicating that students’ language barriers are actually being overcome.

It is not enough that the program be well-planned, articulated, and resourced appropriately. It must also be effective.

#### Program Evaluation

Every district in Massachusetts is expected to conduct periodic evaluations of its ELE program in developing student’s English language skills and increasing their ability to participate meaningfully in the district’s general educational program. Where the district documents that the program is not effective, it must take steps to make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation. Please see <http://www.doe.mass.edu/ell/ProgramEvaluation.pdf> .

Student performance such as progress in English language development and academic progress should be consistent with the Department’s targets that show ELs’ progress in three domains:

- **ELs’ growth in acquiring English:** Student Growth Percentiles for ACCESS (SGPAs) are calculated for each EL who took ACCESS for ELLs® for two successive years and were compared with the growth-to-proficiency target for students at that proficiency level who had attended a Massachusetts school for one through five (or more) years.

- **The number of ELs in the district who attained English proficiency:** District attainment targets are based on the statewide percentage of students who attained a score of Level 5 on ACCESS, based on the number of years in a Massachusetts school. Districts must have also met a 95% participation rate on ACCESS for ELLs® in order to meet this target number.
- **Academic achievement of ELs and former ELs as compared to their never-EL peers or Cumulative PPI:** The PPI incorporates MCAS/PARCC scores in English Language Arts (ELA), Mathematics, and Science and Technology/Engineering (STE); growth in ELA and Math; graduation rates; and dropout rates, calculated over the past four years. Cumulative PPI is weighted to give greater emphasis to the results of more recent years.

Should a district's program not indicate adequate progress, the district is required to modify its program as a result of challenges identified in the district's program evaluation or the Department's recommendations (e.g. improving ESL instruction, increasing ESL instructional time, improving sheltered content instruction, providing professional development, increasing the time dedicated to collaboration between ESL teachers and SEI teachers, etc.). The Department recommends that districts establish an ongoing evaluation system to allow designated, responsible members of the district's team to promptly identify and address concerns with its ELE program.

## Part 3: Placement and Progress Monitoring of Active ELs

### Placement of ELs

After a student is identified as an EL the school district must place the student in an English language program. G.L. c. 71A, §5 requires that students classified as ELs be educated either in a Sheltered English immersion (SEI) program or Two-Way Immersion program (TWI), unless a program waiver is sought for another ELE program model, such as Transitional Bilingual Education (TBE). The requirement to provide English language development services to ELs applies to all districts that enroll one or more EL students.

The type of program to which an EL is assigned, as well as the scheduling of the student within it must be based on the student's needs. An assessment screener will produce initial English proficiency information about a student. A more detailed profile may be developed after the the district reviews the student's previous academic records and monitors his/her progress. The program must incorporate flexibility to make adjustments in service delivery based on the additional data that will be gathered following the initial placement.

Some ELs may have a disability and qualify for special education services. This could be determined at the time of enrollment (for example, student arrives with a valid IEP) or at some point during the school year based on progress monitoring. Language development programming and special education programming are not mutually exclusive and all ELs must be afforded all supports, resources, and programming for which they are eligible. In other words, ELs are eligible for special education services if they meet IEP eligibility criteria and, conversely, students with a disability are eligible for ELE programming if they are identified as an EL.

For more information about ELE programs and about scheduling ESL, see [Part 2](#). For more information regarding program placement for ELs who are also SLIFE, see the SLIFE Guidance Document on the DESE website at [http://www.doe.mass.edu/ell/guidance\\_laws.html](http://www.doe.mass.edu/ell/guidance_laws.html)

### Monitoring Progress of ELs

The district must have an adequate system in place to screen, track, and evaluate ELs' growth in both English proficiency and academic achievement by using diagnostic, formative, interim, and summative assessments. It is necessary to provide training for staff to allow them to effectively administer and analyze the data produced by these assessments.

### Annual Summative Assessment: ACCESS for ELLs®

As noted earlier, federal and state laws require that ELs be assessed annually to measure their proficiency in reading, writing, listening, and speaking English, as well as the progress they are making learning English.

ACCESS for ELLs® is based on the WIDA English Language Development standards and administered once annually in January-February. It is a standards-based, criterion- referenced English language proficiency test designed to measure English learners' social and academic proficiency in English. It assesses social and instructional English used within the school context as well as the

language associated with language arts, mathematics, science, and social studies across the four language domains (listening, speaking, reading, and writing). The scores produced by ACCESS for ELLs® will identify which proficiency level an EL has achieved at the time of the assessment (mid-year) in each of the single domains of speaking, listening, reading, and writing and the composite areas of literacy, oral language, and overall proficiency.

For further information about ACCESS for ELLs® testing, please visit

<http://www.doe.mass.edu/mcas/access/> .

### **Interim assessments**

After students are identified as ELs, the WIDA MODEL can be used as an interim assessment up to two times a year to track English language proficiency progress throughout the year. The MODEL may only be administered twice per year, so if the MODEL was used to screen an EL, then it can only be used once more during that school year. Interim assessments are not required but can produce valuable information for educators. The district should balance the need for this type of information with the time required to administer the assessments. With a robust formative assessment system in place in the classrooms, the need for interim assessments may be reduced.

### **Formative Assessments**

Formative assessment practices are an integral component of progress monitoring. Formative assessments are not purchased tests, but rather practices that teachers employ to consistently monitor students' progress toward objectives and goals. A district should use a contingent formative assessment that is an ongoing instructional decision-making process. In other words, teachers can use the process of formative assessment to "recognize and respond to student learning, in order to enhance that learning, during the learning."<sup>18</sup> Formative assessments can provide teachers with data to drive planning and differentiation of teaching. Ongoing formative assessments accompanied by effective teacher feedback also give students a steady flow of information about their learning in relation to instructional goals. Training in formative assessment for teachers of ELs is a valuable investment.

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<sup>18</sup> Black, P. & Wiliam, D. (1998) Assessment and Classroom Learning, *Assessment in Education: Principles, Policy & Practice*, 5:1, 7-74, DOI: 10.1080/0969595980050102. <http://www.tandfonline.com/doi/citedby/10.1080/0969595980050102>

## Part 4: Reclassification and Monitoring of ELs

### Reclassification of ELs

Districts must annually assess ELs' language proficiency and academic achievement to determine whether such students are able to do regular school work in English, and to *remove* the English learner classification once ELs demonstrate the ability to do regular school work in English (G.L. c.71A § 4, 7). The process of removing a student's EL classification is also known as "reclassification". Exit from EL status is a high-stakes decision because a premature exit may place a student who still has linguistic needs at risk of academic failure, while unnecessary prolongation of EL status (particularly at the secondary level) can limit educational opportunities, lower teacher expectations, and demoralize students (see Linqianti, 2001; Callahan, 2009; Robinson, 2011). ACCESS for ELLs® is the state's language proficiency assessment, and the results of the assessment must be considered when making language classification decisions. School-based teams must also consider other relevant data to determine whether students can perform ordinary classroom work in English, and whether or not such students' EL classification should be removed. It is a violation of EEOA when districts do not exit EL students from a language acquisition program after they have acquired English proficiency<sup>19</sup>.

### ACCESS for ELLs® Results

School-based teams must review the annual ACCESS for ELLs® results when making placement or reclassification decisions for ELs. *Table 6* outlines requirements for using ACCESS for ELLs® data to maintain or remove students' EL classification.

**Table 6: Transitional language classification recommendations based on ACCESS for ELLs® results (except EL students in Kindergarten)**

<b>ACCESS for ELLs® Overall (or Composite) Score</b>	<b>Language Classification Recommendations</b>
Level 1 – <i>Entering</i> Level 2 – <i>Emerging</i> Level 3 – <i>Developing</i>	Students performing at Levels 1–3 in all or some language domains as measured by the ACCESS for ELLs® require significant support to access content area instruction delivered in English. Such students should remain classified as ELs.
Level 4 – <i>Expanding</i>	Students performing at Level 4 in all or some language domains as measured by the ACCESS for ELLs® typically require continued language and instructional support to access content area instruction delivered in English. Student at this proficiency level must still remain in the program and be provided services to reach higher levels of English proficiency.

<sup>19</sup> Please see <http://www.justice.gov/crt/about/edu/types.php>

**Level 5 – Bridging** Students performing at Level 5 in all language domains as measured by ACCESS for ELLs® may have acquired enough English language skills to be considered English proficient. These students who demonstrate the ability to perform ordinary class work in English as indicated by one or more of the measures listed on *Other Relevant Data* (described below) should no longer be classified as ELs.

Complex and varied language demands on ELs in late elementary, middle, and high school may necessitate the decision to maintain the EL classification of a student who scores at or above level 5 in all language domains. Should the student remain in the program, s/he must still be provided services appropriate for his/her English proficiency in each domain.

**Level 6 – Reaching** **By the time a student reaches Level 5.5 or greater in both reading and writing and Level 6.0 in speaking and listening, he or she should no longer be classified as EL.** Students who achieve these levels of proficiency as measured by the ACCESS for ELLs® can reasonably be considered to have achieved English language proficiency comparable to that of their English-proficient peers and can be expected to perform ordinary class work in English without specialized language supports.

### Reclassification and Early Childhood ELs (Pre-K to Grade 1)

Regardless of whether or not a student was identified as an EL in Pre-K using a district chosen screening instrument, all potential ELs in Kindergarten must be screened using a WIDA screener. If a student previously identified as an EL in Pre-K exceeds the cutoff score for identification as an EL in Kindergarten, then that student will be considered a non-EL, but must be monitored for four full school years from the time of Kindergarten screening. If at any time during the monitoring period the student begins to struggle and it is determined through a comprehensive evaluation of all data available that the student requires language support, then the student must be reclassified as an EL and the instructional programming for such a student must be redesigned consistent with this guidance.

### Other Relevant Data

In determining whether a student should be re-classified as an EL or should continue to be monitored, school-based teams must also evaluate and consider a range of evidence of the student's performance, including a review of:

- the student's scores on locally-administered reading and other academic assessments, such as DIBELS, GRADE, DRA, Terra Nova, Stanford 9, and/or other District Determined Measures (DDMs);
- the student's scores on locally-administered diagnostic language assessments;
- the student's academic grades;
- the written observations and recommendations documented by the student's classroom teachers;

- the *WIDA Performance Definitions* (Appendix D) which describe the criteria used to define performance at each WIDA proficiency level, and the *CAN DO Descriptors*<sup>[1]</sup> which provide examples of realistic expectations of ELs for each of the four language domains and five levels of English language proficiency; and
- the student's performance on MCAS/PARCC content area tests.

Unless an EL did not participate in MCAS/PARCC ELA testing because he or she: 1) is a student in kindergarten through grade 2; or 2) is a first-year EL student and was not required to participate; or 3) participated instead in the MCAS/PARCC-Alt, the most recent MCAS/PARCC ELA results should serve as a key indicator of the student's likelihood of performing ordinary class work in English. Those results should be used to support and validate the preliminary decisions made each spring about the student's instructional programming and EL classification.

It is also important to determine the level of support, if any, needed by the student during instruction in other content areas, and the degree to which scores of Warning/Failing on MCAS/PARCC mathematics and science and technology/engineering tests are the result of English language proficiency. If the student's MCAS/PARCC results provide evidence to contradict the instructional or classification decisions made earlier based on the student's ACCESS for ELLs® test results and other district data, seek additional consultation and input from ESL teachers and general education teachers familiar with the student to before making final determinations.

### **Instructional Programs for Reclassified ELs (former ELs)**

After evaluating the available student data, if the school-based team determines there is sufficient evidence of a student's English language proficiency and the ability to perform ordinary classroom work in English without significant instructional support, the team should remove the EL classification and change the student's language proficiency status in the next SIMS district report. The district must:

- remove the student's coding as LEP on the SIMS report to the Department (i.e., SIMS: *DOE025* – record 00 under "LEP"). Typically, this decision will be made before the start of the following school year, in time for the October SIMS data collection);
- notify the parent/guardian of the change in the students classification;
- update all school/district records; and
- design and implement a process for routinely monitoring the students' academic progress for four years.

### **Monitoring Progress of Reclassified ELs (former ELs)**

Districts must design a monitoring process that is based on their specific language program and other local characteristics. Such monitoring processes may include:

- regular, structured meetings between an ESL teacher and the students' sheltered content instruction teachers and/or the school-based language assessment team to discuss the student's academic progress and progress in developing English language proficiency;

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<sup>[1]</sup> Please see [https://www.wida.us/standards/CAN\\_DOs/](https://www.wida.us/standards/CAN_DOs/).

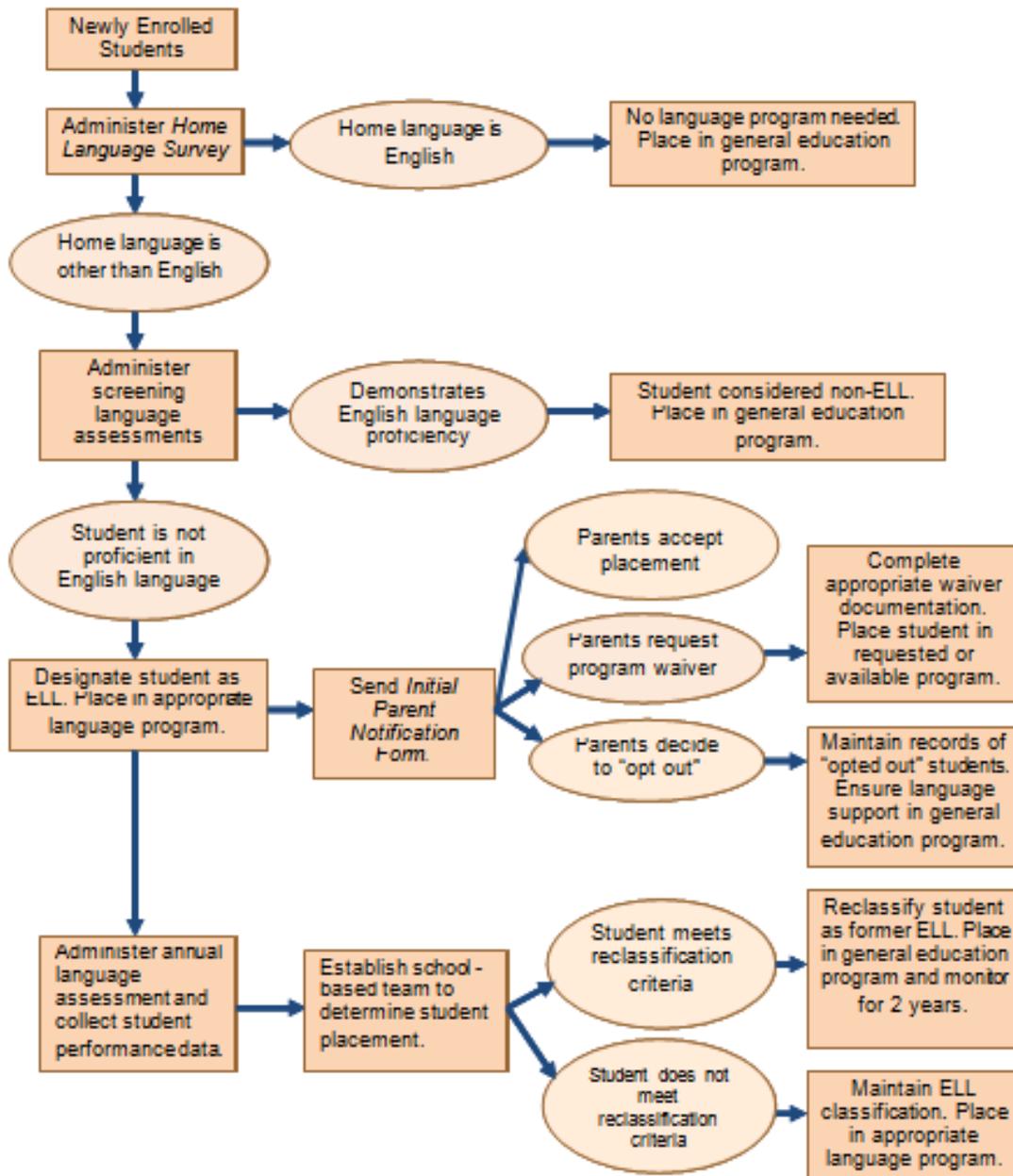
- regular observations of student participation and performance ([Appendix F](#)); and
- conversations with parents about student's academic performance and English language development.

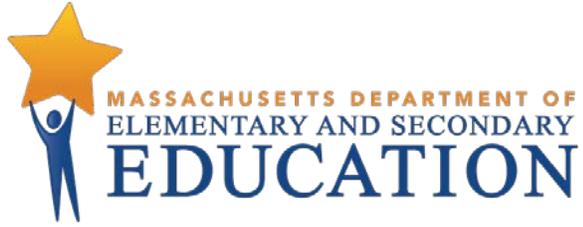
All reclassified students must be monitored for four years and be provided support if needed to progress. In addition, schools serving former ELs should consider:

- assigning reclassified students (students whose EL classification has been removed), at least initially, to SEI endorsed teachers licensed in the appropriate content area (this will enhance the likelihood of continued growth in their English language proficiency and content learning);
- providing regular, structured times during the school day or week for sheltered content area and ESL teachers to plan instruction collaboratively for reclassified EL students;
- providing additional opportunities for the student to participate in small group instruction and learning throughout the school day, as well as after school and during the summer; and
- designing and providing additional individualized learning support and opportunities to check on academic progress.

If a former EL student fails to make academic progress, as measured by his or her grades and content area assessments, after his or her EL classification has been removed, and if a school-based team familiar with the student determines that this failure is due to the lack of English proficiency, then the student must be re-classified as an EL and the instructional programming for such a student redesigned consistent with this guidance.

## Summary: Decision Guide for Language Program Processes





## Part 6: Appendices



## Appendix B: Parent Notification Form

**Name of District Public Schools**  
**School Year 2000-2000**  
**Initial / Annual Parental Notification<sup>20</sup> of**  
**English Language Education (ELE) and Title III Program Placement**

Dear Parent(s)/Guardian(s):

In order to identify students who are English learners, state and federal regulations and guidance state that school districts must assess the English language proficiency of all students whose home language is other than English. Such students must be tested in reading, writing, speaking and listening. Your child has been tested in these areas. This letter explains whether your child is eligible for an English Learner Education (ELE) program. If so, it will also explain the program your child will receive and, if applicable, the additional services your child will receive as a result of the district receiving certain federal funds (Title III). The purpose of Title III is to help ensure that limited English proficient students master English and meet the same challenging state academic achievement standards that all children are expected to meet. If your child has additional education needs that require Special Education Services, Title III programs and services shall meet the objectives of the Individualized Education Program (IEP).

