

HATTIESBURG PUBLIC SCHOOL DISTRICT



**English Learner Guidelines
District Plan and Procedures
2020-2021**

Forward

The purpose of this document is to provide support to the Hattiesburg Public School District in its effort to serve the needs of English Learners. The information in this document is intended to provide educators with the guidance and resources necessary for English Learners to attain English proficiency and master Mississippi's high academic standards.

This document is based on the Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports. Key sections of Mississippi Guidelines have been duplicated to ensure consistency in implementation.

Understanding Mississippi English Learners

A number of terms have been used over the years to identify students who are non-native English speakers. At one point, these students were called English as a Second Language (ESL) students. This term was flawed because it did not acknowledge that some students learn English and another language simultaneously and that some students might already know two or more languages before learning English. During the era of the *No Child Left Behind Act* (NCLB), the term English language learner (ELL) was often used to describe this population of students. The *Every Student Succeeds Act (ESSA) of 2015* brought a slightly different variation on the term, naming this population of students “English learners.” The reasoning behind this decision was the result of a belief that the word “language” was redundant since English is already recognized as a language. In some federal communications, the phrase limited English proficient is used. For the purposes of this document and the work of public educators in the state of Mississippi, the federal term English learners (ELs) will be used.

According to ESSA, an EL is defined as an individual:

- who is aged 3 through 21;
- who is enrolled or preparing to enroll in an elementary school or secondary school;
- who was not born in the United States or whose native language is a language other than English;
- who is a Native American or Alaska Native or who is a native resident of the outlying areas; and
- 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
- who is migratory and whose native language is other than English and who comes from an environment where a language other than English is dominant; and
- whose difficulty speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
 - the ability to meet the State’s proficient level of achievement on State assessments;
 - the ability to successfully achieve in classrooms where the language of instruction is English; or
 - the opportunity to participate fully in society.

FIGURE 3 Types of English Learners and Their Characteristics

<u>Type of English Learner</u>	<u>Characteristics</u>
Newly Arrived with Adequate Schooling	<ul style="list-style-type: none">▪ Recent arrivals (less than three years in the United States)▪ Adequate schooling in native country▪ Catch up academically with relative ease▪ May still score lower on standardized testing due to need for English language acquisition
Newly Arrived with Limited Formal Schooling	<ul style="list-style-type: none">▪ Recent arrivals▪ Interrupted or limited schooling in native country▪ Limited native language literacy▪ Below grade level in math▪ Poor academic achievement
Long-Term English Learner	<ul style="list-style-type: none">▪ Below grade level in reading and writing▪ Mismatch between student perception of achievement and actual grades▪ Some have adequate proficiency but score low on tests▪ Have had EL instruction, but inconsistent instructional models

Educators who work with ELs at the school and district level must understand the diverse academic and linguistic needs of Mississippi's ELs and must provide support accordingly.

Understanding the Role of Federal Civil Rights Laws in the Education of English Learners

Federal law prohibits entities that receive federal funds, including LEAs and public schools, from discriminating on the basis of race, color, or national origin.³ Federal law also requires LEAs to take “appropriate action to overcome language barriers that impede equal participation by [their] students in [their] instructional programs.”⁴

Based on these (and other) federal laws, federal courts have:

- Ruled that LEAs must take affirmative steps to ensure ELs can meaningfully participate in their educational programs and services. (*Lau v. Nichols*, U.S. Supreme Court (1974).)
- Ruled that states cannot constitutionally deny students a free public education based on their immigration status. (*Plyler v. Doe*, U.S. Supreme Court (1982).)
- Established criteria for evaluating the adequacy of EL programs.⁵ (*Castañeda v. Pickard*, U.S. Court of Appeals for the Fifth Circuit (1981). These criteria are also reflected in the U.S. Department of Education and the U.S. Department of Justice’s ***Joint Guidance on English Learner Students and Limited English Proficient Parents***⁶ (2015), which outlines legal obligations to EL students under civil rights laws and other federal requirements.

