**Establishing English Learner (EL) Entrance Procedures**

**and Ensuring Meaningful Parent Communication Regarding EL Status**

**Checklist for Federal Compliance**

In order to provide a reasonable opportunity for on-time graduation, federal civil rights law for EL education requires school divisions to take appropriate steps to accurately identify ELs for specialized language instruction to help them attain English proficiency for meaningful and equitable participation in the general education curriculum. (Title VI of the *Civil Rights Act of 1964*)

Section 3102(b)(A) of the Every Student Succeeds Act of 2015 (ESSA), requires each State to establish and implement standardized entrance procedures for ELs ([ESSA](https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf)). [Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf), released June 4, 2021, mandates that divisions establish written EL Entrance Procedures in compliance with ESSA to ensure accurate and consistent EL identification throughout the division. The *Checklist for Establishing Entrance Procedures for ELs and Ensuring Meaningful Parent Communication* *Regarding EL Status* is a self-assessment tool designed to assist divisions in complying with the requirement to establish and implement these written procedures.

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| **Identification of ELs** |
| **Identifying Questions** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The three questions listed below to identify potential ELs are included in division enrollment documents or in a separate Home Language Survey (HLS). * What is the primary language used in the home, regardless of the language spoken by the student?
* What is the language most often spoken by the student?
* What is the language that the student first acquired?

(USED/DOJ EL Toolkit: [Chapter One](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |
| **EL Entrance Procedures** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The wording of the three identifying questions is **verbatim.**([Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf)) |  |  |  |  |  |
| The identifying questions are included as part of the standard registration procedures for **every** student enrolling in the division. ([Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf)) |  |  |  |  |  |
| Qualified interpreters and translators are available to assist LEP parents complete the enrollment process. (USED/DOJ EL Toolkit: [Chapter 10)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf) |  |  |  |  |  |
| **Note: Students, siblings, friends, and untrained staff members are not as considered as qualified interpreters and translators.** |
| The school division has developed alternate procedures in the event a staff member responsible for enrolling ELs is unavailable. (USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |
| The school division implements standardized written entrance procedures for identifying potential ELs.([Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf)) |  |  |  |  |  |
| The school division implements the federally required timeframe for identifying ELs in all schools.**(30 calendar days at the beginning of the school year or 14 calendar days after the school year begins)**([Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf)) |  |  |  |  |  |

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| **EL Entrance Procedures** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The school division disseminates the EL Entrance Procedures to all pertinent staff including instructions for accessing additional written or electronic copies.(USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |
| The school division provides training on the EL Entrance Procedures to all pertinent staff including administrators, registrars, guidance counselors, and secretaries on an annual basis and to newly hired staff as needed. (USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |
| The school division uniformly and consistently implements the EL Entrance Procedures in all schools. ([Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf)) |  |  |  |  |  |
| The school division accurately codes all identified ELs and formerly ELs in the student data collection system and maintains all relevant information in student folders.(USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf))([Superintendent’s Memo 030-18](https://www.doe.virginia.gov/administrators/superintendents_memos/2018/030-18.shtml))[(Superintendent’s Memo 021-19](http://www.doe.virginia.gov/administrators/superintendents_memos/2019/021-19.docx)) |  |  |  |  |  |
| The school division conducts a periodic review of the EL Entrance Procedures and implements modifications as needed. The process includes the opportunity for feedback from parents and staff. (USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |
|  |  |  |  | **Reentering the EL Status** |  |
| **Federal civil rights law for EL education allows ELs who have reached proficiency (in Virginia, 4.4+ Overall Composite) on the annual English language proficiency (ELP) test (in Virginia, the ACCESS for ELLs test) and exited the EL status, and who are at-risk for academic failure, to be reentered in the EL status as appropriate.**  |
| **Screening ELs for English Proficiency Level** |
| **Administering the Screening Instrument** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The school division has mandated one of the following WIDA screening instruments to determine the English language proficiency level (ELP) of the student:* WIDA Screener
* WIDA Model
* K-WAPT **(will be discontinued as of June 30, 2022)**