**SECTION I - ELE Program Placement (complete for students assessed for English proficiency in all districts)**

The following are the results of this English language assessment(s):

Student Information			
First Name _____		Middle Name _____	Last Name _____
Current School Name _____		Grade _____	Start Date in ELE Program _____
Assessment Tool	Domain	Results	Date of Assessment
	<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> R <input type="checkbox"/> W		day / month / year
	<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> R <input type="checkbox"/> W		day / month / year
	<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> R <input type="checkbox"/> W		day / month / year
	<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> R <input type="checkbox"/> W		day / month / year
Continuing ELL Students and/or Transfer Students		Results	Date of Assessment
Speaking (ACCESS for ELLs test)			day / month / year
Listening (ACCESS for ELLs test)			day / month / year
Reading (ACCESS for ELLs test):			day / month / year
Writing (ACCESS for ELLs test)			day / month / year
MCAS (if applicable)			day / month / year

<sup>20</sup> **Note to districts:** This notification is an annual requirement, and should be sent not later than thirty days from the beginning of the school year, or, for students who have not been identified for placement in a language instruction educational program prior to the beginning of the school year, the notification must be carried out within 2 weeks of the child being placed in the program. Section I must be completed in all districts; Section I and II must be completed in all districts that receive Title III funds for students who receive Title III services.

<b>English Language Proficiency Level based on language assessment data and other measures:</b>	
<input type="checkbox"/> L1 - Entering	<input type="checkbox"/> L4 - Expanding
<input type="checkbox"/> L2 - Beginning	<input type="checkbox"/> L5 - Bridging
<input type="checkbox"/> L3 - Developing	<input type="checkbox"/> L6 - Reaching
<input type="checkbox"/> Not Enrolled in an ELE Program (Pre-K only)	
<input type="checkbox"/> Enrolled in an ELE Program: The school district proposes to place your child in the indicated program:	
<input type="checkbox"/> <b>Sheltered English Immersion Program (SEI)</b> – a program that incorporates strategies to make content area instruction more comprehensible to ELs and to promote language development. This type of instruction is based on students’ language proficiency levels. As part of the SEI program, your child is enrolled in (check all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>English as a Second Language (ESL) classes:</b> direct English language instruction focused on developing speaking, listening, reading, and writing skills in English.</li> <li><input type="checkbox"/> <b>Sheltered content instruction classes:</b> content area instruction that integrates sheltering strategies to make content comprehensible and develop content area academic language. The student receives sheltered content instruction in (check all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> Mathematics</li> <li><input type="checkbox"/> ELA</li> <li><input type="checkbox"/> Social Studies</li> <li><input type="checkbox"/> Science</li> </ul> </li> </ul>	<input type="checkbox"/> <b>Two-Way Immersion Program</b> (where available) – a program that develops students language skills in two languages (English + another language). This program includes native English speaking students and students who are native speakers of the other language.
<b>Alternate ELE Program</b> – If you believe that your child should be placed in a program other than the SEI program (if indicated above), you have the right to request a <i>waiver into</i> an alternate program. Please contact district staff for further information. You may request a specific waiver for your child to be enrolled in:	
<input type="checkbox"/> <b>Transitional Bilingual Education (TBE)</b> – a program where content instruction is initially taught in the native language of the student, and English. As the student develops English language proficiency, instruction is increasingly taught in English. This type of program is only allowed after a waiver for TBE has requested by at least 20 parents of students in the same grade level and such waiver been granted, or if the student’s school has an approved Level 4 or Level Turnaround Plan that includes a TBE program, or a Level 5 district has an approved Turnaround Plan that includes a TBE program.	
<b>Program placement and or method of instruction for student whose assessment indicates that s/he is not an English Learner (EL):</b>	
<input type="checkbox"/> <b>General Education</b> – The mainstream, general education classroom. <b>Your child was <u>not</u> found to be an English learner and therefore does <u>not</u> require a specific ELE program.</b>	

You also have the right to opt out of the language program chosen for your child, and other programs for English Learners offered by the district. Federal and state laws, however, require that the district provide your child with support so he or she can understand instruction taught in English and develop his or her English skills. This means that if you choose to opt out, your child’s teachers will support your child in the regular classroom. But if you opt out of language programs, **your child will not receive specialized English as a Second Language (ESL) instruction focused on language skills.** We think ESL instruction would help your child learn English and succeed in school, so we recommend that you allow your child to be part of our language programs. This type of instruction is especially important if your child is just beginning to learn English or struggles to understand, speak, read, or write in English. If you decide to opt out of language services for your child, please inform district staff (*add contact information here*).

**SECTION II Exit Criteria**

<p><b>Specific ELE/Title III Exit Requirements: When your child demonstrates proficiency in English, he or she will no longer be classified as an EL. Therefore, he or she will be exited from the ELE program and will not be eligible for ELE/Title III services.</b> Students who are no longer classified as <b>English Learners</b> must be monitored by the district for <b>four years</b> to ensure that they are succeeding academically. The district must provide language support services to such students and/or recommend re-entry to the ELE program, if these students struggle to meet grade-level academic expectations due to lack of English language proficiency. <b>Your child will continue to receive ELE support services until he or she meets the following criteria:</b></p>		
<input type="checkbox"/> Obtains an Overall Composite score of at least 5 on ACCESS	AND	<input type="checkbox"/> Demonstrated ability to perform ordinary classroom work in English, as indicated by: <i>(include information about other relevant data)</i>
<p>Final classification:</p> <input type="checkbox"/> The student met the criteria. He or she is no longer considered an English Learner. His or her academic performance will be monitored for four years.  <input type="checkbox"/> The student has not met the criteria. He or she is still considered an English Learner, and will be placed in the _____ program offered by the district.		
<p>Comments:</p>		

The school district staff is available to speak to you or meet with you about your child's placement and the school's ELE and/or Title III programs. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

---

Name of Instructor/Coordinator, Title  
 Telephone Contact/Email Contact

## Appendix C: G.L. c. 71A School District Program Waivers for ELs

### Requirements and Procedures

General Laws Chapter 71A requires that all children in Massachusetts public schools who are English learners be instructed through the use of sheltered English immersion during a temporary transition period not normally intended to exceed one school year, unless the student is placed in a two-way bilingual program or wishes to “opt out” and be placed in a general classroom not tailored for English learners. Kindergarten English learners shall be educated either in sheltered English immersion or English language mainstream classrooms with assistance in English language acquisition, including, but not limited to, English as a second language. English learners who wish to participate in a transitional bilingual program or receive some other type of language support may not do so unless they have received a waiver from the requirements of G.L. c. 71A.

Local schools are permitted but not required to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools are encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners acquire a good working knowledge of English and are able to do regular school work in English, they shall no longer be classified as English learners and shall be transferred to English language mainstream classrooms.

Section 5 of G.L. c. 71A provides for waivers for individual students under certain conditions if the parent or guardian **annually** applies for the waiver by visiting the student’s school and providing written informed consent. At the time of the visit, parents are to be provided with “*a full description in a language they can understand*” of the educational materials to be used in the different educational program choices and all the educational opportunities available to the student. Foreign language classes for students who already know English, two-way bilingual programs for students in kindergarten through grade 12, and special education programs for students with disabilities do not need waivers to participate in such classes or services.

The decision to issue a waiver is made by school district officials, under guidelines established by, and subject to the review of, the local school committee. The district’s guidelines may, but are not required to, contain an appeals process for parents whose waiver requests are denied by school officials. However, the final decision on waiver requests remains with the district.

Individual schools in which 20 EL students or more of a given grade level receive a waiver shall be required to offer such students classes in bilingual education or other generally recognized educational methodologies permitted by law. In all other cases, such students must be permitted to transfer to a public school in which such a class is offered.

**The circumstances under which a waiver may be applied for are as follow:**

Children who already know English: the child already possesses good English language skills, as measured by oral evaluation or standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores approximately at or above the state average for his grade level or at or above the 5th grade average, whichever is lower; or

Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's overall educational progress and rapid acquisition of basic English language skills; or

Children with special individual needs: the child already has been placed for a period of not less than thirty calendar days during that particular school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special and individual physical or psychological needs, above and beyond the child's lack of English proficiency, that an alternate course of educational study would be better suited to the child's overall educational development and rapid acquisition of English. A written description of no less than 250 words documenting these special individual needs for the specific child must be provided and permanently added to the child's official school records, and the waiver application must contain the original authorizing signatures of both the school principal and the local superintendent of schools. Waivers granted under this section cannot be applied for until after thirty calendar days of a given school year have passed, and this waiver process must be renewed each and every school year. Any such decision to issue such an individual waiver is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local school committee and ultimately the state board of education. The existence of such special individual needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

The following pages showcase sample *Program Waiver Application Forms* that districts may adapt, based on locally-established school committee guidelines.

Sample Waiver Form 1

Name of school district
School year
G.L. c.71A School District Program Waiver Application Form for English Learners
Child's level of English

A. Student information

Table with 2 columns and 5 rows for student information: Name of student, Date of birth, Student's level of English, Student's grade level, State average for student's grade level, Fifth-grade average, Date parent(s) or legal guardian(s) visited school.

B. Parent or Guardian Informed Consent

Parents or guardians must review and sign the Parent or Guardian Informed Consent Form (Attachment A). This form must be provided in a language that the parent or guardian understands. The signed Informed Consent Form should be attached to this form.

C. Determination Regarding Waiver Request

1. Waiver request approved (school officials must sign here)

Based on the Student's level of English documented above in which the child scores approximately at or above the state average for his grade level or at or above the 5th grade average, whichever is lower, the student will be placed in (describe language support services to be provided) on (date).

School principal (signature and date)

Educational staff (signature and date)

2. Waiver request denied (school officials must sign here)

Based on the Student's level of English documented above, this waiver request is denied because the student's level of English does not meet the lower of:

- State average for student's grade level
Fifth grade average

School principal (signature and date)

Educational staff (signature and date)

D. Appeals process (optional). If the waiver is denied and if the district guidelines contain an appeals process, did the parent(s) or legal guardian(s) appeal the decision? If yes, what was the final determination of the school officials? Please attach relevant documentation.

Sample Waiver Form 2 (Older Students)

Name of school district

School year

G.L. c.71A School District Program Waiver Application Form for English Learners

A. Student information

Name of student:
Date of birth:
Date parent(s) or legal guardian(s) visited school:

B. Parent or Guardian Informed Consent

Parents or guardians must review and sign the Parent or Guardian Informed Consent Form (Attachment A). This form must be provided in a language that the parent or guardian understands. The signed Informed Consent Form should be attached to this form.

C. Determination Regarding Waiver Request

1. Waiver request approved (school officials must sign here)

Based on the Student's level of English documented above, in which the child scores approximately at or above the state average for his grade level or at or above the 5th grade average, whichever is lower, the student will be placed in (describe language support services to be provided) on (date).

\_\_\_\_\_  
School principal (signature and date)

\_\_\_\_\_  
Educational staff (signature and date)

2. Waiver request denied (school officials must sign here)

Based on the Student's level of English documented above, this waiver request is denied because the student's level of English does not meet the lower of:

- State average for student's grade level
- Fifth grade average

\_\_\_\_\_  
School principal (signature and date)

\_\_\_\_\_  
Educational staff (signature and date)

D. Appeals process (optional)

If the waiver is denied and if the district guidelines contain an appeals process, did the parent(s) or legal guardian(s) appeal the decision? If yes, what was the final determination of the school officials? Please attach relevant documentation.

**Sample Waiver Form 3 (Students with a Disability)**

Name of school district

School year

**G.L. c.71A School District Program Waiver Application Form for English Learners**

**The existence of a disability shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.**

**A. Student Information**

Name of student:	Date of birth:
Date student was placed in an English language classroom:	Date parent(s) or legal guardian(s) visited school:
Date waiver applied for:	

**This waiver process must be renewed each and every school year.**

**B. Parent or Guardian Informed Consent**

Parents or guardians must review and sign the Parent or Guardian Informed Consent Form (*Attachment A*). This form must be provided in a language that the parent or guardian understands. The signed Informed Consent Form should be attached to this form.

**C. Determination Regarding Waiver Request**

**1. Waiver request approved** (school staff must sign and complete *Attachment B*)

This child has been placed in an English language classroom for not less than 30 calendar days. It is our informed belief that this child has special and individual physical or psychological needs above and beyond the child's lack of English proficiency and that an alternate course of educational study would be better suited to the child's overall education development and rapid acquisition of English. This child will be placed in (*describe educational setting to be provided*) on (*date*).

\_\_\_\_\_  
School principal (signature and date)

\_\_\_\_\_  
Educational staff (signature and date)

**2. Waiver request denied**

This child has been placed in an English language classroom for not less than 30 calendar days. It is our informed belief that this child has special and individual physical or psychological needs above and beyond the child's lack of English proficiency and that an alternate course of educational study would **not** be better suited to the child's overall education development and rapid acquisition of English.

\_\_\_\_\_  
School principal (signature and date)

\_\_\_\_\_  
Educational staff (signature and date)

**D. Appeals process (optional):** If the waiver is denied and if the district guidelines contain an appeals process, did the parent(s) or legal guardian(s) appeal the decision? If yes, what was the final determination of the school officials?

School District  
School Year

**G.L. c.71A Program Waiver**

**Parent or Legal Guardian Informed Consent Form\***

I am knowingly and voluntarily requesting that my child receive a waiver from the requirements of G.L. c.71A. I understand that if school officials grant my waiver request my child will receive bilingual instruction or some other type of language support rather than sheltered English immersion instruction. Upon my personal visit to the school, school officials provided me with a full description in a language that I understand, of the educational materials to be used in the different educational program choices and of all the educational opportunities available to my child.

For a child with special needs: I understand that the existence of special individual needs shall not compel issuance of a waiver, and I have been fully informed of my right to refuse to agree to a waiver.

Based on this information, which I have read and understood, I am requesting a program waiver for my child for the XXXX-XXXX school year. I have been fully informed of my right not to apply for or agree to a program waiver.

\_\_\_\_\_  
Child's name

\_\_\_\_\_  
Parent or Guardian signature

\_\_\_\_\_  
Parent or Guardian signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

*\*If the Parent or Legal Guardian Informed Consent Form is provided in a language other than English, attach that form to the waiver application.*



## Appendix D: WIDA Performance Definitions

### WIDA Performance Definitions Listening and Reading, Grades K-12

At each grade, toward the end of a given level of English language proficiency, and with instructional support, English learners will process...

	Discourse Dimension	Sentence Level	Word/Phrase Level
	Linguistic Complexity	Language Forms and Conventions	Vocabulary Usage
<b>Level 6 – Reaching</b> Language that meets all criteria through Level 5, Bridging			
<b>Level 5 Bridging</b>	Rich descriptive discourse with complex sentences  Cohesive and organized related ideas	Compound, complex grammatical constructions (e.g., multiple phrases and clauses)  A broad range of sentence patterns characteristic of particular content areas	Technical and abstract content-area language, including content-specific collocations  Words and expressions with shades of meaning across content areas
<b>Level 4 Expanding</b>	Connected discourse with a variety of sentences  Expanded related ideas	A variety of complex grammatical constructions  Sentence patterns characteristic of particular content areas	Specific and some technical content-area language  Words or expressions with multiple meanings across content areas
<b>Level 3 Developing</b>	Discourse with a series of extended sentences  Related ideas	Compound and some complex (e.g., noun phrase, verb phrase, prepositional phrase) grammatical constructions  Sentence patterns across content areas	Specific content language, including expressions  Words and expressions with common collocations and idioms across content areas
<b>Level 2 Emerging</b>	Multiple related simple sentences  An idea with details	Compound grammatical constructions  Repetitive phrasal and sentence patterns across content areas	General content words and expressions, including cognates  Social and instructional words and expressions across content areas
<b>Level 1 Entering</b>	Single statements or questions  An idea within words, phrases, or chunks of language	Simple grammatical constructions (e.g., commands, Wh- questions, declaratives)  Common social and instructional forms and patterns	General content-related words  Everyday social and instructional words and expressions

...within sociocultural contexts for language use.

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**WIDA Performance Definitions Speaking and Writing, Grades K-12**

At each grade, toward the end or a given level of English language proficiency, and with instructional support, English learners will produce...

	Discourse Level	Sentence Level	Word/Phrase Level
	Linguistic Complexity	Language Forms and Conventions	Vocabulary Usage
<b>Level 6 – Reaching</b> Language that meets all criteria through Level 5, Bridging			
<b>Level 5 Bridging</b>	Multiple, complex sentences  Organized, cohesive, and coherent expression of ideas	A variety of grammatical structures matched to purpose  A broad range of sentence patterns characteristic of particular content areas	Technical and abstract content-area language, including content-specific collocations  Words and expressions with shades of meaning across content areas
<b>Level 4 Expanding</b>	Short, expanded, and some complex sentences  Organized expression of ideas with emerging cohesion	A variety of grammatical structures  Sentence patterns characteristic of particular content areas	Specific and some technical content-area language  Words and expressions with expressive meaning through use of collocations and idioms across content areas
<b>Level 3 Developing</b>	Short and some expanded sentences with emerging complexity  Expanded expression of one idea or emerging expression of multiple related ideas	Repetitive grammatical structures with occasional variation  Sentence patterns across content areas	Specific content language, including cognates and expressions  Words or expressions with multiple meanings used across content areas
<b>Level 2 Emerging</b>	Phrases or short sentences  Emerging expression of ideas	Formulaic grammatical structures  Repetitive phrasal and sentence patterns across content areas	General content words and expressions  Social and instructional words and expressions across content areas
<b>Level 1 Entering</b>	Words, phrases, or chunks of language  Single words used to represent ideas	Phrase-level grammatical structures  Phrasal patterns associated with common social and instructional situations	General content-related words  Everyday social and instructional words and expressions

...within sociocultural contexts for language use.