These federal laws and court rulings affect LEAs in a variety of ways, including the steps LEAs take to:

- Enroll ELs in school
- Identify ELs
- Assess ELs
- Provide ELs with a language education program and access to academic content
- Staff and support EL programs
- Ensure meaningful communication with parents of ELs
- Provide ELs with access to other program services

³ Title VI of the Civil Rights Act of 1964. More information about education and Title VI is available from the U.S. Department of Education at <https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>.

⁴ Equal Educational Opportunities Act (EEOA), 20 U.S.C. § 1703(f)).

⁵ The criteria are: (1) whether 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; (2) whether the program and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school; and (3) whether the program succeeds, after a legitimate trial, in producing results indicating that students’ language barriers are actually being overcome within a reasonable period of time.

⁶ This guidance is available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

Enrolling and Identifying English Learners

Enrolling

When EL students and their families enter the United States, they must become familiar with their new country's culture and customs as well as a new school system and its myriad structures, expectations, and legal requirements. Children who are unaccompanied youth may also be adjusting to life in a new family or home environment. On top of these challenges, many ELs may have had journeys to the United States that involved hardship and trauma.

Welcoming ELs into a school community requires empathy and understanding of the unique challenges faced by these students and their families. It also necessitates an understanding of the benefits of creating environments that are inclusive, informing, welcoming, and conducive to full participation and academic success for all students.

Every public school in the United States is required to provide a free and equitable education to all school-age children who live within the boundaries of the local educational agency (LEA), regardless of immigration status. Several laws protect the rights of ELs and their families, particularly during the enrollment process. These protections are provided because many EL students' levels of transiency and lack of English proficiency make them a particularly vulnerable population.

Hattiesburg Public School District will enroll all students regardless of their or their parents' or guardians' actual or perceived citizenship or immigration status.⁷

When enrolling students, the Hattiesburg Public School District will not request information from students or their parents or guardians in order to deny access to public schools on the basis of race, color, or national origin.⁸

For example, the Hattiesburg Public School District may require proof of residency, inquiring into students' citizenship or immigration status, or that of their parents or guardians, would not be relevant to establishing residency.⁹

Similarly, the district may require students or their parents to provide proof of age, we may not bar a student from enrolling because he or she lacks a birth certificate or has records that indicate a foreign place of birth.¹⁰

Further, if the district requests a student's social security number, it must: 1) inform the family that providing it is voluntary and refusal will not bar the child from enrolling in or attending school, and 2) explain for what purpose the number will be used. HPSD may not require families to provide a social security number to enroll in or attend school.¹¹

In general, the Hattiesburg Public School District shall review the list of documents required for enrollment to ensure we do not unlawfully bar or discourage students from enrolling in or attending school.¹² More information about the rights of all children to enroll in school is available in this Dear Colleague Letter on School Enrollment Procedures from the U.S Departments of Education and Justice.

⁷ U.S. Departments of Education and Justice, *Dear Colleague Letter: School Enrollment Procedures* (2014), p. 2, available at www.ed.gov/ocr/letters/colleague-201405.pdf. (referred to as *Dear Colleague Letter: School Enrollment Procedures* for the rest of this document).

⁸ *Dear Colleague Letter: School Enrollment Procedures*, p. 2.

⁹ *Dear Colleague Letter: School Enrollment Procedures*, p. 2.

¹⁰ *Dear Colleague Letter: School Enrollment Procedures*, p. 2.

¹¹ *Dear Colleague Letter: School Enrollment Procedures*, p. 4.

¹² *Dear Colleague Letter: School Enrollment Procedures*, p. 2.

Identifying

Home Language Survey

A Home Language Survey (HLS) must be completed for each student registering for enrollment in a school in Mississippi. An HLS is a tool to be given to ***all new entering students*** and used to identify students who may not be proficient in English.

It is recommended by the U.S. Department of Education to include these questions to comply with federal law:

- Is a language other than English spoken at home?
- Is your child's first language a language other than English?
- What language did your child learn when he/she first began to speak?
- What language does your child most frequently speak at home?

