**Identifying English Learners (ELs)**

Divisions are required to accurately identify English Learners (ELs), so they can receive language instruction educational program (LIEP) services to acquire English proficiency for meaningful access to the curriculum and to meet the same content standards as all students are

expected to meet.

**Federal Civil Rights Requirements for**

**Parent Communication**

* Annually, divisions must notify parents/guardians that a student is identified as an EL. This requirement includes enrolled students previously identified as ELs.
* Divisions must provide information about the student’s English proficiency level and the LIEP services that will be provided to the EL, including the program’s exit requirements and expected rate of graduation.
* Divisions must inform parents/guardians that a student identified as both an EL and a student with disabilities will receive LIEP and special education services.
* Divisions must inform parents/guardians of the option to remove the student from LIEP services or choose another LIEP (if available).
* All oral and written communication must be provided in a language the parents/guardians understand.

**Federally Required Timeline**

Divisions must identify all potential ELs enrolling in a school division, screen them to determine an English proficiency level, and place them in appropriate programs and services, including a LIEP. Screening, identification, and notification must occur within:

* **30 calendar days if at the beginning of the school year**
* **14 calendar days if after the beginning of the school year**

**Identifying Questions**

These three identifying questions are required for all divisions to determine if students are potential ELs.

* 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?

The identifying questions may be included in enrollment documents or in a Home Language Survey and must be administered to **all** incoming students to prevent selective EL identification. The identifying questions cannot be altered.

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**For more information about Virginia’s Entrance Requirements for ELs:**

[Superintendent’s Memo 168-17](https://www.doe.virginia.gov/home/showpublisheddocument/4290/638005124566070000)

[Superintendent's Memo 189-22](https://www.doe.virginia.gov/home/showpublisheddocument/8370/638025866783870000)

**English Learner Tool Kit**

The English Learner Tool Kit supports the 2015 [Dear Colleague Letter](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf) jointly released by the U.S. Department of Education and the U.S. Department of Justice outlining the civil rights obligations of states and school divisions to identify and educate ELs.

[**EL Tool Kit Chapter 10:**](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf)

E Ensuring Meaningful Communication with Limited English Proficient Parents

[**EL Tool Kit Chapter 1:**](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap1.pdf)

Identifying All English Learner Students

**Standardized Entrance Procedures for English Learner (EL) Identification**

Per [Superintendent’s Memo 189-22](https://www.doe.virginia.gov/home/showpublisheddocument/8370/638025866783870000), released June 4, 2021, divisions in Virginia are required to have standardized entrance procedures in place for the accurate identification of ELs. The flow chart below provides EL entrance procedures according to federal civil rights requirements. Prior to implementation in a division or school, the flow chart should be adapted to include contact information for designated LEA staff and additional EL identification procedures (if applicable).

**In the blue boxes, divisions/schools should provide contact information for designated staff who are responsible for ensuring that each step of the EL enrollment process is completed. Alternate staff may be listed in the event the designated staff is unavailable.**

**Newly Enrolled Student**

**Specify staff responsible for administering the identifying questions**

**Administer the 3 required identifying questions**

**Student is not identified as an EL and is not eligible for LIEP services.**

**Specify certified staff responsible for administering the WIDA Screener**

**Administer a WIDA screening instrument:**

 **- WIDA Screener;**

 **- WIDA MODEL;**

 **- K Screener**

**Student is not identified as an EL and is not eligible for LIEP services**

**Student is entered as an EL in the Student Record Collection (SRC)**

**Specify staff responsible for entering EL student data in the division Student Information System (SIS).**

**EL is placed in LIEP services**

**Send Parent Notification Letter**

**The letter must be provided in a language the parents understand**

**Specify staff responsible for EL Placement**