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## Appendix E: Glossary of Key Terms

<b>Assessing Comprehension and Communication in English State-to-State for English Learners (ACCESS for ELLs®)</b>	<p>A secure, large-scale English language proficiency assessment administered annually to Kindergarten through 12th graders who have been identified as English learners (ELs). to monitor progress in acquiring academic English.</p>
<b>Curriculum</b>	<p>As referred to in this guidance, the term <i>curriculum</i> includes key instructional processes such as determining learners' needs in relationship to standards, establishing learning outcomes to address students' needs, designing and implementing learning experiences to help students achieve these outcomes, and the evaluation of learning experiences and student learning resulting from these processes<sup>21</sup>.</p>
<b>English Learner (EL)</b>	<p>A student who does not speak English or whose native language is not English, and who is not currently able to perform ordinary classroom work in English (G.L. c. 71A § 2 (d)). The federal definition adds “whose difficulties in speaking, reading, writing or understanding the English language may deny the student the ability to meet state proficiency level on state assessments...or the opportunity to participate fully in society.” (No Child Left Behind Act, Title IX, § 9101 (25)).</p> <p><i>Also known as English Learner or Limited English Proficient (LEP) student (No Child Left Behind) and English learner (G.L.c. 71A).</i></p>
<b>Ever EL</b>	<p>A student who has been an English learner. Such students include active ELs and also students who have already been reclassified.</p>
<b>Former English Learner (FEL)</b>	<p>A student who was identified as an English learner (EL, a.k.a. limited English proficient, or LEP) at some time in the prior two years but who no longer meets the State's definition of English learner.</p>
<b>Never EL</b>	<p>A student who has never been identified as an English learner. Such students include native speakers of English with no other language experience as well as students who have been screened for English proficiency using an objective measure, and have been determined to be English proficient upon initial screening. Such students have not needed and have not received English language support services.</p>
<b>Newcomer Programs</b>	<p>Newcomer programs are separate, relatively self-contained educational interventions designed to meet the academic and transitional needs of newly arrived immigrants. Typically, students</p>

<sup>21</sup> Richards, J. (2001) Curriculum Development in Language Teaching. Cambridge University Press.

	attend these programs before they enter more traditional interventions (e.g., English language development programs or mainstream classrooms with supplemental ESL instruction).
<b>Reclassification, re-designation, or exiting</b>	The process of changing an English Learners' language status after he or she has demonstrated the ability to perform ordinary classroom work in English (G.L.c.71A § 4).
<b>Rethinking Equity and Teaching for English Language Learners (RETELL)</b>	A multi-faceted state-wide initiative launched by the Massachusetts Board of Elementary and Secondary Education in 2012 to strengthen teaching and learning of English learners in Massachusetts. A core component of RETELL was the adoption of standards, inclusive of subject matter knowledge and skills, which incumbent educators of ELs and prospective educators must meet to earn a credential referred to as an <i>SEI endorsement</i> . As of July 1, 2016, a core academic teacher who is assigned to teach an EL must have an SEI Endorsement or must obtain one within a year of the assignment. Similarly, no principal/assistant principal, or supervisor/director can supervise or evaluate a core academic teacher of an EL unless the administrator holds an SEI Administrator Endorsement or will obtain one within one year of the start of the supervision or evaluation. 603 CMR 7.15(9)(b); 603 CMR 14.07(3) and (4). Other components of the RETEL initiative included the adoption of WIDA standards and assessments.
<b>Sheltered English Immersion (SEI)</b>	"Sheltered English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language. Books and instruction materials are in English and all reading, writing, and subject matter are taught in English. Although teachers may use a minimal amount of the child's native language when necessary, no subject matter shall be taught in any language other than English, and children in this program learn to read and write solely in English.
<b>Transitional Bilingual Education</b>	The goal of Transitional Bilingual Education (TBE) is for ELs to be able to achieve long-term academic success through English-medium instruction in general education classrooms. TBE programs are considered subtractive bilingual programs because instruction in the home language is phased out and the focus of instruction is over time all in English. Although the home language is used for instructional purposes, the transitional nature of the program does not actively support the further development of the students' home language. TBE programs can be initiated at any level, including middle and high school.

<p><b>Two-Way Immersion (TWI)</b></p>	<p>A Two Way Immersion (TWI) program is a dual language education model designed to promote bilingualism and biliteracy, cross-cultural competency, and high levels of academic achievement for both native English speakers and English Learners (ELs) from a single language background. TWI programs are considered additive bilingual programs because all students develop and maintain their home language while adding a second language to their repertoire. They receive the same core curriculum as all students in the state and instruction is provided through two languages throughout the program. From a program design perspective, TWI programs must begin in the early grades (PreK–K) and may continue through the secondary level.</p>
<p><b>Waiver of Requirement for SEI</b></p>	<p>A waiver, applied for by a parent, that, if granted by authorized administrator, exempts a student from participation in sheltered English immersion for one of the reasons set forth G.L. c. 71, §5, in favor of another ELE program.</p>
<p><b>WIDA English Language Development (ELD) Standards</b></p>	<p>An English language proficiency standards framework developed by the WIDA consortium and composed of five standards that represent the social, instructional, and academic language that students need to engage with peers, educators, and the curriculum in schools.</p>
<p><b>WIDA</b></p>	<p>A multi-state consortium which aims to advance academic language development and academic achievement of linguistically diverse students through high quality standards, assessments, research, and professional development for educators.</p>

## Appendix F: FEL Monitoring Form

**Name of District** Public Schools  
 School Year **2000-2000**  
 Monitoring Academic Progress of FEL Students

This FEL monitoring form is to be used for four consecutive years after students are removed from EL status and no longer require specialized ESL instruction. . In some cases, when concerns are present during FEL monitoring, the student may be reclassified as EL and re-qualify for specialized ESL instruction.

Student Name: \_\_\_\_\_ Home language: \_\_\_\_\_  
 Date Reclassified: \_\_\_\_\_ Years in U.S. Schools: \_\_\_\_\_  
 SASID: \_\_\_\_\_ DOB: \_\_\_\_\_  
 School: \_\_\_\_\_ Monitoring Year (1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup>/4<sup>th</sup>): \_\_\_\_\_

ATTENDANCE / TARDY DATA				
	Term 1	Term 2	Term 3	Term 4
<b>Attendance</b>				
<b>Tardy</b>				

ENGLISH	Test Scores					
	Academic Achievement Test:			OTHER:		
	Term 1 <input type="checkbox"/>	Term 2 <input type="checkbox"/>	Term 3 <input type="checkbox"/>	Term 4 <input type="checkbox"/>		
		RARELY	SELDOM	SOMETIMES	OFTEN	ALWAYS
	Communicates effectively in English					
	Homework completion					
	Struggles with oral expression					
	Struggles with written expression					
	Classroom participation					
	Discipline issues that interfere with his or her progress					
	Struggles with listening comprehension					
	Struggles with reading comprehension					

<b>MATH</b>	<b>Test Scores</b>					
	<b>Academic Achievement Test:</b>			<b>OTHER:</b>		
	<b>Term 1</b> <input type="checkbox"/>	<b>Term 2</b> <input type="checkbox"/>	<b>Term 3</b> <input type="checkbox"/>	<b>Term 4</b> <input type="checkbox"/>		
		<b>RARELY</b>	<b>SELDOM</b>	<b>SOMETIMES</b>	<b>OFTEN</b>	<b>ALWAYS</b>
	Communicates effectively in English					
	Homework completion					
	Struggles with oral expression					
	Struggles with written expression					
	Classroom participation					
	Discipline issues that interfere with his or her progress					
Struggles with oral comprehension						
Struggles with reading comprehension						

<b>SCIENCE</b>	<b>Test Scores</b>					
	<b>Academic Achievement Test:</b>			<b>OTHER:</b>		
	<b>Term 1</b> <input type="checkbox"/>	<b>Term 2</b> <input type="checkbox"/>	<b>Term 3</b> <input type="checkbox"/>	<b>Term 4</b> <input type="checkbox"/>		
		<b>RARELY</b>	<b>SELDOM</b>	<b>SOMETIMES</b>	<b>OFTEN</b>	<b>ALWAYS</b>
	Communicates effectively in English					
	Homework completion					
	Struggles with oral expression					
	Struggles with written expression					
	Classroom participation					
	Discipline issues that interfere with his or her progress					
Struggles with oral comprehension						
Struggles with reading comprehension						

<b>SOCIAL STUDIES</b>	<b>Test Scores</b>					
	<b>Academic Achievement Test:</b>			<b>OTHER:</b>		
	<b>Term 1</b> <input type="checkbox"/>	<b>Term 2</b> <input type="checkbox"/>	<b>Term 3</b> <input type="checkbox"/>	<b>Term 4</b> <input type="checkbox"/>		
		<b>RARELY</b>	<b>SELDOM</b>	<b>SOMETIMES</b>	<b>OFTEN</b>	<b>ALWAYS</b>
	Communicates effectively in English					
	Homework completion					
	Struggles with oral expression					
	Struggles with written expression					
	Classroom participation					
	Discipline issues that interfere with his or her progress					
Struggles with oral comprehension						
Struggles with reading comprehension						

**Please, check the one that applies:**

- At a meeting on (date) \_\_\_\_\_ the Language Acquisition Team reviewed the student’s performance and concluded that he/she meets grade level academic standards.
- At a meeting on (date) \_\_\_\_\_ the Language Acquisition Team reviewed the student’s performance and concluded that language proficiency **IS NOT** a significant reason the student is not meeting grade level academic standards. Student was/ will be referred to Student Support Team on (date) \_\_\_\_\_.
- At a meeting on (date) \_\_\_\_\_ the Language Acquisition Team reviewed the student’s performance and concluded that language proficiency **IS** a significant barrier preventing the student from meeting grade level academic standards.

**Action Steps (check all that apply)**

- **Restore EL status**
- **After school tutoring**
- **Daytime pull-out for remediation**
- **Parent communication**
- **Summer school**
- **Other (please, explain)**

Date: \_\_\_\_\_

Team members: \_\_\_\_\_

Signatures: \_\_\_\_\_

## Appendix G: Opt out Monitoring Form

Name of District Public Schools

School Year 2000-2000

### MONITORING ACADEMIC PROGRESS OF OPT-OUT STUDENTS

Federal law establishes a district’s obligation to provide EL students with meaningful access to the educational program. When a parent declines participation in a formal language instruction program, the district must continue monitoring the educational progress of the student to ensure that the student has an equal opportunity to have his or her English language and academic needs met.

Student Name: \_\_\_\_\_

Home language: \_\_\_\_\_

Opt-out Date: \_\_\_\_\_

Years in U.S. Schools: \_\_\_\_\_

SASID: \_\_\_\_\_

DOB: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

ATTENDANCE / TARDY DATA				
	Term 1	Term 2	Term 3	Term 4
Attendance				
Tardy				

ENGLISH	Test Scores					
	MCAS:	ACCESS:	OTHER:			
		Term 1 <input type="checkbox"/>	Term 2 <input type="checkbox"/>	Term 3 <input type="checkbox"/>	Term 4 <input type="checkbox"/>	
			RARELY	SELDOM	SOMETIMES	OFTEN
	Communicates effectively in English					
	Homework completion					
	Struggles with oral expression					
	Struggles with written expression					
	Classroom participation					
	Discipline issues that interfere with his or her progress					
	Struggles with oral comprehension					
	Struggles with reading comprehension					

<b>MATH</b>	<b>Test Scores</b>					
	<b>MCAS:</b>			<b>OTHER:</b>		
	<b>Term 1</b> <input type="checkbox"/>		<b>Term 2</b> <input type="checkbox"/>		<b>Term 3</b> <input type="checkbox"/>	
	<b>Term 4</b> <input type="checkbox"/>		<b>Term 3</b> <input type="checkbox"/>		<b>Term 4</b> <input type="checkbox"/>	
			<b>RARELY</b>	<b>SELDOM</b>	<b>SOMETIMES</b>	<b>OFTEN</b>
	Communicates effectively in English					
	Homework completion					
	Struggles with oral expression					
	Struggles with written expression					
	Classroom participation					
Discipline issues that interfere with his or her progress						
Struggles with oral comprehension						
Struggles with reading comprehension						

<b>SCIENCE</b>	<b>Test Scores</b>					
	<b>MCAS:</b>			<b>OTHER:</b>		
	<b>Term 1</b> <input type="checkbox"/>		<b>Term 2</b> <input type="checkbox"/>		<b>Term 3</b> <input type="checkbox"/>	
	<b>Term 4</b> <input type="checkbox"/>		<b>Term 3</b> <input type="checkbox"/>		<b>Term 4</b> <input type="checkbox"/>	
			<b>RARELY</b>	<b>SELDOM</b>	<b>SOMETIMES</b>	<b>OFTEN</b>
	Communicates effectively in English					
	Homework completion					
	Struggles with oral expression					
	Struggles with written expression					
	Classroom participation					
Discipline issues that interfere with his or her progress						
Struggles with oral comprehension						
Struggles with reading comprehension						

<b>SOCIAL STUDIES</b>	<b>Test Scores</b>					
	<b>MCAS:</b>		<b>OTHER:</b>			
	<b>Term 1</b> <input type="checkbox"/>		<b>Term 2</b> <input type="checkbox"/>		<b>Term 3</b> <input type="checkbox"/>	
					<b>Term 4</b> <input type="checkbox"/>	
			<b>RARELY</b>	<b>SELDOM</b>	<b>SOMETIMES</b>	<b>OFTEN</b>
	Communicates effectively in English					
	Homework completion					
	Struggles with oral expression					
	Struggles with written expression					
	Classroom participation					
Discipline issues that interfere with his or her progress						
Struggles with oral comprehension						
Struggles with reading comprehension						

**Please, check the one that applies:**

- At a meeting on (date) \_\_\_\_\_ the Language Acquisition Team reviewed the student’s performance and concluded that he/she meets grade level academic standards.
- At a meeting on (date) \_\_\_\_\_ the Language Acquisition Team reviewed the student’s performance and concluded that language proficiency **IS NOT** a significant reason the student is not meeting grade level academic standards. Student was/ will be referred to Student Support Team on (date) \_\_\_\_\_.
- At a meeting on (date) \_\_\_\_\_ the Language Acquisition Team reviewed the student’s performance and concluded that language proficiency **IS** a significant barrier preventing the student from meeting grade level academic standards.

**Action Steps (check all that apply)**

- English language support**
- After school tutoring**
- Core academic tutoring**
- Parent communication**
- Summer school**
- Other (Please, explain)**

Date: \_\_\_\_\_

Team members: \_\_\_\_\_

Signatures: \_\_\_\_\_

## Appendix H: ELE Program Folder Checklist

Name of District Public Schools  
ELE Program Folder Checklist

STUDENT NAME:

SASID:

DATE OF BIRTH:

SCHOOL:

SCHOOL YEAR					
GRADE					
STUDENT SCHEDULE					
HOME LANGUAGE SURVEY					
MCAS/PARCC RESULTS					
ACCESS SCORES					
PARENT NOTIFICATION FORM					
ESL PROGRESS REPORT(S) FALL					
ESL PROGRESS REPORT (S) SPRING					
REPORT CARD(S)					
WAIVER FORM (IF APPLICABLE)					
OPT-OUT FORM (IF APPLICABLE)					
END OF THE YEAR TEAM MEETING DECISIONS					
FOLLOW-UP MONITORING (IF APPLICABLE)					
PREVIOUS SCHOOL EXPERIENCE					
INDIVIDUALIZED LEARNING PLANS (OPTIONAL)					



## Other Relevant Data

School-based teams must also evaluate and consider a range of evidence of the student's performance, including a review of:

- the student's scores on locally-administered reading and other academic assessments, such as DIBELS, GRADE, DRA, Terra Nova, Stanford 9, and/or other District Determined Measures (DDMs);
- the student's scores on locally-administered diagnostic language assessments;
- the student's academic grades;
- the written observations and recommendations documented by the student's classroom teachers;
- the *WIDA Performance Definitions* (Appendix E) which describe the criteria used to define performance at each WIDA proficiency level, and the *CAN DO Descriptors* (Appendix F), which provide examples of realistic expectations of ELs for each of the four language domains and five levels of English language proficiency; and
- the student's performance on MCAS content area tests.

# ESL INSTRUCTION

The goal of English as a Second Language (ESL) instruction in Massachusetts public schools is to advance language development and to promote academic achievement. English language proficiency includes *social and academic* language in listening, speaking, reading, and writing<sup>22</sup>. ESL instruction provides systematic, explicit, and sustained language instruction, and prepares students for general education by focusing on academic language.<sup>23</sup> Effective ESL instruction supports student success in school, including improvement of ACCESS scores and acceleration of academic achievement. Effective ESL instruction also supports long term goals such as college and career readiness. ESL instruction, with its own dedicated time and curriculum, is a required component of any program serving ELs (SEI, TBE, Two-Way Bilingual, etc.).

ESL is its own subject matter. The subject matter knowledge required of ESL teachers is outlined in [603 CMR 7.00](#). The ESL curriculum is aligned to [WIDA](#) and to the [Massachusetts Curriculum Frameworks](#). ESL is based on the research, theory, and pedagogy of second language acquisition within the context of the Massachusetts Curriculum Frameworks. ESL is language driven, but general education content is the vehicle for language development within a sociocultural context. Language functions and forms are taught within rich, contextualized, and meaningful circumstances.

Although ESL teachers must be knowledgeable about the academic language across disciplines, they are not expected to be multi-disciplinarians (Walquí 2014).<sup>24</sup> The ESL teacher cannot be expected to be an expert in all content areas and the full range of their corresponding content-specific academic language practices, just as SEI teachers are not expected to teach the full range of English language development subject matter. Therefore, the ESL teacher should focus on the academic language, academic habits of thinking (i.e. use evidence to support claims, question evidence, etc.), analytic practices, and standards that support students across all content areas.

The language development of ELL students is the responsibility of both ESL and general education teachers. ESL teachers, in collaboration with other content teachers, should continue to develop awareness of the language ELLs need to be able to process and produce in general education classes to reach high levels of performance. Likewise, general education teachers need to develop awareness and strategies to support the disciplinary language needs of ELL students.