If any response on the HLS indicates the use of a language other than English by the student or an individual in the home, then further assessment must be conducted to determine the student's English-language proficiency level.

The completed survey becomes part of the student's cumulative record and must be available for future reference

The Placement Test for Instructional Placement

The LAS Links placement test must be conducted to determine the level of English proficiency and to facilitate appropriate instructional and program placement decisions. Potential EL students identified by the HLS during registration during the beginning of the school year must be assessed for English-language proficiency within 30 calendar days of enrollment. Potential EL students who register after the beginning of the school year must be assessed within ten school days of enrollment. The English Language Proficiency Test (ELPT) assesses the proficiency of students in all four-language domains (i.e., speaking, listening, reading, and writing). Those administering and scoring the placement test must be certified teachers and receive some level of training. The Hattiesburg Public School District Test Security Plan must describe who will administer and score assessments, and what training is required to ensure valid and reliable results. The student's placement test report must be placed in their cumulative record.

Parent and Family Notification

Any parent or guardian whose child is receiving or is eligible to receive EL services has the right to decline or opt his or her child out of any or all EL services. Hattiesburg Public School District may not recommend that a parent or guardian opt a child out of EL programs or services for any reason. HPSD will provide guidance in a language parents or guardians can understand to ensure that they understand their child's rights, the range of EL services that their child could receive, and the benefits of such services. This is to ensure that the parent or guardian's decision to opt out is informed and voluntary. Since HPSD receives Title I-A funds, written notification must be provided to parent or guardians of their children's recommended placement in an EL program within 30 days of the start of the school year (or within ten days for later-arriving students). The notification must include all of the statutorily-required elements, including the right to opt out. HPSD will retain

appropriate documentation to demonstrate that a parent or guardian knowingly and voluntarily opted his or her EL child out of EL programs or particular EL services. It is important to note that opting out of EL programs or particular EL services does not affect a student's ability to participate in any other programs or services, such as special education services. If a parent or guardian decides to opt his or her child out of EL programs or particular EL services, that child retains his or her status as an EL. HPSD remains obligated to take affirmative steps and appropriate action required by civil rights laws to provide the EL student meaningful access to its educational program. Thus, the district must continue to monitor periodically the opted-out student's academic progress.¹³

If HPSD finds that a student is struggling, the district must take appropriate steps to assist the student. These steps must include reassessing the student's ELP using the screener; notifying the student's parent or guardian about his or her child's lack of progress, and encouraging him or her to opt the child into EL programs and services; and providing supports for the student's language acquisition, such as offering professional development (PD) in second language acquisition to the student's core curriculum teachers.

The ELs who opt out of services must, like those receiving programs or services, have their ELP reassessed yearly during the annual LAS Links assessment period. After it is determined that the EL no longer qualifies as an EL, the Hattiesburg Public School District will continue to monitor the student for at least four years, just as it would an EL who has received EL programs and services.¹⁴

Placement in a Language Instruction Educational Program

After ELs have been identified using the LAS Links Placement Test, HPSD will provide ELs with appropriate language assistance services and programs, commonly known as "EL services and programs." The district has the flexibility to choose the EL services and programs that meet civil rights requirements and best meet the needs of their EL population.

In general, appropriate EL services and programs enable ELs to attain both English proficiency and participate meaningfully in the standard instructional program within a reasonable amount of time. HPSD will offer appropriate EL services until ELs are proficient in English and can participate meaningfully in educational programs without EL support. This includes continuing to provide EL services to ELs at the highest levels of English proficiency until they have exited from EL services and programs.

The goal for students who are ELs is that they attain fluency in English, master the state's academic content standards as demonstrated by proficiency on the state's required student assessments, and pass any other state required tests. Research related to student placement and retention shows that ELs must be placed age-appropriately in the mainstream classroom. This provides them with access to challenging, grade-level content instruction and the opportunity to interact with their English-speaking peers and is considered generally to be the least restrictive educational environment. At the high school level, credits must be awarded based on transcripts provided by the students/parents/guardians, even if the coursework was taken in another country. If transcripts are in a language other than English, translations must be sought so that credits can be awarded.