 ([Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf)) |  |  |  |  |  |
| The school division provides annual training for all staff responsible for administering the WIDA screening instrument. (USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |
| The designated supervisor verifies staff training completion to administer the WIDA screening instrument for all pertinent staff. (USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |
| **Determining EL Status** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The school division has established consistent scoring guidelines or utilizes the recommended scoring guidelines provided in [Superintendent’s Memo 149-21](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/149-21.pdf) to determine EL status for Grade 1 2nd Semester and Grades 2-12. (USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |

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| **Determining EL Status** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The school division ensures consistent application of the scoring guidelines to determine EL status.(USED/DOJ EL Toolkit: [Chapter 1](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)) |  |  |  |  |  |

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| **Placement of ELs in Programs and Services** |
| **Castañeda Framework** |
| **The Castañeda Framework (1981) was established through a Supreme Court decision in order to determine the compliance of school divisions with requirements in Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (1974) for the education of ELs. Under the Castañeda framework, programs and services for ELs should be evaluated on theory, implementation, and results:*** **Are the programs and services for ELs based on sound education theory and/or research that is recognized by legitimate experts in the field?**
* **Do the programs and services for ELs, if implemented with fidelity, provide adequate and appropriate resources to ensure a reasonable chance of success within a reasonable timeframe?**
* **Do the programs and services for ELs result in demonstrably improved academic outcomes within a reasonable timeframe?**

**The Castañeda Framework should govern the development and implementation of programs and services for ELs to support academic achievement and promote language acquisition, especially academic English. Programs and services for ELs should provide developmentally appropriate English language instruction based on the student’s level of English proficiency while providing effective, grade-level content instruction.** (USED/DOJ EL Toolkit - [Chapter 2)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap2.pdf) |

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| **Placement of ELs in Programs and Services** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The school division ensures that the purpose for all programs/services for ELs is to meet the same academic content standards as all students and to develop English language proficiency.(USED/DOJ EL Toolkit: [Chapter 2)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap2.pdf) |  |  |  |  |  |
| The school division ensures that programs/services for ELs are consistent with sound educational theories.(USED/DOJ EL Toolkit: [Chapter 2)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap2.pdf) |  |  |  |  |  |
| The school division ensures that the LIEP curriculum is aligned to both content standards (SOLs) and the WIDA English language development (ELD) standards.(USED/DOJ EL Toolkit: Chapter 4) |  |  |  |  |  |
| The school division has established criteria for the appropriate amount of service time provided to ELs based on proficiency and/or grade levels.(USED/DOJ EL Toolkit: [Chapter 2)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap2.pdf) |  |  |  |  |  |
| **Although Virginia does not mandate specific minutes of service for ELs, federal audits have established the expectation for school divisions to institute this criteria.** |
| For effective implementation of programs/services for ELs, the school division ensures a sufficient number of qualified teachers in order to provide a realistic opportunity for improved academic outcomes within a reasonable timeframe.(USED/DOJ EL Toolkit: [Chapter 3)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf) |  |  |  |  |  |
| **Note: Meeting the Virginia SOQ for LIEP teachers may not be sufficient for meeting federal staffing expectations for LIEP programs and services.** |
| **Placement of ELs in Programs and Services** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The school division ensures that sufficient and appropriate materials and resources are available to effectively implement programs and services for ELs to provide a realistic opportunity for improved academic outcomes within a reasonable timeframe.(USED/DOJ EL Toolkit: [Chapter 3)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf) |  |  |  |  |  |
| The school division ensures that educators of ELs are provided high quality, sustainable professional development focused on meeting the EL academic and language needs.(USED/DOJ EL Toolkit: [Chapter 3)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf) |  |  |  |  |  |
| The school division conducts a periodic evaluation of EL programs and services based on student data, as well as staff and parent input, to determine the increasing ability of ELs to meaningfully participate in the school division’s general education program.(USED/DOJ EL Toolkit: Chapter 9) |  |  |  |  |  |
| **Ensuring Meaningful Parent Communication Regarding EL Status** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
|  | **Full** | **Partial** | **None** |  |  |
| The school division establishes a welcoming and linguistically responsive environment throughout all schools.(USED/DOJ EL Toolkit: [Chapter 10)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf) |  |  |  |  |  |