Gaining proficiency in the academic language of American schools requires more than linguistic knowledge. Teachers, therefore, must also consider cultural knowledge and ways of being, interacting, negotiating, speaking, listening, reading, and writing as connected to cultural and social roles.

Considerations must be made for **special populations** (examples: newcomers, [SLIFE](#), SPED, long-term ELLs, gifted, etc.).<sup>25</sup>

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<sup>22</sup> [WIDA Standards](#) 1-5: Social and Instructional Language; The Language of Language Arts; The Language of Mathematics; The Language of Science; The Language of Social Studies.

<sup>23</sup> Although research on academic language for ELLs in K-12 settings is incomplete, for the purposes of our context we are defining academic language as the language one needs to succeed in general education classrooms. For “A Review of the Literature on Academic English: Implications for K-12 English Language Learners,” see [http://www.ceee.gwu.edu/Academic%20Lit%20Review\\_FINAL.pdf](http://www.ceee.gwu.edu/Academic%20Lit%20Review_FINAL.pdf).

<sup>24</sup> Linqanti, R: “[English Language Learners Need New Pedagogy to Meet the Latest Standards](#)” [TESOL Webinar: Changes in the Expertise of ESL Professionals in the Era of New Standards](#),” with Guadalupe Valdés, Amanda K. Kibler, and Aída Walquí., June 18, 2014

<sup>25</sup> Please see additional guidance for SLIFE and students with disabilities at <http://www.doe.mass.edu/ell/resources.html>

**Note for newcomers:** “for students at the earliest levels of English language proficiency, curricula must clearly be different. They should ... move students as quickly as possible forward and toward the analytical tasks that are inside of our standards and outlined in the frameworks...” (Kibler 2014). Furthermore, for students who are just beginning to learn a language, everyday language becomes the basis for academic language. However, teachers must simultaneously guide students towards the skills, knowledge, and analytic practices embedded in the Frameworks. Language forms and functions should still be taught in a contextualized, rich, and meaningful manner.

ESL uses multiple forms of assessment to gather evidence of students’ achievement towards standards that focus on speaking, listening, reading, and writing. Any other content (science, math, social studies, etc.) that becomes part of a language assessment is incidental, and purely provides the context for language development. For example, a teacher who holds an ESL license can design assessments that measure the academic *language* of the content areas, but should not assess the *content* of science, math, ELA, or other areas that require their own licenses.

## Appendix K: Integration Of Castañeda's Three-Pronged Test Into Ele Program Review Process

### Introduction

The Commonwealth of Massachusetts recognizes the following ELE programs as sound: Sheltered English Immersion (SEI), Two-Way Immersion (TWI) and Transitional Bilingual Education (TBE) programs. A program waiver is required to attend a program other than the state mandated Sheltered English Immersion or Two-Way Immersion Programs.

The type of educational program and approaches that the district should implement for ELs depend greatly on the EL population enrolled in that district. Therefore, a comprehensive analysis of the EL population within the district must be completed in order to determine the type of program that the district will design and utilize. Once the EL population and their needs are well understood, the district should determine/define the type of program(s) that it employs for its ELs.

ELE programming requires consideration of various district-specific data. Please ensure that the focus areas listed in this document for SEI, TWI and TBE are captured along with evaluation of such data/information gathered from:

- District/Community Needs Assessment
- Demographic study & other comprehensive data collection: community and district.
  - What is the breakdown of languages spoken by ELs in the district?
  - What is the breakdown of the ELs' English proficiency levels by grade or grade cluster?
  - What is the breakdown of ELs by grade or grade cluster? Are ELs concentrated at certain grades/grade clusters?
  - What are the trends in EL enrollment (number, language, grade, etc)?
  - How many SLIFE are enrolled in the district? Are they concentrated at particular grades/grade clusters?
  - How many ELs with disabilities are enrolled in the district? Are they concentrated at particular grades/grade clusters?
- Program Vision
- Educational theory / theory of action
- Objectives and Desired Outcomes
- SMART plan to achieve objectives and outcomes
- Plan to meet goals embodied in the instructional vision: curricular planning and plan for delivery of instruction

## Castañeda’s Three Pronged Test

Please respond to the following prompts. Your answers should reflect **current** practice in the district.

### I. The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy.

1. Describe **in detail** the district’s ELE program and how it is implemented in the district considering the EL population being served. To determine whether the district’s program is educationally sound, refer to the “*Focus Areas of Educationally Sound ELE Program*” section listed immediately following the Castañeda’s Three Pronged Test prompts. If the educational program chosen by the district is not one of the programs recognized by the Commonwealth as a sound educational program (SEI, TWI, TBE), submit evidence, including research, of how the district’s ELE program is accepted as a legitimate approach by experts in the field to ensure that ELs acquire English language proficiency and are provided meaningful access to the educational program and the district’s process in obtaining a waiver for such a program if it is not SEI or TWI.
  
2. Please respond to prompts a-d in order to demonstrate how the district provides ESL instruction, with its own dedicated time and curriculum since it is a required component of **any** program serving ELs (SEI, TBE, TWI, etc.):
  - a) Please describe the methodology and the setting (pull-out, push-in, co-teaching etc.) the district will use to provide students with ESL instruction.
  - b) Please explain how this methodology and the setting will promote the rapid acquisition of English language as described in G.L. c. 71A.
  - c) Please submit evidence of systematic English language development occurring during the time dedicated to ESL such as unit plans or an ESL curriculum that is being used for the ESL instruction and/or lesson plans that ESL teachers use for ESL instruction.
  - d) Please include the targeted amount of dedicated ESL instruction (in minutes per week) the district will provide to ELs based on the students’ WIDA proficiency levels.

Elementary	Level 1	Level 2	Level 3	Level 4	Level 5
Targeted ESL Instruction					

Middle School	Level 1	Level 2	Level 3	Level 4	Level 5
Targeted ESL Instruction					

High School	Level 1	Level 2	Level 3	Level 4	Level 5
Targeted ESL Instruction					

3. Explain how the district will ensure that ELs can meaningfully participate in the academic and special programs (e.g., history, science, social studies, music, vocational education, etc.) offered by the district. (For example, are all of the district’s core academic teachers who are teaching ELs SEI endorsed or are there any non-licensed teachers or paraprofessionals employed in the district assigned to work with ELs or provide ESL instruction?)
4. Explain how the district develops ways to include parents of ELs in matters pertaining to their children’s education and ELE programs.

**II. The program and practices used by the district are reasonably calculated to implement effectively the educational theory adopted by the district.**

5. Describe the settings/locations where ESL instruction will be delivered for different ELE programs and instructional methods that the district described in 1-3 and discuss if these locations are comparable to the classrooms of non-ELs in the school/district.
6. Explain how the district identified the appropriate number and categories of the instructional staff who will conduct the district's ELE program (e.g., qualified ESL and SEI teachers, interpreters, translators, community liaisons, teaching assistants, and other categories of support staff). Please, include the appropriate student-teacher and student-support staff ratio to provide services consistent with program objectives.
7. Core academic teachers who are assigned to provide sheltered English instruction to an English learner shall either hold an SEI Teacher Endorsement, or is required to earn such endorsement within one year from the date of the assignment. Administrators who shall supervise or evaluate core academic teachers who provide sheltered English instruction shall hold an SEI Teacher Endorsement or SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation. Please, provide information about the qualifications of the instructional and administrative staff assigned to implement the ELE program. For example, teachers must have educational expertise consistent with state and local standards to meet the goals of the EL program model. If they are responsible for subject matter instruction as well as English language development, they need to be licensed in both areas of responsibility.
8. Provide information about the materials provided to ELs by both the content teachers and the ESL teachers in the district and discuss how they are comparable to the ones available to non-ELs.
9. Submit evidence that the ESL and content curricula used in the district integrate WIDA English Language Development (ELD) Standards and the 2011 Massachusetts Curriculum Frameworks.

10. Explain how the district utilizes WIDA’s *Essential Actions for Academic Language Success* in implementing English language development standards. Please see <https://www.wida.us/get.aspx?id=712> .

11. Explain how the district ensures that all ELs have access to support services such as guidance and counseling and to academic opportunities such as Gifted and Talented, Advanced Placement, Special Education programs, etc.

**III. The program succeeds when producing results indicating that students’ language barriers are actually being overcome within a reasonable period of time.**

12. Submit the district’s ELE program evaluation document(s). See the provided “Program Evaluation” form at <http://www.doe.mass.edu/ell/ProgramEvaluation.pdf> .

13. Explain the success of the district’s ELE program(s) in meeting the target numbers below:

- Growth Target
- Proficiency Attainment Target
- Academic Achievement Target

14. Submit an analysis of the information collected by the district to determine how and why strengths and challenges exist in helping ELs acquire English language proficiency and achieve academic success (not necessary if submitted with the program evaluation).

15. Provide the district’s plan that explains what procedural and program modifications will be undertaken to address the specific concerns identified in the program evaluation.

## **FOCUS AREAS OF EDUCATIONALLY SOUND ELE PROGRAMS (SEI, TWI, TBE)**

### **SEI**

1. The language of instruction is English.
2. The program offers ELs grade-level content taught by SEI-endorsed core academic teachers using SEI knowledge and strategies to support access to the academic content and promote the development of academic English in all domains. Please see SEI Smart Card.
3. The program targets:
  - providing developmentally appropriate English language instruction tailored for students' level of English proficiency;
  - providing effective content instruction while developing English language proficiency;
  - developing and maintaining a positive attitude toward the native culture and that of the majority group.
4. ESL instruction is based on a language-driven ESL curriculum that is aligned to the WIDA and Massachusetts Frameworks.
5. The focus of instruction in the ESL class is at the same level of rigor as the general education program.
6. The use of sound, research-based techniques is central to the instructional program.
7. There is a system in place to accomplish ongoing language proficiency progress monitoring.
8. Building administration maintains a supportive school-wide climate and supervise teachers and students to ensure quality implementation and improvement.
9. The program provides a rich language environment where all students have the opportunity to learn academic English through scaffolded instruction.
10. The program has qualified personnel and resources.
11. Staff development for teachers and administrators includes ways of addressing and altering power relationships in the school: socio-political issues of diversity, difference, ethnicity, equity, bias, power struggles, and/or views about students of cultural and linguistic diversity.
12. ESL teachers are part of learning communities at the school that can be used to enhance agency and capacity for maintaining/improving the program.
13. The program is designed and implemented in such a way as to ensure that students can be placed appropriately, based on language proficiency, in order to effectively attain English proficiency in a timely manner.
14. ESL and content teachers are given adequate and structured time to collaborate.

### **TWO-WAY IMMERSION<sup>26</sup>**

1. The program targets:
  - developing high levels of proficiency in the student's first language;
  - developing high levels of proficiency in a second language;

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<sup>26</sup> Please see <http://www.doe.mass.edu/ell/TWI-TBE-Guidance.pdf> for more information.

- developing academic performance for both groups of students that will be at or above grade level; and
  - demonstrating positive cross-cultural attitudes and behaviors.
2. The program includes fairly equal numbers of two groups of students: language majority students and language minority students. So in addition to ELs, TWI programs also enroll a variety of non-EL groups, including:
    - those who speak the partner language at home;
    - those who speak the partner language but also speak English proficiently;
    - those who are exposed to a heritage language through their families or communities; and
    - monolingual English speakers who speak different varieties of English;
    - third-language learners are also included in some programs.
  3. The program distributes instruction in each language.
  4. The program is integrated, meaning that the language majority students and language minority students are grouped together for academic instruction (i.e. not just physical education and music) for all or most of the day.
  5. The program provides core academic instruction (i.e., content and literacy courses) to both groups of students in both languages.
  6. Teachers use the minority language exclusively during instructional time in the minority language, and English exclusively during instructional time in English; this is considered bridging. The Bridge is the instructional moment when, after students have learned a concept well in the language of instruction, the teacher strategically and purposefully brings the two languages together to transfer content from one language to the other and to engage the students in contrastive analysis of the two languages. After the Bridge, extension activities in the other language allow students to use and apply the new labels. The Bridge is an effective instructional strategy for teaching for biliteracy.
  7. Students have the opportunity to be fully immersed in each language and have a strong reason to function in each language
  8. Optimal language input (input that is comprehensible, interesting, and of sufficient quantity) as well as opportunities for output provided to students, include quality language arts instruction in both languages.
  9. The program provides an additive bilingual environment where all students have the opportunity to learn a second language while continuing to develop their native language proficiency.
  10. Classrooms include a balance of students from the target language and English backgrounds who participate in instructional activities together.
  11. ESL instruction is a part of the district's TWI program for EL students. In addition to ESL, programs will also have language development for the target language. TWI programs may offer targeted ELD (English Language Development) or SLD (Spanish Language Development) during specific times of the day or week. These may occur in homogeneous or heterogeneous groupings and may occur in the classroom or in a separate setting with a designated teacher. In a 90/10 model, ELD must be explicitly developed through academic content.
  12. ESL instruction is based on a language-driven ESL curriculum that is aligned to the WIDA and Massachusetts Frameworks.
  13. There is a system in place to accomplish ongoing language proficiency progress monitoring in both languages.
  14. Building administration maintains a supportive school-wide climate and supervises teachers and students to ensure quality implementation and improvement. Climate reflects equal value to both languages and promotes status of minority language.
  15. The program provides a rich language environment where all students have the opportunity to learn academic language through scaffolded instruction.

16. The program has qualified/certified personnel and resources. Teachers in TWI programs must possess knowledge of the subject matter, curriculum, instructional strategies, methods of differentiation, and assessment. In addition, in TWI programs teachers require additional knowledge, skills, and competencies. These include an understanding of bilingual and second language acquisition theory, language teaching strategies, and culturally responsive practices.
17. Staff development for teachers and administrators includes ways of addressing and altering power relationships in the school: socio-political issues of diversity, difference, ethnicity, equity, bias, power struggles, and/or views about students of cultural and linguistic diversity.

## **TRANSITIONAL BILINGUAL EDUCATION (TBE)<sup>27</sup>**

1. The program targets to:
  3. develop English skills without delaying or sacrificing content courses;
  4. develop grade-appropriate levels of achievement in all subjects;
  5. develop a positive attitude toward the native culture and that of the majority group; and
  6. prepare students to enter mainstream English-only classrooms. Student characteristics that inform the pathway designation for students are prior schooling, background knowledge, and evidence of traumatic experiences.

The closer the student's prior experiences and background knowledge align with the academic and cultural expectations of U.S. schools, the more likely it is that they can move through the program at a more rapid pace.
2. The program utilizes literacy in the native language as a foundation for English reading and writing. The native language is used initially for students to learn academic content. Content instruction begins in the home language, which is gradually phased out until students are able to successfully achieve in classrooms where the language of instruction is English. The amount of time used for content instruction in the home language and English in the TBE program varies according to the students' English language proficiency and grade levels. This shift in language of instruction continues for the student until the home language instruction is phased out.
3. The instruction in the minority language gradually decreases for the favor of the instruction in English until ELs are mainstreamed and/or exited. Content instruction begins in the home language, which is gradually phased out until students are able to successfully achieve in classrooms where the language of instruction is English. The amount of time used for content instruction in the home language and English in the TBE program varies according to the students' English language proficiency and grade levels. This shift in language of instruction continues for the student until the home language instruction is phased out.
4. The instructional program created through a comprehensive balanced curriculum: interdisciplinary language learning through all the content areas.
5. ESL instruction is a part of the district's TBE program.
6. ESL is based on a language-driven ESL curriculum that is aligned to the WIDA and Massachusetts Frameworks.
7. The use of sound, research-based techniques is central to the instructional program.
8. There is a system in place to accomplish ongoing language proficiency progress monitoring in both languages.
9. Building administration maintains a supportive school-wide climate and supervise teachers and students to ensure quality implementation and improvement. Students may enter the program at any and multiple grade levels. The student population may constantly change; therefore the program structure needs to be flexible. The program must monitor and respond to the varying language

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<sup>27</sup> Please see <http://www.doe.mass.edu/ell/TWI-TBE-Guidance.pdf> for more information.

development needs for instructional planning and in particular, for planning for the integration with students in the general education classroom.

10. The program provides a rich language environment where all students have the opportunity to learn academic English through scaffolded instruction.
11. The program has qualified personnel and resources.
12. Staff development for teachers and administrators includes ways of addressing and altering power relationships in the school: socio-political issues of diversity, difference, ethnicity, equity, bias, power struggles, and/or views about students of cultural and linguistic diversity.

## Appendix L: Rubric For Castañeda’s Three-Pronged Test

The program and the practices in the district promote a rapid acquisition of English language as described in G.L. c. 71A. The checklist below will be used both by the district and the Department to determine the effectiveness of the district’s ELE program and the compliance with the ELE criteria below:

- ELE 5: PROGRAM PLACEMENT AND STRUCTURE
- ELE 9: INSTRUCTIONAL GROUPING
- ELE 14: LICENSURE REQUIREMENTS
- ELE 15: PROFESSIONAL DEVELOPMENT
- ELE 16: EQUITABLE FACILITIES
- ELE 17: PROGRAM EVALUATION

I. The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy.

CRITERIA	Yes/No
The district has a clearly articulated, educationally sound program that addresses the needs of the ELLs in the district. ( Please, see “Elements of an Educationally Sound ELE Program”	

II. The program and practices used by the district are reasonably calculated to implement effectively the educational theory adopted by the district.

CRITERIA	Yes/No
The district identified the number and categories of instructional staff to ensure that the ELE program is appropriately implemented in the district.	
All staff providing ESL and/or content instruction to ELLs are licensed in the subject area they are teaching.	
The district has an <i>ESL curriculum</i> that is aligned to WIDA ELD Standards and 2011 Massachusetts Curriculum Frameworks.	
There is clear evidence, such as through lesson plans and units that the district’s content curricula incorporate WIDA standards and RETELL strategies and are aligned to 2011 Massachusetts Curriculum Framework.	

ELLs are provided facilities, materials and services equitable to overall student population.	
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- III. The program succeeds when producing results indicating that students' language barriers are actually being overcome within a reasonable period of time.