13 U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

14 U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

Developing a Language Service Plan

The Mississippi Department of Education requires each student designated as an EL to have a Language Service Plan (LSP), which must be updated annually until the student exits the EL program. The Student Evaluation Team (SET) must meet to develop the LSP at the beginning of each academic school year. This team must be composed of teachers (including EL teachers), administrators, counselors, and parents or guardians. The team will meet quarterly to evaluate the student's progress and make necessary adjustments. A copy of the LSP must be provided to all teachers who work with the EL student.

The LSP must contain the following:

- Student's demographic information
- Date of first enrollment in a U.S. school
- Yearly ELPT scores
- Classroom accommodations
- State testing accommodations
- Signatures of SET members

EL Data Entry

The accuracy of EL data is of the utmost importance. Once a student has been identified as an EL, the district will ensure the student is correctly marked in our student data package. This information will upload to MSIS once the district has submitted our data to the Mississippi Department of Education. The district will ensure each column on the EL roster screen of MSIS is completed. This information should be checked monthly for accuracy.

Assessing English Learners

Federal Regulations

The Elementary and Secondary Education Act (ESEA) requires that the school districts must assess all ELs using the annual English language proficiency assessment, including those students whose parents have declined to enroll them in, or had them removed from, Language Instruction Education Programs (LIEPs).² Additionally, all ELs enrolled in schools served by the State must be assessed annually using the State's English language proficiency assessment. [ESEA Section 1111(b)(2)(G)]. "State or district assessment policies, if they include a right to opt a child out of assessments, do not override or diminish the LEA's obligation to assess 100 percent of ELs using the annual English language proficiency assessment." ²

English Language Proficiency Test

The LAS Links Assessment is a secure, large-scale, English language proficiency assessment administered to kindergarten through 12th-grade students who have been identified as ELs. This assessment is administered annually in the spring to monitor each EL's progress in acquiring academic English.

The LAS Links Assessment incorporates both English language arts (ELA) standards of the Mississippi College and Career Readiness Standards and English Language Development Standards to measure each student's English language proficiency level and growth.

English Language Proficiency Testing Basics

As mandated by ESEA, the students are tested in four domains: Listening, Speaking, Reading, and Writing. The Listening domain assesses the student's response to a variety of audio passages. The Speaking domain assesses the student's production of grammar and vocabulary as used in social and academic language. The Reading domain assesses the student's reading comprehension based on answers to multiple-choice questions about passages, tables, charts, and illustrations. Lastly, the Writing domain assesses the student's ability to produce grade-level-appropriate words, sentences, and paragraphs.

Accommodations on State Academic Assessments

Reasonable accommodations must be provided on assessments administered to ELs. In the current edition of the Mississippi Testing Accommodations Manual 6, accommodations are available for students who have been officially identified as ELs. Mississippi strives to ensure that the use of accommodations deemed appropriate for ELs on any state assessment does not deny ELs the opportunity to fully participate in the assessment and allows the students to receive benefits equal to those received by never-ELs.

If an EL cannot be assessed on LAS Links Assessment in one or more domains of the English Language Proficiency Test due to a disability, and there is no appropriate accommodation, the student's English language proficiency will be based on the domains that can be assessed.

² "The Demography of the English Learner Population." National Academies of Sciences, Engineering, and Medicine. 2017. *Promoting the Educational Success of Children and Youth Learning English: Promising Futures*. Washington, DC: The National Academies Press. doi: 10.17226/24677.

Exiting Students

On January 19, 2017, the Mississippi State Board of Education revised the LAS Links Assessment score requirements for English learners (EL) to officially exit EL status.³ Under the new policy, the student is required to obtain the following proficiency levels on the ELPT:

- a. Overall Proficiency Level 4 or 5, and
- b. Reading Proficiency Level 4 or 5, and
- c. Writing Proficiency Level 4 or 5.