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| **Ensuring Meaningful Parent Communication** |
| **Indicator** | **Implementation** | **Staff Responsible** | **Action Items/Notes** |
| **Full** | **Partial** | **None** |
| The school division notifies LEP parents of their student’s EL status within the required federal timeframe.(USED/DOJ EL Toolkit: [Chapter 10)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf) |  |  |  |  |  |
| The school division provides written notification of the EL status to LEP parents in a language they can understand.(USED/DOJ EL Toolkit: [Chapter 10)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf) |  |  |  |  |  |
| The school division ensures that the notification of EL status is sent annually to the parents of all identified ELs (proficiency levels 1.0- 4.3).(USED/DOJ EL Toolkit: [Chapter 10)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf) |  |  |  |  |  |
| The school division provides information about EL status, programs for ELs, and options for services to LEP parents in a language they can understand.(USED/DOJ EL Toolkit: [Chapter 10)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf) |  |  |  |  |  |
| The school division ensures that ELs enrolling in high school, and their parents, are provided information about pathways for on-time graduation and other educational options available in the division or in the community in a language the student and parents can understand.(USED/DOJ EL Toolkit: [Chapter 10)](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf) |  |  |  |  |  |

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| **Removing the EL Designation** |
| After a student is identified as an EL, the school division may not remove the EL designation before the student scores proficient on the annual ELP assessment in the four language domains (in Virginia, ACCESS for ELLs), even if the parents object to the EL designation. LEP parents retain the right to decline LIEP services at any time. A proficient score in Virginia is defined as scoring 4.4+ on the Overall Composite of the ACCESS for ELLs test.([Addendum to September 23, 2016 Non-Regulatory Guidance: English Learners and Title III)](https://www2.ed.gov/policy/elsec/leg/essa/elandiitleiiiaddendum1219.pdf)  |
| **Erroneously Designated ELs** |
| An erroneously identified EL is a student who was identified as an EL but should not have been because the student does not in fact meet the definition of “English learner” in ESEA section 8101(20). The erroneous identification may have occurred as part of the initial identification process for reasons such as: * parent’s inaccurate completion of the home language survey;
* administration of an EL screening assessment without providing for appropriate accommodations for a student with disabilities; or
* an inaccurate scoring on the annual ELP assessment.

In instances of erroneous EL identification, a school division should determine how to proceed based on individual circumstances. For example, if a school division decides that appropriate accommodations were not provided to a student with a disability during the screening process to determine EL status, the school division should retest the student with appropriate accommodations. If the results of the screening process show that the student is not an EL, the EL designation should be removed. Please note that school divisions must use a WIDA screening instrument to determine EL status.Erroneous EL identification may also occur due to parent misunderstanding during enrollment. For example, LEP parents indicate that languages other than English are spoken at home due to occasional use of a language other than English, even though English is the dominant home language and the student does not speak or understand any language other than English. In this case, the school division may remove the EL designation since the student should not have been identified as an EL. School divisions should keep in mind that the cases stated above are, and should be, rare exceptions to the requirement that ELs retain the EL designation until scoring proficiency on the annual English proficiency test (in Virginia, 4.4+ on the Overall Composite on the ACCESS for ELLs test). ([Addendum to September 23, 2016 Non-Regulatory Guidance: English Learners and Title III)](https://www2.ed.gov/policy/elsec/leg/essa/elandiitleiiiaddendum1219.pdf)  School divisions should report the removal of the EL designation to the VDOE Office of Student Assessment (Kia.Johnson@doe.virginia.gov). |