CRITERIA	Yes/No
The district conducts periodic evaluations of the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program. Please see <a href="http://www.doe.mass.edu/ell/ProgramEvaluation.pdf">http://www.doe.mass.edu/ell/ProgramEvaluation.pdf</a>	
The student progress in English language development is consistent with the Department's goals. Please see the "Guidance on Identification, Assessment, Placement, and Reclassification of English Language" document at <a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a>	
The student progress in academics is consistent with the Department's goals. Please see the "Guidance on Identification, Assessment, Placement, and Reclassification of English Language" document at <a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a>	
The district has identified its strengths and challenges in ensuring ELLs acquire English language proficiency and achieve academic success as a part of its program evaluation.	
The district has a plan to address the specific concerns identified while promoting the overall success of the program.	

## Appendix M: OPT-OUT Form

Name of District Public Schools

School Year 2000-2000

OPT-OUT FORM

Student Name: \_\_\_\_\_

Home language: \_\_\_\_\_

Opt-out Date: \_\_\_\_\_

Years in U.S. Schools: \_\_\_\_\_

SASID: \_\_\_\_\_

DOB: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

As required by federal law, my child has taken an English language proficiency test (W-APT, WIDA ACCESS, or WIDA MODEL). My child has been tested in reading, writing, speaking and listening and the test scores indicate that s/he is eligible for an English Learner Education (ELE) program to receive ESL instruction in a program designed to help students acquire English language proficiency and access grade level content instruction. I have considered the options offered by the district and have chosen to decline specialized ESL instruction. I understand that my decision to opt-out of specialized ESL instruction will not affect the requirements the district needs to follow in order to comply with the state and federal laws. I understand that:

1. As per this request, my child will not receive specialized ESL instruction delivered by an ESL licensed teacher.
2. My refusal of the specialized ESL instruction provided by an ESL licensed teacher does not release the district from its obligation to ensure that my child has access to the educational program by providing the necessary support in SEI classes taught by an SEI endorsed teacher.
3. The school district will report my child to *Student Management Information System* (SIMS) as an English Learner (EL) until my child attains English proficiency.
4. As long as my child is enrolled in Massachusetts public schools, s/he will be tested annually with ACCESS until s/he attains English proficiency.
5. As long as my child is enrolled in Massachusetts public schools, the school district will monitor my child's academic progress without benefit of receiving specialized ESL instruction until my child attains English proficiency, and four years after.
6. The school district will continue to inform me of my child's progress in attaining English proficiency.
7. I can change my preference at any time by notifying the school district in writing.

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

Date: \_\_\_\_\_

## Appendix N: Program Evaluation Form

# District ELE Program Evaluation SY 20\_\_-20\_\_

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LEA Number	District (LEA) Name	Superintendent Name
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District (LEA) Address	City	Zip Code	Telephone Number
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EL Director	Telephone Number	E-mail address
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The obligation of schools to serve English learners (ELs) is well-documented by numerous federal guidance resources, regulations, and Supreme Court cases. Of these, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance. Section 1703(f) of the Equal Education Opportunities Act of 1974, (EEOA), prohibits educational agencies from denying equal educational opportunity to students by failing to take appropriate action to overcome language barriers that impede equal participation in its instructional programs. In 1981, the Fifth Circuit Court decided in *Castañeda v Pickard*, that districts must meet a three-pronged test to evaluate the adequacy of a district's program for ELs: (1) is the program based on sound educational theory recognized by experts in the field or considered by experts as a legitimate experimental strategy; (2) are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively; and (3) does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome? [648 F.2d 989 (5th Cir., 1981)] In an effort to provide districts with support to meet this requirement, the Department of Elementary and Secondary Education makes this template available for district use.

The first step in the program evaluation is establishing a team. In order to properly evaluate the services and resources available to ELs and staff, there needs to be wide and varied representation of many different points of view and levels of expertise and authority. The team should function as a unit with the single goal of improving the ELE program and service to ELs and support of the staff that interact with them. In order for the team to have all of the information it needs, the Gathering Data section is intended to guide districts in determining what information should be considered. It is important to gather and review as much data as possible before making any determinations about program effectiveness. There may be places or areas that significantly affect the program that are surprising, overlooked or misinterpreted prior to analysis. In the Analyzing the Data section the team will have an opportunity to evaluate whether areas that were thought to be effective in fact are, or whether there are any areas of focus that were previously unrealized. An objective and thorough analysis of the data will provide the district with a realistic view of the areas of strength (Analyze the Data, Part A) and challenge (Analyze the Data, Part B). After the data have been analyzed, the team should set targets for improvement, change, or continued effectiveness. The Set the Target section is intended for the district to use in order to set goals that will improve services. There are three goals to consider: one) the number and percent of students making progress in English proficiency as measured by the ACCESS assessment, two) the number and percent of students achieving fluency in English as measured by the ACCESS, and three) reducing the proficiency gap on the content assessments MCAS /PARCC between the district's EL subgroup and the general student population. These three goals can be measured by an objective assessment and will reflect improvements in services to ELs. There may be factors contributing to this performance that are not assessment related, but the improvement on the assessment may be viewed as improvement to the program as a whole. The Action Steps section is intended to be used to document the steps the district will take to improve services to ELs and meet the goals it set in the previous section. The steps are to be reviewed by the team periodically and modified if it is determined that they are ineffective. The last section is the monitoring section. The team should monitor the plan periodically to determine its effectiveness in reaching the target goals and improvement in services to ELs. The plan should be considered a working document, with changes in data collection and analysis, action steps, and monitoring an ongoing project.

## 1) Establish a Team

List the names and contact information for the individuals who will serve on the Program Evaluation Team. Additional rows may be added to the chart as needed. Team members should include individuals who have expertise in English language education program requirements, use of funds, achievement data, English language acquisition, and cultural or cultural adjustment issues. Examples of possible team members are indicated below. Bolded roles are required. Non-bolded roles are to be considered, depending on the district and its needs or resources. Examples of other possible roles to be included are Title III Director/Coordinator, Migrant coordinator, Homeless liaison, and budget or fiscal personnel.

Program Evaluation Team			
Role	Name	E-mail address	Phone number
<b>Superintendent/ Assistant Superintendent</b>			
<b>Principals/ Assistant Principals</b>			
<b>Regular education teacher</b>			
Special Education teacher			
Guidance counselor			
Parents/parent liaison			
Early Childhood staff			
<b>EL Director/Program Coordinator (or ESL Teacher)</b>			
Testing Coordinator			
Intake Specialist			
<b>Data Analyst</b>			

## 2) Gather and Organize Data

Gathering data for a program evaluation will come from a number of resources. It is necessary to gather both qualitative and quantitative data in order to obtain a broad view of the ELE program. The information requested in this program evaluation will likely be information already gathered for other purposes. The type of information gathered should be that which impacts ELs' performance in school in some way. Tables are provided in the appendix that are intended to help the district decide which information to gather and analyze. The type of information gathered does not have to be limited to assessment data, as we know that other factors aside from academic instruction and performance on tests also impact a child's learning. The ACCESS assessment, however, provides an objective description of how ELs are acquiring the English language and to what extent language impacts their learning in core academic classes.

In the box below, please check the areas for which data will be gathered. The ACCESS is used to document progress in obtaining proficiency in English and to indicate, in part, whether an EL is proficient in English and is ready to be re-classified as a non-EL. There are a number of types of data that can be gathered from the ACCESS.

Performance in the content areas and on the MCAS/PARCC assessments may also be largely due to a student's English proficiency, and not content area comprehension. For this reason, the Language of Math, the Language of Language Arts, etc. is listed below as an area for which to gather information.

MCAS/PARCC content areas are also listed in order for districts to gather information about student performance in the content areas, which may differ from student performance in the language of the content (as measured by ACCESS).

Other types of data to gather include: student demographics; teacher demographics; program information; graduation and dropout rates; retention rates; EL access to services and courses such as special education, honors, and advanced placement; EL participation in extracurricular activities, school/district level cultural competency, etc. Tables intended to assist in organizing some of these data are found in the appendix.

- ACCESS**
- Reading
  - Writing
  - Speaking
  - Listening
  - MCAS/PARCC Math
  - MCAS/PARCC Language Arts
  - MCAS/PARCC Science
  - Parent Engagement/Communication
  - Equal access to extracurricular activities, support services, honors, and specials/electives
  - Other: \_\_\_\_\_
- Growth to Proficiency (AMAO 1)
  - Number or percent proficient (AMAO 2)
  - Participation on ACCESS
  - Participation on MCAS/PARCC (by area)
  - Professional development for staff
- Language of Math
  - Language of Language Arts
  - Language of Social Studies
  - Language of Science
  - Cultural Competency
  - Graduation Rate
  - Dropout Rate
  - Staff Qualifications
  - Identification and Services Provided

In the box below describe how data for the areas checked above will be gathered. For example, surveys (whom did you survey, what did you ask), assessments, expense sheets and budget reports, professional development, staff qualifications or endorsements, staff to student ratios, type of support or ELE program, etc. Rows may be added as necessary.

Checked area	How data will be gathered	What data sources will be used
<i>Parent engagement</i>	<i>survey</i>	<i>Survey of parents not attending parent/teacher conference, by language.</i>

### 3) Analyze the Data, Part A

Analyze the data gathered in 2) Gather and Organize Data and in the tables in the appendix to determine how and why strengths and challenges exist. Results from this data analysis process will be used to inform goal setting and action planning. Data can be both qualitative and quantitative.

A. Identify the district’s strengths in helping ELs acquire English language proficiency and achieve academic success in the areas marked by the checkboxes below, and include strengths from analysis of the data from the tables in the appendix and other sources.

- ACCESS**
- Reading
  - Writing
  - Speaking
  - Listening
  - MCAS/PARCC Math
  - MCAS/PARCC Language Arts
  - MCAS/PARCC Science
  - Parent Engagement/Communication
  - Equal access to extracurricular activities, support services, honors, and specials/electives
  - Other: \_\_\_\_\_
- Growth to Proficiency (AMAO 1)
  - Number or percent proficient (AMAO 2)
  - Participation on ACCESS
  - Participation on MCAS/PARCC (by area)
  - Professional development for staff
- Language of Math
  - Language of Language Arts
  - Language of Social Studies
  - Language of Science
  - Cultural Competency
  - Graduation Rate
  - Dropout Rate
  - Staff Qualifications
  - Identification and Services Provided

In the rows below, describe the possible reasons as determined by the data analysis, for the success in the areas identified in the checked boxes above. Rows may be added as necessary.

Checked area	Possible reasons

### 3) Analyze the Data, Part B

B. Identify the district's challenges in helping ELs acquire English language proficiency and achieve academic success in the areas marked by the checkboxes below. Also include challenges realized from the data analyzed in the tables included in the appendix and other sources.

- ACCESS**
- Reading
  - Writing
  - Speaking
  - Listening
  - MCAS/PARCC Math
  - MCAS/PARCC Language Arts
  - MCAS/PARCC Science
  - Parent Engagement/Communication
  - Equal access to extracurricular activities, support services, honors, and specials/electives
  - Other: \_\_\_\_\_
- Growth to Proficiency (AMAO 1)
  - Number or percent proficient (AMAO 2)
  - Participation on ACCESS
  - Participation on MCAS/PARCC (by area)
  - Professional development for staff
- Language of Math
  - Language of Language Arts
  - Language of Social Studies
  - Language of Science
  - Cultural Competency
  - Graduation Rate
  - Dropout Rate
  - Staff Qualifications
  - Identification and Services Provided

Describe in the rows below the possible reasons, as determined by the data analysis, for the lack of success in the areas identified in the checked boxes above. Rows may be added as necessary.

Checked area	Possible reasons

## 4) Set the Target

Based on the district's data analysis, check the areas in the box below that will be addressed in an effort to improve the ELE program. Next, write a target for meeting each of the goals to improve the program.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> ACCESS   | <input type="checkbox"/> Growth to Proficiency (AMAO 1)        | <input type="checkbox"/> Language of Math                     |
| <input type="checkbox"/> Reading  | <input type="checkbox"/> Number or percent proficient (AMAO 2) | <input type="checkbox"/> Language of Language Arts            |
| <input type="checkbox"/> Writing  | <input type="checkbox"/> Participation on ACCESS               | <input type="checkbox"/> Language of Social Studies           |
| <input type="checkbox"/> Speaking   | <input type="checkbox"/> Participation on MCAS/PARCC (by area) | <input type="checkbox"/> Language of Science                  |
| <input type="checkbox"/> Listening  | <input type="checkbox"/> Professional development for staff    | <input type="checkbox"/> Cultural Competency                  |
| <input type="checkbox"/> MCAS/PARCC Math  |  | <input type="checkbox"/> Graduation Rate                      |
| <input type="checkbox"/> MCAS/PARCC Language Arts   |  | <input type="checkbox"/> Dropout Rate                         |
| <input type="checkbox"/> MCAS/PARCC Science   |  | <input type="checkbox"/> Staff Qualifications                 |
| <input type="checkbox"/> Parent Engagement/Communication  |  | <input type="checkbox"/> Identification and Services Provided |
| <input type="checkbox"/> Equal access to extracurricular activities, support services, honors, and specials/electives |  |   |
| <input type="checkbox"/> Other:   |  |   |

**Goal 1: What target will the district set to ensure that the number and percent of students making progress in English proficiency meets the target set by the State?**

Increase the percent of ELs in the district who meet or improve their Student Growth Percentile on ACCESS (SGPA) by \_\_\_\_\_% by \_\_\_\_\_ (date).

OR

Reduce the gap between district results and State expectation of the percent of ELs meeting their SGPA by \_\_\_\_\_% by \_\_\_\_\_(date).

OR

Maintain the district's student SGPAs in accordance with State expectations.

**Focus Areas:**

The district will focus on the following areas in order to meet this goal (to address the checked boxes from above):

- 
- 
-

**Goal 2: What target will the district set in order to ensure that the number and percent of students achieving fluency in English meets the State expectation?**

Increase the percent of ELs in the district who achieve fluency by \_\_\_\_\_% by \_\_\_\_\_ (date).

*OR*

Reduce the gap between district results and State expectation of the percent of ELs achieving fluency by \_\_\_\_\_% by \_\_\_\_\_(date).

*OR*

Maintain the percent of ELs achieving fluency in accordance with State expectations.

**Focus Areas:**

The district will focus on the following areas in order to meet this goal (to address the checked boxes from above):

- 
- 
- 

**Goal 3: What target(s) will the district set in order to ensure it is reducing the proficiency gap between the district's EL subgroup and the general student population on the content assessments (MCAS/PARCC)?**

Increase the district's cumulative PPI by \_\_\_\_\_ points by \_\_\_\_\_ (date).

*OR*

Reduce the gap between district results and State expectation of the cumulative PPI by \_\_\_\_\_points by \_\_\_\_\_(date).

*OR*

Maintain the cumulative PPI for the EL subgroup in accordance with State expectations.

**Focus Areas:**

The district will focus on the following areas in order to meet this goal (to address the checked boxes from above):

- 
- 
- 

**Goal 4: Target for improvement of other areas identified in the data analysis.**

The district will address the following topic(s) (from checked boxes above) in order to meet this goal.

(Topic to be Addressed) \_\_\_\_\_ by \_\_\_\_\_ (Amount of Improvement Expected) by \_\_\_\_\_ (Method or Manner of Improvement) by \_\_\_\_\_ (date).

(Topic to be Addressed) \_\_\_\_\_ by \_\_\_\_\_ (Amount of Improvement Expected) by \_\_\_\_\_ (Method or Manner of Improvement) by \_\_\_\_\_ (date).

**Focus Areas:**

The district will focus on the following areas in order to meet this goal (to address the checked boxes from above):

- 
- 
- 

## 5) Action Plan

Describe the action steps to be taken in order to address the four goals set by district in 4) Set the Target. Rows for actions may be added or deleted as needed.

**Goal 1:** *Copy the Goal and Target that the district has set in 4) Set the Target above here.*

Indicate what actions the district will take in order to meet the target set for improving progress in acquiring English proficiency. The district will take the following actions in order to meet the target set for this goal.

For each of the focus areas checked for the targets above, describe in the spaces below:  
 Checked area – Which of the checked boxes will be a focus area for the upcoming year (restate here)?  
 Action Step – What step(s) will the district take to ensure the focus area is addressed?  
 Indicator(s) of Success –How will success be measured?  
 Person(s) Responsible – Name(s) of the person(s) who will be responsible for ensuring the action steps are completed successfully.  
 Timeline – When will the action step(s) be started and what are the expected intervals of action?

Focus Area	Action Step	Indicator of Success	Person Responsible	Timeline

**Goal 2:** Copy the Goal and Target that the district has set in 4) Set the Target above here.

Indicate what actions the district will take in order to meet the target set for increasing the percent of students achieving English proficiency. The district will take the following actions in order to meet the target set for this goal.

For each of the focus areas checked for the targets above, describe in the spaces below: Checked area – Which of the checked boxes will be a focus area for the upcoming year (restate here)? Action Step – What step(s) will the district take to ensure the focus area is addressed? Indicator(s) of Success –How will success be measured? Person(s) Responsible – Name(s) of the person(s) who will be responsible for ensuring the action steps are completed successfully. Timeline – When will the action step(s) be started and what are the expected intervals of action?				
Focus Area	Action Step	Indicator of Success	Person Responsible	Timeline

**Goal 3:** Copy the Goal and Target that the district has set in 4) Set the Target above here.

Indicate what actions the district will take in order to meet the target set for ensuring ELs are proficient in the content area assessments. The district will take the following actions in order to meet the target set for this goal.

For each of the focus areas checked for the targets above, describe in the spaces below: Checked area – Which of the checked boxes will be a focus area for the upcoming year (restate here)? Action Step – What step(s) will the district take to ensure the focus area is addressed? Indicator(s) of Success –How will success be measured? Person(s) Responsible – Name(s) of the person(s) who will be responsible for ensuring the action steps are completed successfully. Timeline – When will the action step(s) be started and what are the expected intervals of action?				
Focus Area	Action Step	Indicator of Success	Person Responsible	Timeline

**Goal 4:** Copy the Goal and Target that the district has set in 4) Set the Target above here.

Indicate what actions the district will take in order to meet the target set for improving other areas identified from the data analysis. The district will take the following actions in order to meet the target set for this goal.

For each of the focus areas checked for the targets above, describe in the spaces below:  
 Checked area – Which of the checked boxes will be a focus area for the upcoming year (restate here)?  
 Action Step – What step(s) will the district take to ensure the focus area is addressed?  
 Indicator(s) of Success –How will success be measured?  
 Person(s) Responsible – Name(s) of the person(s) who will be responsible for ensuring the action steps are completed successfully.  
 Timeline – When will the action step(s) be started and what are the expected intervals of action?

Focus Area	Action Step	Indicator of Success	Person Responsible	Timeline

## 6) Monitoring

Gather the team together periodically to review the data used to set the targets and any new data that have been gathered as relate to completing the goals. Indicate by action step, the date of monitoring, the effectiveness of the action step, any challenges identified and whether any modifications to the action steps may be needed. Rows may be added as needed.

Action Step	Date of Monitoring	Effectiveness	Challenges	Modifications Needed

## Appendix

Used in conjunction with the self-assessment and the coordinated program review document, this program evaluation will assist districts and schools in determining areas of strength and challenge in terms of services provided to ELs. To assist in reviewing and analyzing data, the following tables have been provided for district and school use. Other similar tables may be created by the district in order to document surveys or other sources of information regarding steps the district takes to serve ELs and support teachers.

Information to be gathered for the program evaluation can also be found on line using the District Analysis, Review and Assistance Tool (DART) at <http://www.doe.mass.edu/apa/dart/>, the ACCESS reports provided to the district in the summer months, the district data gathered for the Coordinated Program Review visit or mid-cycle review using the self-assessment, surveys, and any other sources currently in use by the district.

In attempting to determine whether a district's ELE program is appropriate and effective, there first has to be a proper identification of the students being served. Table 1 is intended as a tool for districts to use as a way of understanding whether identification of ELs is appropriately accomplished and whether there is sufficient ability to communicate with parents and students. For information and guidance pertaining to the questions in Table 1, see the "Guidance on Identification, Placement, Assessment, and Reclassification of English Learners" document at: [http://www.doe.mass.edu/EL/guidance\\_laws.html](http://www.doe.mass.edu/EL/guidance_laws.html).

**Table 1: Questions to consider in analyzing the process of identifying and placing students**

1. How does the district ensure that each student completes a Home Language Survey?
2. If a Home Language Survey indicates a language other than English, how are appropriate personnel notified of the need to test the student for English proficiency?
3. Who reviews the Home Language Survey to determine whether a student should be assessed for English proficiency?
3. Who administers the language proficiency assessment if it is determined that there is a need to screen for English proficiency?

4. Does the district utilize the State placement test?
5. Are staff trained in the placement test's use and interpretation?
6. Who interprets the assessment and determines program placement?
7. Who is charged with ensuring that parent notification of a child's placement in an ELE program takes place and is documented? Are notifications sent in a language parents can understand? How does the district/school know the preferred languages of parents (written and spoken)? What else is done to reach parents?
8. How are proficiency assessment/screener results communicated to classroom teachers of ELs? Is there opportunity for collaboration and planning among the ELs' teachers to ensure that there is a seamless plan for instruction of the ELs?
9. How well is language instruction aligned with the academic language and core curriculum goals of the content areas? Does the district have an ESL curriculum? Is it aligned to the Massachusetts Curriculum Frameworks and does it integrate WIDA standards?
10. What are the district's criteria for exiting ELE services? Are students supported after exit? In what ways? For how long?
11. How are students monitored, and who is charged with ensuring that monitoring occurs according to the district monitoring criteria and procedures?

Table 2 addresses identification of the possible needs for services to be provided to students in special populations. Students who are immigrant, homeless, migrant, refugee, etc. may also be ELs. These and similar special student populations require additional support beyond linguistic proficiency. Districts will need to ensure students receive advocacy and understanding of their special needs and circumstances in order to provide appropriate education and receipt of any supports or services they are entitled to under state and federal laws. In order to compose a picture of the level of service and coordination among various staff in the district designed to serve these special populations, consider what documentation exists for coordination with special populations and staff working with them in the district.

**Table 2: Questions to consider in determining level of services for ELs also identified as in need of other special services**

1. Of the homeless population, how many are EL and how are their special needs (homelessness and EL) being met?
2. Of the students eligible for special education, how many are EL and how are their needs being met?
3. Does the district have a migrant population? If so, how many are EL and how are their needs being met?
4. Does the district have a population served through Title ID (Neglected and Delinquent)? If so, how many are EL and how are their needs being met?
5. Does the district have a refugee population? If so, how are their needs (refugee and EL) being met?
6. Does the district have a recent immigrant population? If so, how are their needs being met (remember that not all recent immigrants are ELs, but most may experience a cultural adjustment period).
7. Describe the strategies and activities the district will use to coordinate local, state, and federal educational programs that provide services to special student populations such as homeless, migrant, SPED, neglected and delinquent, and refugee.

8. Describe the progress made by special student populations in learning the English language and meeting challenging State academic content and student academic achievement standards (ACCESS or MCAS/PARCC results, number and type of interventions needed, reductions in referrals for outside services, etc.).
9. What professional development have teachers and school staff had for working with these populations? How frequent and varied is the professional development?
10. What community resources/parent groups are available to learn more about the needs of students from these populations?
11. Does a district representative go to parents' homes to visit if parents cannot come to school functions or conferences?
12. Is communication consistently sent home to parents in a language they understand at ALL grade levels? What languages do the students speak (DART or SIMS), and are there appropriately trained interpreters available for students or for parents? Are good quality translations of school information and reports available to parents?
13. Is there a warm, welcoming environment at the school?

Suggestions for providing opportunities for understanding special populations:

- Healthcare - how is health care is provided in America, where to go for services, when is an Emergency room visit necessary and when is the doctor's office or clinic appropriate, where to obtain prescriptions, which medications require a prescription and which are over-the-counter, which drugs are legal in America, how health insurance works and who has to have it?
- Acculturation - even when parents and students speak English, cultural adaptation can be very challenging for those new to the U.S. The district should take steps to ensure that immigrant students are provided with information about counseling, advocacy, and awareness of rights and responsibilities of living in the US. In addition, parents of some students or ELs may not always have the

linguistic capacity or the time due to work demands or other commitments to visit the school or be active members of committees. Therefore, it may benefit the district to reach out to community liaisons to gather information about how to best communicate with immigrant/refugee/migrant parents and serve immigrant children.

- Driving – traffic and driving safety and where to obtain a drivers license, car insurance, use of seatbelts, use of helmets for bicycles and motorcycles, what is needed in order to obtain a driver’s license, who needs to have a driver’s license, car insurance requirements, where to go for Driver’s Ed.
- School - when/how will parents be notified of snow days or safety concerns, is there a meeting to discuss the school handbook?
- Living - where to find services such as tenant-landlord relations, housing authority, places of worship, groceries for preferred dishes, voting registration – who is eligible and for which elections?
- Security and Public Safety - police department, how to recognize and respond to officers, and when to call the police or 911.

Table 3 identifies the number of teachers of ELs and how many are appropriately licensed. Similar tables can be found in the OELAAA forms in the back of the Coordinated Program Review document. Many of the tables below should be completed for each building, as well as district level by grade in order to determine where strengths and challenges may lie across the district. Without appropriately licensed staff, students may not be receiving the best level of instruction or type of service to meet their needs.

**Table 3: Teacher Information**

<b>Grade level</b>	<b># ELs</b>	<b># ESL licensed teachers</b>	<b># SEI endorsed Teachers</b>	<b>% of ELs not served by ESL licensed teacher</b>	<b>% of ELs not served by appropriately licensed teacher</b>
<b>Pre-K</b>					
<b>K</b>					
<b>1</b>					
<b>2</b>					
<b>3</b>					
<b>4</b>					
<b>5</b>					
<b>6</b>					
<b>7</b>					
<b>8</b>					
<b>9</b>					
<b>10</b>					
<b>11</b>					
<b>12</b>					
<b>12+</b>					

Questions to consider: Does the school have an appropriate number of SEI endorsed teachers? Do ESL teachers have regular and frequent meetings with SEI endorsed (or non-SEI endorsed) content teachers about the ELs in their classrooms? Do ELs have access to counselors (guidance and other) to discuss career planning, culture shock, bullying, etc that they may be able to assist students with in a language they can understand?

Table 4 is intended for districts to consider how ELs are served by program type. By looking at the number served in each program type, it may provide some insight as to whether resources are placed appropriately and, together with Table 5, whether the program type is

effective in increasing the English language proficiency level of ELs. Combined, the data are intended to show what conclusions can be made for whether a program type is best meeting the needs of ELs and the district.

**Table 4: Program Demographics**

	<b># Identified EL Students</b>	<b># Served through SEI (ESL and sheltered content instruction)</b>	<b># Served through Two-way Dual Language</b>	<b># Served by Transitional Bilingual Education</b>	<b># Served by other program type</b>	<b># Not Served in an ELE program</b>
<b>Pre-K</b>						
<b>K</b>						
<b>1</b>						
<b>2</b>						
<b>3</b>						
<b>4</b>						
<b>5</b>						
<b>6</b>						
<b>7</b>						
<b>8</b>						
<b>9</b>						
<b>10</b>						
<b>11</b>						
<b>12</b>						
<b>Post-secondary</b>						

Other program type information to consider in a similar manner: Is there a Pre-K program in the district? If so, for what ages? Do ELs participate in the Pre-K program? Is the Pre-K program English only, English with support, or dual language? Is there a correlation between children in Pre-K services and time in ELE services in later grades, or a correlation with proficiency on MCAS/PARCC? Does proficiency in later grades vary by the type and amount of English language support provided in Pre-K? Do ELs or their parents have access to native language reading material? Are parents of Pre-K or lower elementary ELs encouraged to read to their children (either in English or in their native language)? Can reading material be taken home for parents to read with their child?

Districts should consider whether ELs are receiving appropriate instruction as outlined in the *Guidance on Identification, Assessment, Placement, and Reclassification of English Learners*, found here: [http://www.doe.mass.edu/EL/guidance\\_laws.html](http://www.doe.mass.edu/EL/guidance_laws.html). Also, do ELs have access to the regular classroom/materials, etc? Do ELs receive any accommodations on assessments that may support their language development as they learn content? Do all teachers have access to WIDA training and are they implementing the training in the classroom? Do teachers understand language objectives and are they implementing them? Is there an ESL curriculum? Is the ESL curriculum enhanced with the WIDA standards and does it follow the Massachusetts Curriculum Frameworks?

Please see the OELAAA forms in the back of the “Coordinated Program Review Procedures: School District Information Package” to assist in analyzing the appropriateness of services for different program types, information about teacher qualifications in different program types, and more.

Table 5 is intended for districts that have more than one ELE program in practice. The table is to be used to visually compare the program types and the percent of ELs achieving their targeted growth-to-proficiency in each. If there is a significantly lower growth-to-proficiency in one program than another, consider how to make improvements to that program or consider eliminating it due to ineffectiveness. When looking at these data it is important to remember what research says about different program types. Some program types allow ELs to increase proficiency quickly, then taper off, whereas others allow ELs to demonstrate increased proficiency more slowly over time with increased retention of proficiency. It is important to weigh factors such as this as well as the desires of parents and the importance of native language proficiency maintenance before making any decisions about the effectiveness of the programs.

**Table 5: Increased proficiency**

<b>Percent of ELs demonstrating growth-to-proficiency by program type*</b> <i>Because of district size and student demographics, not all districts will have a choice of ELE programs.</i>					
	<b>SEI (ESL and sheltered content instruction)</b>	<b>Two-way Dual Language</b>	<b>Transitional Bilingual Education</b>	<b>Other</b>	<b>Not served in an ELE program</b>
<b>K</b>					
<b>1</b>					
<b>2</b>					
<b>3</b>					
<b>4</b>					
<b>5</b>					
<b>6</b>					
<b>7</b>					
<b>8</b>					
<b>9</b>					
<b>10</b>					
<b>11</b>					
<b>12</b>					
*as measured by the ACCESS in grades K-12.					

Table 6 is intended to provide a quick visual reference of the performance of ELs and the general population on the MCAS/PARCC. Of course, consideration should be made for the length of time ELs have had the opportunity to participate in ELE programs. By definition ELs are still learning the language and therefore should not be expected to be proficient with the use of the language of the tests. However, it may shed light on how wEL ELs and non-ELs perform on the assessments and provide information to districts regarding whether attention should be paid to one group or another, or one test or another.

**Table 6: Student Performance on MCAS/PARCC**

	Reading		Math		Science/Technology	
Grade	# / % of ELs at Proficient or Above	# / % of General Population at Proficient or Above	# / % of ELs at Proficient or Above	# / % of General Population at Proficient or Above	# / % of ELs at Proficient or Above	# / % of General Population at Proficient or Above
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						

Table 7 is intended to be used for districts to quickly determine whether ELs are graduating or dropping out at similar rates as their non-EL peers. The following table can be used to determine whether there is a group of ELs who are graduating or dropping out at a rate different from others.

**Table 7: Graduation and Dropout rate comparison**

	<b>Expected Graduation Rate</b>	<b>Actual Graduation Rate</b>	<b>Expected Dropout Rate</b>	<b>Actual Dropout Rate</b>
<b>General Student Population</b>				
<b>EL Population</b>				
<b>Example: ELs opted out of services/not in an ELE program</b>				
<b>Example: ELs in Title III program</b>				
<b>Example: ELs in SEI program</b>				
<b>Example: ELs initially served in a Newcomer program</b>				
<b>Example: ELs in TBE program</b>				
<b>Example: ELs in TWDL program</b>				

Use the information in the table above to begin thinking about reasons for differences (if any) in success rates. What else can be said about services to these groups? Are parents invited to be actively engaged in their child’s education and staying in school? Is there an ELE program type choice that may better serve students at risk for dropping out or not graduating on time? Are there students with interrupted formal education (SIFE/SLIFE) who may find school more challenging? What can be done to increase graduation rates and decrease dropout rates?

Table 8 is intended to capture information about retention. At each grade level indicate the number of students retained; at the secondary level, indicate the number of students who, at the end of the year, did not have enough accumulated credits to remain on track for graduation. Also follow up with retained students to determine whether students who were retained graduated with their cohort, dropped out, or were retained again later. Is retaining students helping them to succeed?

**Table 8: Retention**

<b>Grade Level</b>	<b># and % of Non-ELs Retained</b>	<b># and % of ELs Retained</b>	<b># and % of Non-ELs lacking credits to remain on track for graduation</b>	<b># and % of ELs lacking credits to remain on track for graduation</b>
<b>Pre-K</b>				
<b>Kindergarten</b>				
<b>1</b>				
<b>2</b>				
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				
<b>7</b>				
<b>8</b>				
<b>9</b>				
<b>10</b>				
<b>11</b>				
<b>12</b>				

Table 9 is intended to provide districts with information regarding ELs and their access to other programs. Special Education, Advance Placement, and Honors classes are selected here as examples in the chart, but other considerations might be specials classes such as music, art, physical education, etc.

**Table 9: Access to Programs**

	<b>Percent of the General Education Population receiving SPED Services</b>	<b>Percent of the EL population receiving SPED Services</b>	<b>Percent of the General Education Population in AP Courses</b>	<b>Percent of the EL Population in AP Courses</b>	<b>Percent of the General Education Population in Honors Classes</b>	<b>Percent of the EL Population in Honors Classes</b>
<b>Pre-K</b>						
<b>K</b>						
<b>1</b>						
<b>2</b>						
<b>3</b>						
<b>4</b>						
<b>5</b>						
<b>6</b>						
<b>7</b>						
<b>8</b>						
<b>9</b>						
<b>10</b>						
<b>11</b>						
<b>12</b>						

Districts should consider whether the participation of ELs is proportionate to the general population in these classes and whether ELs attend “non-core” courses with the same frequency as general education population. Also consider what the participation rate of ELs is in

extracurricular activities. Are the participation rates proportionate to the general population? Also consider whether children in SPED services may instead be in need of ELE services rather than SPED services.

In summary, consider the data collected and analyzed and discuss with the team what implications there are and what changes may need to take place. Make an action plan for addressing the areas of challenge and for maintaining and expanding where possible the areas of strength.

- 1) Are ELs appropriately identified and served?
- 2) Does the district have a sufficient number of appropriately licensed teachers? If not, how can this problem be resolved?
- 3) Do the buildings/grades with the most ESL licensed teachers also have the most ELs?
- 4) Are core content teachers appropriately trained and endorsed in SEI?
- 5) Given the ELE program model provided in the district, do all students receive meaningful services to allow them to increase proficiency in English and in content areas?
- 6) Compared to the general student population, how do ELs perform on the MCAS tests (by ELE program type)?
- 7) Do all ELs receive instruction by SEI endorsed teachers in all content areas?
- 8) To what degree are ELs participating in services and courses such as SPED, AP, and Honors (as wEL as extracurricular programs and specials)?
- 9) How do EL graduation and dropout rates compare to non-EL students?
- 10) To what degree are all staff in the district aware of ELs' cultures and backgrounds and how to address or understand cultural adjustment?
- 11) Has the district considered cultural competency training for its staff?
- 12) Is communication with parents provided in languages they understand? Are translations and interpreted sessions provided by trained and competent people?
- 13) What action steps will be taken to address challenges? What program changes are recommended for next year or following years?

**Appendix O: Program Evaluation Rubric**

# Program Evaluation Rubric

<b>District Name and Number:</b>		<b>Reviewed by:</b>		<b>Date reviewed:</b>
<b>Category</b>	<b>Meets criteria/ Acceptable</b>	<b>Does not meet criteria/Not acceptable</b>	<b>Acceptable but needs attention</b>	
Establish a Team				
Gather and Organize Data				
Analyze the Data, Part A				
Analyze the Data, Part B				
Set the Target				
Action Plan				
Monitoring				

**Comments:**

Plan is acceptable as written	
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Plan is not acceptable as written	
Plan is acceptable but needs attention in the areas indicated above	
<b>Step 1: Establish a Team</b>	
<b>Criteria</b>	<b>Meets criteria?</b>
The district has identified a sufficient number of planning team members who are wEL informed about the issues involving English Learners (ELs), representing various roles and bringing to the table broad knowledge and influence. <u>Comments:</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Need more

<b>Step 2: Gather and Organize Data</b>	
<b>Criteria</b>	<b>Meets criteria?</b>
District has identified and described sufficient qualitative and quantitative data regarding services to ELs and area of impact on their performance in school to inform the team of strengths and challenges facing the district in ensuring program success. <u>Comments:</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Need more

<b>Step 3: Analyze the Data, Part A</b>	
<b>Criteria</b>	<b>Meets criteria?</b>
District has sufficiently analyzed qualitative and quantitative data and determined how and why strengths in serving ELs and program effectiveness exist. <u>Comments:</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Need more

<b>Step 3: Analyze the Data, Part B</b>	
<b>Criteria</b>	<b>Meets criteria?</b>
District has sufficiently analyzed qualitative and quantitative data and determined how and why challenges in serving ELs and program effectiveness exist. <u>Comments:</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Need more

<b>Step 4: Set the Target</b>	
<b>Criteria</b>	<b>Meets criteria?</b>
District has identified and described the goals it has set for improvement. Targets are set in order to meet these goals in accordance with the data gathered and analyzed in previous steps. <b>Comments:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Need more

<b>Step 5: Action Plan</b>	
<b>Criteria</b>	<b>Meets criteria?</b>
District has sufficiently described the action steps it will take including focus areas, action steps, indicators of success, persons responsible, and timeline to ensure it is meeting the goals and targets set. <b>Comments:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Need more

<b>Step 6: Monitoring</b>	
<b>Criteria</b>	<b>Meets criteria?</b>
District has identified action steps to be monitored, dates of monitoring the steps, effectiveness of the action steps, challenges, and modifications needed to ensure success of the program. <b>Comments:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Need more

## Appendix P: Parental Engagement

### Parental Rights

**Home Language Survey:** When the parents enroll their child in a public school, they are asked to complete a home language survey that helps the school identify potential English learners (ELs) and also learn the parents' preferred language of communication. The "Home Language Survey" asks questions about the language(s) children have been exposed to in the home environment and the language(s) children use at home and at school. If a language other than English is indicated for any of the questions, the student should be screened for English language proficiency to determine whether or not the student qualifies for an ELE program.

Districts should inform the parents about the importance of the home language survey for their child's education and provide them with assistance to have the form completed accurately. In the absence of reliable information, children who need services to attain English proficiency may initially be missed in the process and be placed in classrooms where no language support is available. Consequently, students may lose instructional time both in classes where content is made accessible (sheltered content instruction), and also the instruction focused on English language development (ESL).

Districts may also provide the families with basic information on topics related to children learning two or more languages, the benefits of being bilingual, the importance of maintaining home language, and the value of becoming fully bilingual. Parents should be informed that services that their children may be eligible will help them be successful in their academic journey.

**Parent Notification Letters:** School districts must identify ELs and inform the parents about the results in a timely manner. Parent notification forms should be sent home within thirty days from the beginning of the school year and within two weeks if the student enrolls in the school district during the school year. Parent notification letters should also be sent home annually thereafter to communicate the progress the child is demonstrating at acquiring English and their current EL status. Should the child meet the exit criteria and reclassified as former ELs, then the parents will be notified again regarding the next steps, how the district will monitor the student's progress and plan an instruction program that will ensure a successful transition to the regular education environment.

**Waiver Requests:** Parents must be informed about their right to apply for a waiver and provided with program descriptions in their preferred language.

**Opt out Requests:** Parents of ELs may notify the districts of their wish to have their child "opt out" of specialized language programs. Although submitting an "opt out" request is a parental right the district should explain to the parent that a parent's choice to "opt out" means their child will not receive separate English as a Second Language (ESL) instruction focused on language development, but the district is still obliged to monitor the student's progress, provide instructional support to ensure that the student has access to the curriculum and meet the same standards as the native English speaking peers. The obligation of the districts for "opt out students are as follows:

- making all accommodations and modifications to instruction that are necessary to ensure the student has full access to the general academic program;
- reporting the student to SIMS as an EL until such time as the student attains English proficiency;

- assessing the English Language Proficiency of the student on the annual English proficiency assessment;
- monitoring of the student's academic progress without benefit of participation in the specialized EL program each school until such time as the student attains English proficiency; and
- Notifying parents of the above.

Districts may not recommend that parents opt out for any reason. Parents are entitled to guidance in a language that they can understand about their child's rights, the range of services that their child could receive, and the benefits of such services. School districts should appropriately document that the parent made a voluntary, informed decision to opt their child out. Since "opt-out" students are still ELs, parents should expect from the district the annual parent notification forms informing them about state mandated English proficiency test ACCESS results and also other information regarding the students' academic progress in their preferred language.

## Translation Services

The number of the students whose home language is other than English is significantly higher than the number of ELs enrolled in the Massachusetts' elementary and secondary education public schools. Some students with a non-English home language are proficient in English when they come into the school system. Others are students that have reached English proficiency in the state's ELE programs and transitioned into regular education classes. Therefore, language assistance of the type discussed herein should be provided to **all parents** whose preferred language is not English even if their child is proficient in English.

When parents first enroll their child in the state's public schools, it is the district's responsibility to administer home language surveys and determine the child's eligibility for English Learner Education. The Home Language Survey also provides the districts the opportunity to learn what the parents' preferred language is for further communications regarding the student's education. Districts are required to translate important information provided to all parents for those who are not proficient in English. It is not practicable for the district to provide a written translation because it is not a common language or, the district may use a cover page explaining in the uncommon language how a parent may have the document translated orally. Essential information that needs to be provided in the parent's preferred language includes:

- registration and enrollment in school and school programs
- language assistance programs
- notices required by special education laws and regulations
- IEP meetings
- grievance procedures and notices of discrimination
- parent handbooks
- student discipline policies and procedures
- report cards and progress reports
- parent-teacher conferences
- information on magnet and charter schools
- information regarding gifted and talented programs
- requests for parent permission for student participation in school activities
- such other information provided to native English-speaking parents such as invitations to join school-related councils or groups

To provide parents with effective communication, interpreters or translators must understand and be able to express in both languages any specialized terms or concepts used in the communication at issue. It is also important that translators or interpreters have an understanding of the ethics of interpreting and translating, and the need for confidentiality.

Some of the practices in the districts to provide language assistance to the parents whose preferred language of communication is not English include asking students, siblings or friends to facilitate the communication or using web-based automated translation to translate the documents. Districts should approach to these solutions with caution. In most cases relying on students, siblings or friends would not be appropriate for translations that require confidentiality (e.g., parent-teacher conferences, participation to school programs etc.). Moreover translators and interpreters should also be competent to interpret in and out of the language, or to translate documents that require the knowledge of specialized terms of concepts in both languages. Likewise, web-based translation services might not provide accurate translation of the documents in different languages and therefore, do not help the school districts meet the obligation to communicate effectively with parents whose preferred language of communication is not English. Utilization of such services is appropriate only if the translated document accurately conveys the meaning of the source document, including accurately translating technical vocabulary. Thus, to ensure that essential information has been accurately translated and conveys the meaning of the source document, the school district would need to have a machine translation reviewed, and edited as needed, by an individual qualified to do so. Additionally, the confidentiality of documents may be lost when documents are uploaded without sufficient controls to a web-based translation service and stored in their databases. School districts using any web-based automated translation services for documents containing personally identifiable information from a student's education record must ensure that disclosure to the web-based service complies with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g(b), and its implementing regulations at 34 C.F.R. Part 99<sup>28</sup>.

It is also the district's responsibility to provide parents and guardians of EL students, with report cards and progress reports in the same manner and with the same frequency as general education reporting. Progress reports and reports cards should also include information regarding the student's progress in becoming proficient in using English language.

### **Access to Curricular and Extracurricular Activities**

Districts must ensure that ELs across all levels of language proficiency can access and fully engage with the rigorous grade-level standards. School leaders and teachers are responsible for making the challenging academic standards accessible to students who must learn rigorous academic content while learning the language in which the content is taught. Instructional content for ELs is expected to be age-appropriate and standards based. Students should be awarded credit that will count towards graduation and promotion upon a successful completion of the coursework.

ELs should have access to all educational program opportunities and they can participate in all of the instructional programs or extracurricular activities available within the school for which they qualify. Their level of English proficiency does not determine participation to academic programs and services including career and technical education programs, counseling services, special education services, gifted and talented programs, performing and visual arts, athletics and any elective classes offered in the school. For instance

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<sup>28</sup> For more information on this issue, please review the "Protecting Student Privacy While Using Online Educational Services" guidance found at <http://ptac.ed.gov/sites/default/files/Student%20Privacy%20and%20Online%20Educational%20Services%20%28February%202014%29.pdf>.

unless a particular GATE (Gifted and Talented Education) program or advanced course is demonstrated to require proficiency in English for meaningful participation, schools must ensure that evaluation and testing procedures for GATE or other specialized programs do not screen out ELs because of their limited English proficiency.

ELs who may have a disability, like all other students who may have a disability and may require services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, must be located, identified and evaluated for special education and disability-related services in a timely manner. To avoid inappropriately identifying EL students as students with disabilities because of their limited English proficiency, EL students must be evaluated in an appropriate language based on the student's needs and language skills.

ELs have also a right to, in a language they can understand, receive any guidance and counseling supplied by the district, including, e.g., academic, psychological, college and career counseling as supplied by the school psychologist, school adjustment counselor/social worker, guidance counselor or career counselor.

### **Additional Information and Complaints**

Districts and parents can contact (781) 338-3584 to learn more about school districts' obligations and recommended practices relative to ELs.

Through its Problem Resolution System (PRS), the Department handles complaints that allege a school or a district is not meeting legal requirements for education. Program Quality Assurance Services (PQA) is the unit that manages the PRS. Anyone, including parents, students, educators, community members, and agency representatives, can contact PQA for assistance. For more information about filing a complaint, please visit <http://www.doe.mass.edu/pqa/prs/>

## Appendix Q: Language Proficiency Screening Assessments

Language Assessment	Characteristics	Training Requirements	Contact Information
<p>WIDA- ACCESS for ELLs® Placement Test (W-APT)</p>	<p>Free to all authorized users from WIDA Consortium member states (for login information, see <a href="http://www.doe.mass.edu/news/news.aspx?id=7139">http://www.doe.mass.edu/news/news.aspx?id=7139</a>)</p> <p>Assesses all language domains and WIDA ELD Standards</p> <p>Scores are aligned with the WIDA English Language Proficiency Levels used for ACCESS for ELLs® statewide tests</p> <p>Grade bands: K, 1-2, 3-5,6-8, 9-12</p>	<p>Test administrators should review the W-APT Test Administration Manuals and Scored Student Writing Samples. Test administrators should also view the W-APT webinars: W-APT General Overview Webinar, W-APT Speaking &amp; Writing Tests Webinar, and if applicable, W-APT Kindergarten Test Webinar.</p>	<p>WIDA Consortium 1-866-276-7735 <a href="mailto:help@wida.us">help@wida.us</a> <a href="http://www.wida.us/assessment/W-APT/">http://www.wida.us/assessment/W-APT/</a></p>
<p>WIDA Measure of Developing English Language (MODEL)</p>	<p>Available for purchase</p> <p>Can be used as an interim progress monitoring assessment up to two times a year</p> <p>Assesses all language domains and WIDA ELD Standards</p> <p>Scores are aligned to the WIDA English Language Proficiency Levels used for ACCESS for ELLs®</p> <p>Grade bands: K, 1-2, 3-5,6-8, 9-12; recommended for students in K</p>	<p>Test administrators should review the WIDA MODEL Test Administration Manual, Training CD-ROM, and DVD. The Manual contains all the information needed to administer and score the test. The CD-ROM includes information about administering and scoring the test. The DVD provides additional administration guidance and footage of test administration.</p>	<p>WIDA Consortium 1-866-276-7735 <a href="mailto:help@wida.us">help@wida.us</a> <a href="http://www.wida.us/assessment/W-APT/">http://www.wida.us/assessment/W-APT/</a></p>
<p>Pre-LAS English Language Proficiency Assessment</p>	<p>Available for purchase</p> <p>Assesses pre-literacy skills</p> <p>Pre-LAS grade bands: Pre-K-grade 1</p> <p>Paper-based and computer-based options</p>	<p>Test administrators should schedule a webinar or face-to-face training with the publisher prior to administering the test.</p> <p>Test administrators should schedule a webinar or face-to-face training with the publisher prior to administering the test.</p>	<p>CTB/McGraw-Hill 20 Ryan Ranch Road Monterey, CA 93940 (800) 538-9547 Fax: (800) 282-0266 <a href="http://www.ctb.com">www.ctb.com</a></p>

Pre-LAS Observational Assessment	Available for purchase Assesses oral and early literacy skills Age 3		
Pre-IPT Oral	Available for purchase Speaking & Listening tests Different scoring for age 3 and for ages 4-5	IPT test administrators should complete the online in-service training available for the specific IPT test they will administer. This training is composed of four modules, and is continually available online. The training has interactive quizzes throughout to monitor learning, and a Final Quiz at the end to assess to assess whether trainees have mastered information needed to administer the IPT Test. In order to obtain the Certificate of Achievement and be qualified to administer the tests, trainees must score at least an 80% on the Final Quiz. Trainees who do not score at least an 80% can review the course material again and retake the Final Quiz.	Ballard and Tighe Publishers 480 Atlas St. Brea, CA 92621 (800) 321-4332  info@ballard-tighe.com  <a href="http://www.ballard-tighe.com/products/la/iptFamilyTests.asp">http://www.ballard-tighe.com/products/la/iptFamilyTests.asp</a>

## Appendix R: Title III Funding

Title III, Part A of No Child Left Behind, otherwise known as *English Language Acquisition, Language Enhancement, and Academic Achievement Act*, provides supplemental funds to improve the education of English learners (ELs), including immigrant children and youth, by assisting the children and youth to learn English and meet challenging state academic content and student academic achievement standards. To view the relevant federal legislation, see: <http://www2.ed.gov/policy/elsec/leg/esea02/pg40.html>.

The U.S. Department of Education grants Title III funds to the state, which then provides subgrants to eligible entities. Title III requires that the state provide two types of subgrants to eligible entities: **formula subgrants** and **immigrant subgrants**. These are discussed in separate sections below.

Districts with more than 100 ELs, or a consortium of districts which together have more than 100 ELs, and districts with a “significant increase” of immigrant students are generally eligible to apply for Title III funds. Districts are informed of their eligibility in July of each calendar year, following receipt of the federal Grant Award Notification letter. To determine if your school district is eligible for Title III formula and/or immigrant subgrants, visit: <http://www.doe.mass.edu/ell/titleIII.html>

The U.S. Department of Education awards a Title III allocation to states by using a formula based on the number of ELs and immigrant students enrolled in the state, using U.S. Census or American Community Survey data, pursuant to the Elementary and Secondary Education Act (ESEA) Section 3111(c). Ninety-five percent (95%) of the amount of Title III funds apportioned to Massachusetts in a given year must be allocated as subgrants to eligible districts and consortia serving EL and immigrant students.

### Eligibility for a Title III Subgrant

In Massachusetts, Title III formula subgrants to eligible entities have been commonly called “Title III grants.” DESE refers to these as **Title III formula subgrants**, in order to distinguish between these subgrants and Title III immigrant subgrants (which will be discussed in a later section). Districts that reported enrollment of more than 100 EL students in March SIMS reports are eligible to apply for a Title III formula subgrant. In addition, where a district’s number of EL students **plus** the number of EL students reported in private schools within the district’s geographic jurisdiction is more than 100, a district will be eligible to apply for a Title III formula subgrant.

If a district does not meet the minimum number of enrolled ELs, it may join with other districts to form a Title III consortium, which may apply for a Title III formula subgrant on behalf of the districts. Consortia of districts may apply for a Title III formula subgrant if the total number of EL students in the districts in the consortium is more than 100 **and** if they have submitted a letter of intent to form a consortium for Title III purposes to DESE by mid-June. The letter must be signed by superintendents of all member districts and must identify the fiscal lead agency and member districts.

For more information on forming a consortium, visit: <http://www.doe.mass.edu/ell/titleIII.html>.

New and expanding charter schools<sup>29</sup> with projected enrollment of more than 100 EL students are also eligible to apply for Title III formula subgrants. However, these grants will be adjusted after the October SIMS data

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<sup>29</sup> This group does not include Horace Mann Charter Schools whose Memoranda of Understanding dictate that the LEA in which they are located is responsible for applying for Title III or NCLB funds.

collection and charter schools that do not enroll more than 100 ELs at that time will not be eligible for any of the Title III formula grant. Funds allocated to such charter schools, if disbursed, must be returned to DESE and will be reallocated to other districts.

## Applying for a Title III Subgrant

### Web-Based Monitoring System (WBMS)

Documents that are required for submission (see below) with a Title III grant will be uploaded using the WBMS system. This new system will capture grant document submission dates, communication between DESE and the district, and will send reminders to both DESE and the district when action is needed on a grant. The system will also be used to upload Title III improvement plans and evidence of compliance with and implementation of Federal law that may be requested by the DESE. Training on this system will be available prior to the start of the FY17 grant cycle.

### EdGrants

Once a Title III grant has been reviewed and approved by program staff at DESE, districts will submit their grant budget through EdGrants. This system will capture budget information as well as the signature page needed for new grants and amendments to grants. Since Title III is new to EdGrants this year, the FY17 carryover grants and any amendments to those grants, and the FY17 summer grants (fund code 184) are not included in EdGrants. Title III will start with grants awarded with all new FY17 money using EdGrants. Trainings will be provided prior to the start of the FY17 grant award.

## Title III Subgrant Application Requirements

LEAs must apply annually for Title III formula (fund code 180) and immigrant (fund code 186) subgrants.

For school year 2016-17, the Title III formula subgrant application must include:

- Completed *Fund Code 180 Application* (including *Cover Sheet* with Superintendent's signature.)
- *FY17 Local Plan Narrative*.
- *Form 5*. (Note: *Separate Forms 5* are required for each district and must be submitted with the grant application. A separate Form 5 must be completed by all districts of consortia applicants.)
- Signed *FY17 Private School Affirmation Forms*. (These forms should demonstrate that the district has engaged in timely and meaningful consultation with the private schools within its geographic areas. Note: separate forms are required for all districts including member districts of consortia applicants.)
- *FY17 Title III Biennial Evaluation* (if evaluation was not already submitted in FY16).
- Signed *Memorandum of Understanding for consortia*. (Each MOU should have original signatures of superintendents/directors of all lead agencies and member districts.)
- *FY17 Grant Assurances Document*. (This document is filed annually with the grants management office; see: <http://finance1.doe.mass.edu/grants/grants13/rfp/assurance13.html>.)
- Submission of the following current district forms and policies:
  - *Former English Learner (FEL) monitoring form and policy*, and
  - *Parent notification of ELE program and Title III placement form(s) and policy (ies)*.

All grant materials must be submitted through the WBMS. A scanned copy of the signature page must be uploaded to EdGrants along with the budget page information once the district has been notified that the grant is approved..

Grant application materials can be found at: <http://finance1.doe.mass.edu/grants/grants13/rfp/180-186.html>.

### Title III Immigrant Subgrants

Title III immigrant subgrants will be awarded to eligible districts that have experienced a significant growth in immigrant children and youth. All districts in the state with three years of SIMS data showing growth as set forth below will be considered eligible for an **immigrant subgrant**, regardless of whether the district is also eligible for a **formula subgrant** or not. Eligibility for the Title III immigrant subgrant is determined as follows for school year 2016-17:

1. The district must experience an increase of 10% or more immigrant students in the current March SIMS over the average number of immigrant students reported in the two previous school years' March SIMS reports; **and**
2. The district must experience an increase of 50 additional immigrant students in the March SIMS as compared to the number of immigrant students reported in the previous school year's March SIMS.

(Please note: The above mentioned determining criteria will change slightly for school year 2017-18.)

An **immigrant student** is defined for purposes of the Title III immigrant children and youth program as a student:

1. who is aged 3-21,
2. who was not born in any state (students born in Puerto Rico are not immigrant students), and
3. who is in his/her first three years of schooling in the United States. (For making this determination, Puerto Rico is considered part of the United States).

Please note that a student can be designated as both an immigrant and an EL for three years of schooling in the United States. After three years the student can still be designated an EL, depending on assessment results and the district's determination as to whether the student can be reclassified. But after three years of schooling in the United States, a student can no longer be designated as an immigrant student for the purposes of a Title III immigrant grant.

### Title III Immigrant Subgrant Application Requirements

For School Year 2016-17 the Title III immigrant subgrant application must include:

- Completed *Fund Code 186 Application* (including *Cover Sheet* with Superintendent's signature)
- *Form 5*. (Note: Separate Forms 5 are **required for each NCLB/ESEA grant applied for and must be submitted with the grant application**. In addition, a separate Form 5 must be completed for Title III for all districts, including the districts of consortia applicants.)
- Signed *FY17 Private School Affirmation Forms*. (These forms should demonstrate that the LEA has engaged in timely and meaningful consultation with the private schools within its geographic areas. )

- *FY17 Immigrant Subgrant – Local Plan Narrative*
- *FY17 Grant Assurances Document.* (This document is filed annually with the grants management office; see: <http://finance1.doe.mass.edu/grants/grants13/rfp/assurance13.html>.)

All grant materials must be submitted through the WBMS. Once the district has been notified by DESE that the grant is approved, a scanned copy of the signature page must be uploaded to EdGrants along with the budget page information.

Grant application materials can be found at: <http://finance1.doe.mass.edu/grants/grants13/rfp/180-186.html>.

## Amending a Subgrant Application

Consistent with DESE procedures, the district must submit amendments thirty days prior to **any** proposed change in any line item of the Title III budget workbook, and no later than 30 days prior to the end of the grant period (in the case of most grants, this deadline is August 1) In order to amend a Title III grant, please:

- Use the finalized workbook that has been placed by DESE in the district’s WBMS. Note that this is different from the workbook initially submitted to DESE, as DESE staff must make changes internally to the workbook in order to process the grant. Note also that **each time** an amendment is approved, a new workbook with changes will be placed in the district’s WBMS.
- Fill in all changes in the appropriate line item in the budget workbook (“**budget pages**” tab).
- Fill in section J, Part I and the amendment “justification” in Part II of the “Amendment (AM1) Form” tab.
- Complete the signature, name and date section of Part III, scan and upload the signed page to the WBMS.
- The amended budget workbook should be saved in the WBMS, by adding the extension AM1 (or AM2, if it is the second amendment, AM3 for the third, etc.) to the name of the document.

The Title III grant reviewer assigned to your district will review the grant and contact you with questions. If the grant amendment is approved by Title III staff, your district will be notified and a copy of the approved amendment placed in the WBMS. You will be notified that an amendment should then be made in EdGrants. .

New grants beginning in FY17 (except summer grants) will follow the process outlined above using WBMS and EdGrants systems. Amendments to current FY16 grants and FY17 carryover grants will follow the WBMS process outlined above, but will not be entered into EdGrants.

## Carrying Over Title III Subgrant Funds

Reasonable carryover is permitted, subject to ESE’s Title III carryover policy. However, districts are **strongly encouraged** to expend all Title III funds in the year in which the funds are awarded. Although the expectation is that grantees will fully expend grant funds within the year they are awarded, the Tydings Amendment provides flexibility to subgrantees for most federal entitlement programs such Title III. The Tydings Amendment allows recipients to have continued access to any returned or unused funds as an extended use (carryover) grant. In such cases, the program office will issue guidance to recipients as to the procedures they must follow

for this continued use of funds. Districts with questions about carryover should contact the Title III office at DESE.

The Carryover Policy is found in ESE's Grants Management Procedural Manual, at: <http://www.doe.mass.edu/grants/procedure/manual.html>. Grants that have been initiated using the EdGrants system will have a different process for using funds into subsequent fiscal years. Training will be provided on the EdGrants system prior to the start of the FY17 grant cycle.

## Use of Title III Subgrant Funds

There are three required activities under Title III in Massachusetts. Districts and consortia must use Title III formula subgrant funds to provide:

1. High-quality language instruction educational programs that are based on scientifically based research demonstrating effectiveness in increasing English proficiency and student academic achievement in the core academic subjects.
2. High-quality professional development to classroom teachers (both those who provide academic content and those who provide English language instruction to ELs), principals, administrators, and other school or community-based organizational personnel, that is:
  - (A) designed to improve the instruction and assessment of English learners;
  - (B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for English learners;
  - (C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
  - (D) of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom. Activities such as one-day or short-term workshops and conferences may not be paid for with Title III funds under this provision; however, this requirement does not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.
3. Parent engagement activities designed to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children, and to ensure that parents understand the benefits that the Title III program has to their child's academic and English language growth.

If, after allocating funds for the three required purposes set out above, additional Title III formula subgrant monies are available, the district or consortia may use Title III formula subgrant funds for other activities authorized by Title III. Other permissible uses of Title III formula subgrant funds include:

1. Upgrading program objectives and effective instructional strategies.
2. Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

3. Providing —
  - tutorials and academic or vocational education for English learners; and
  - intensified instruction.
4. Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.
5. Improving the English proficiency and academic achievement of English learners.
6. Providing community participation programs, family literacy services, and parent outreach and training activities to English learner children and their families —
7. Improving the English language skills of English learner children Improving the instruction of English learners by providing for -
  - the acquisition or development of supplemental educational technology or instructional materials;
  - access to, and participation in, electronic networks for materials, training, and communication; and
  - incorporation of the resources described in the previous two bullets into curricula and programs.

Districts and consortia may **not** use Title III funds for English language proficiency (ELP) assessments. Districts are required to provide initial ELP assessments of potential ELs in order to properly identify them as ELs. In addition, annual assessments of ELs enrolled in public schools are required (MCAS, ACCESS for ELLs®) under other laws (G.L. 71A, §7; NCLB Title I). These required assessments are, therefore, not supplemental. Using Title III funds to pay for these assessments would be considered supplanting, since districts are required to administer them in the absence of Title III funds.

Title III funds may be used, however, for initial identification assessment of potential ELs enrolled in **private schools**.

Title III funds may also not be used for former ELs. The use of Title III funds is limited to providing ELs with appropriate supplemental language programs and services, so they can attain English proficiency and meet academic content standards. When a student has been exited from an English learner education (ELE) program, that student is no longer considered an EL for Title III purposes and is no longer eligible to receive Title III programs or services.

### Use of Immigrant Subgrants Funds

A district that receives an immigrant subgrant shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant students, which may include:

1. Family literacy, parent outreach, training activities to assist parents to become active participants in the education of their children;
2. Support for personnel, including teacher aides specifically trained, or being trained, to provide services to immigrant students;

3. Tutorials, mentoring, and academic or career counseling for immigrant students;
4. Identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with the funds;
5. Basic instruction services directly attributable to the presence in the district of immigrant students, including payment of costs for additional classroom supplies, transportation, and other costs attributable to such additional basic instruction services;
6. Instruction services designed to assist immigrant students to succeed in US elementary and secondary schools, such as introduction to educational system and civics education; and
7. Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant students by offering comprehensive community services.

### Requirements Applicable to Both Title III Formula Subgrants and Title III Immigrant Subgrants

Section 3115(g) of Title III requires all Title III fund recipients to use the funds to supplement the level of federal, state, and local funds that would have been expended for programs and services for ELs and immigrant students in the absence of Title III funds and, **“in no case to supplant such Federal, State, and local public funds.”** (Emphasis added).

This means that a district cannot use Title III funds to pay for programs and services that are required by other federal, state, or local laws or regulations. Additionally, Title III funds cannot be used to fund programs and services that were funded in a prior year by another source of federal, state or local funds.

Generally, a supplanting violation is presumed when Title III funds are used to provide services that other federal, state or local laws require. As applied, this requires Title III funds to be used for “supplementary activities” that support the core language instruction educational program required by the Equal Educational Opportunity Act, 20 USC §1703(f) (EEOA), Title VI of the Civil Rights Act of 1964 (Title VI), and Mass. General Laws Chapter 71A. “Supplement, not supplant” inquiries are very fact-specific, and what may be supplemental in one district may not be supplemental in another district. The district bears the burden of demonstrating to the state that proposed Title III expenditures are supplemental.

To view the relevant federal legislation, see: <http://www2.ed.gov/policy/elsec/leg/esea02/pg41.html#sec3115>.

Additional guidance on this requirement of Title III can be found at:

<http://www2.ed.gov/programs/sfgp/supplefinalattach1.doc>.

Title III contains a **strict 2% limit on administrative costs (which includes indirect costs)** per fiscal year. This 2% limit applies to **all** Title III formula and immigrant subgrants, notwithstanding any other indirect cost rates set by the state. Caps are on the grant amount, not on the award amount. So if a district is awarded \$90,000 but only applies for \$75,000, the cap is the percent of the \$75,000, not the \$90,000. In addition, Massachusetts has established the following spending limits:

- **Supplies:** Funds spent on supplemental supplies and materials may not exceed 10% per fiscal year.
- **Supporting Activities:** No more than 15% of the total Title III allocation may be used for supporting

activities, including administration (again, maximum 2%), supplies and materials (maximum 10%), and professional development-related travel per fiscal year (3% if other caps are maximized, 5% cap if other caps are not maximized).

All Title III expenditures must be **reasonable, allocable to Title III, and allowable**. In addition, such expenditures must be supplemental. For the purposes of federal grants, reasonable, allocable, and allowable are defined as follows:

**Reasonable:**

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

**Allocable:**

A cost is allocable to a cost objective if the goods or services involved are chargeable or assignable to the cost objective in accordance with the relative benefits received.

**Allowable:**

A cost is allowable if it is necessary and reasonable for proper and efficient performance of the award and allocable to the award.

For more information about these terms, please see the *Uniform Guidance* at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>

Districts may use Title III funds for indirect costs, however, Title III contains a strict 2% limit on administrative expenditures. Administrative expenditures include indirect costs.

## Funding Staff with Title III

Generally, a district cannot fund teachers with Title III funds as it would violate Title III's supplement, not supplant provision. Other laws, including EEOA and Title VI require districts to provide ELs with core language instruction educational programs, including qualified ESL teachers and other staff to implement such programs. However, an ESL teacher could possibly be paid with Title III formula grant funds if a district can demonstrate that the teacher's position is supplemental (e.g., Saturday school, after school only, resource teacher for a non-credit-bearing period of the day, assuming these positions have not been previously funded in prior years by the district and are supplemental to core ESL instruction, etc.). The district will be asked to demonstrate how the position is supplemental by submitting evidence such as job descriptions, student schedules, teacher schedules, and other related materials.

Title III could *possibly* fund school day positions, but only if they are truly supplemental, in that they do not deliver core instruction services, do not deliver services that are provided to all students, do not deliver services for credit, do not serve the same purpose as other locally funded positions, and otherwise meet federal requirements of being allowable, allocable and reasonable. For example, if the district has determined that it is necessary to fund ten paraprofessionals to provide in-class assistance to ELs and chooses to fund these paraprofessional positions with the local budget, the district could not then use Title III to fund additional paraprofessionals that serve the same purpose because that would be viewed as supplanting. As is stated above, supplement, not supplant inquiries are fact-specific, and may require that the LEA submit additional documentation to support that an expenditure is indeed supplemental.

Generally, a district may not fund translators and interpreters with Title III as it would violate Title III's non-supplanting provision. Other laws require that districts translate documents and provide interpreters for parents who are not English proficient. However, Title III funds could be used to translate certain Title III-specific requirements, for example, a notice **about the Title III program** that is sent to parents.

## Private Schools and Title III

Under Section 9501 of the ESEA, districts are required to provide equitable services to ELs and teachers in private schools that are located within the LEA's geographic boundaries. LEAs are required to engage in timely and meaningful consultation with private school officials during the design and development of their Title III programs concerning such issues as:

- how the children's language needs will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;
- how the services will be assessed and how the results of the assessment will be used to improve those services;
- the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, and the amount of funds available for those services; and
- how and when the district will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.

As with all uses of Title III funds, districts need to determine that expenditures of Title III funds made in meeting the equitable services requirement do not violate Title III's non-supplanting requirement.

For guidance on the equitable services requirements, and for sample documents that may assist the district in implementing these requirements, please see "Title IX, Part E, Uniform Provisions, Subpart 1-Private Schools" found here: <http://www.doe.mass.edu/ell/titleIII.html>.

The district is responsible for assessing the English language proficiency of private school students, and a district may use Title III funds to pay for initial English language proficiency (ELP) assessments for **private** school students. In addition, a district may use Title III funds for annual assessment of private school ELs thereafter, to determine whether the students remain eligible for Title III. For more information, see the memo at the following link: [www.doe.mass.edu/ell/equitableservices.doc](http://www.doe.mass.edu/ell/equitableservices.doc).

District and consortia leads awarded federal Title III funds must retain fiscal control over all funds. In addition, private schools may not commit or encumber Title III funds. Any staff and programs funded with Title III must be under the supervision and control of the district. Similarly, any materials, property and equipment that are purchased with Title III funds for private schools must be stamped and inventoried as property of the LEA.

Districts may not simply offer predetermined services to private schools. A district can make a decision about the services to be provided to private school ELs and teachers only after discussing the issues related to the services and the needs of students and staff with private school officials.

## Title III Accountability

Under No Child Left Behind, each State educational agency that received a Title III grant was required by federal law to develop annual measurable achievement objectives (AMAOs) for districts receiving Title III funds. The AMAOs were required to address:

- the number and percent of ELs making progress toward attaining English proficiency;
- the number and percent of ELs attaining English proficiency; and
- the number and percent of ELs making adequate yearly progress (AYP) for the EL subgroup in reading and math. (Please note that under the state's 2012 NCLB Flexibility Waiver, the equivalent of making AYP in Massachusetts is meeting the cumulative Progress and Performance Index (cPPI) target of 75. The cPPI combines information about narrowing proficiency gaps (in ELA, mathematics, and science); growth (ELA and mathematics); the annual dropout rate; and the cohort graduation rate over the most recent four-year period into a single number between 0 and 100.)

With the passage of the Every Student Succeeds Act, AMAOs are no longer required. As a result, States are no longer required to hold districts accountable for AMAOs under Title III. The targets will be calculated for 2016, however, and will be used by districts to inform their improvement plans for Title III. Improvement plans are still required to be maintained, and will be required moving forward. The state's most recently issued AMAO reports and guidance concerning these objectives can be found at: <http://www.doe.mass.edu/ell/amao/2012/>

## Parent Notification/Participation Requirements

Not later than 30 days after the beginning of the school year, and annually thereafter, Title III districts must inform a parent or the parents of an English learner identified for participation in, or participating in, a Title III program of the following information:

- the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;
- the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and native language in instruction;
- how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;
- how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
- the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for English learner children, and the expected rate of graduation from secondary school for such program if the district uses Title III funds for children in secondary schools;
- in the case of a child with a disability, how such program meets the objectives of the individualized

education program of the child; and

- information pertaining to parental rights that includes written guidance —
  - detailing the right that parents have to have their child immediately removed from such program upon their request;
  - addressing 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
  - assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the district.

If the child has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the district must provide the notifications required above to the parents of the child within two weeks of the child being placed in such a program. Notifications should be annual, thereafter.

All parental notifications must be provided in an understandable and uniform format and, to the extent practicable, in a language the parent can understand.

To view the relevant federal legislation, see: <http://www2.ed.gov/policy/elsec/leg/esea02/pg41.html#sec3116>

In addition, each district using Title III funds to provide a language instruction educational program is required to implement an effective means of outreach to parents of English learners. This process must inform such parents of how they can be involved in the education of their children and be active participants in assisting their children to learn English, to achieve at high levels in core academic subjects, and to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

To view the relevant federal legislation, see Section 3302 Parental Notification found here: <http://www2.ed.gov/policy/elsec/leg/esea02/pg50.html>.

ESE is available to provide technical assistance concerning the Title III formula subgrant and the Title III immigrant subgrant. For questions please contact the Office of English Language Acquisition and Academic Achievement at 781-338-6220 or [ELL@doe.mass.edu](mailto:ELL@doe.mass.edu).

## **Fiscal Audits**

Beginning in school year 2015-16, Title III districts were added to the Department's fiscal audit cycle. Title III grants are now reviewed for appropriateness of expenditures, including whether expenses are approved in a Title III grant by program staff at DESE, whether the expenses are allowable, allocable, and reasonable, and whether or not the federal supplement not supplant regulation is violated.