Because ESSA requires states to have uniform exit criteria, LEAs should not add other criteria as exit requirements. An EL with a disability can be “exited” from EL status when he or she no longer meets the definition of an EL. This occurs when the student meets the State’s definition of “proficient” in English. However, there is no provision in the Individuals with Disabilities Education Act (IDEA) that would authorize the Individualized Education Program (IEP) Team to remove the “EL” designation before the student has attained English proficiency. In addition, other district and/or school personnel do not have the authority under Federal law to remove a student’s EL designation before the student has been deemed proficient in English solely because the student has an IEP.⁵

Monitoring Students

After students have exited EL status, school districts must monitor their academic progress for at least four years. Monitoring must be conducted and documented every nine weeks, with a SET team reviewing monitored students’ grades, assessments, and other related data. If an exited EL is not progressing academically as expected and monitoring suggests a persistent language need, districts must re-test using the LAS Links Placement Test to see if the student needs to be offered additional language assistance services. In no case should re-testing of an exited student’s ELP be prohibited. If the student re-enters EL services, however, the district is required to document the reasons why, as well as obtain the parent’s consent before reentry.

³ Title VI of the Civil Rights Act of 1964. More information about education and Title VI is available from the U.S. Department of Education at <https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>.

⁵ The criteria are: (1) whether 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; (2) whether the program and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school; and (3) whether the program succeeds, after a legitimate trial, in producing results indicating that students’ language barriers are actually being overcome within a reasonable period of time.

Services and Instructional Supports for English Learners

ELs should have meaningful access to the core curriculum, such as math, science, social studies, and language arts while learning English. While the district's EL program should focus in part on language acquisition, both EL teachers and academic teachers should work together to ensure that students are mastering the academic language needed to be successful.

Every classroom teacher who serves ELs should work to help ELs make sense of the Mississippi College and Career Readiness Standards, regardless of language proficiency. As part of this expectation, teachers must incorporate a variety of EL strategies into instructional planning to help students make sense of academic content. Teachers should use visual supports to help build student understanding. Some common visual supports used by classroom teachers include the following:

- Photos or Illustrations
- Videos
- Picture Books
- Audio Books
- Charts
- Graphs
- Diagrams
- Thinking Maps and Graphic Organizers
- Manipulatives
- Labels
- Models
- Gesturing/Pantomime
- Realia (bringing in the “real” item being discussed)
- Anchor Charts
- Translations in the Native Language (for students who read in their native language)
- Simplified text in English
- Bilingual and Bilingual Picture Dictionaries

Additionally, teachers must understand the basic communication strategies to be used with ELs. All teachers and paraprofessionals who work with ELs in any capacity should recognize that they need to speak slowly and clearly (not loudly). Educators also should be aware that ELs typically need additional processing time when being introduced to new material or being asked to respond to questions.

Teachers also should recognize the value that collaborative learning has for ELs, including strategies such as assigning peer buddies and language buddies for assignments with high- language demands, think-pair-share activities and the incorporation of sentence starters, sentence frames and word banks to support production during collaboration.

Placement for Newly Arrived Secondary English Learners

When a student enrolls in U.S. schools for the first time at the secondary level, careful consideration must be given to the student's course schedule to ensure the student has access to a high school diploma. School districts must place students in academic courses sequentially to ensure ELs have access to the foundational skills needed to be successful in high school and ensure that they graduate from high school ready for college and career. Students must be given an opportunity to take all courses needed for graduation. Students must take the required assessments at the time they are enrolled in the corresponding courses, and they may not skip courses to avoid state assessments. For example, English I, II, III, and IV must be offered, scheduled and taught in sequential order. While courses cannot be scheduled or taken out of sequence, concurrent enrollment is acceptable in situations where a student failed a course and needs to simultaneously enroll in two courses to graduate on time. For example, if a student fails English III, they can take English III and English IV their senior year to graduate on time. Students might be enrolled concurrently in English as a Second Language as an elective to receive additional support while taking English I–IV.

Multi-tiered System of Supports for English Learners

The Multi-Tiered System of Supports (MTSS) is a framework for effective team-based problem solving that is data-informed, evidence-based, and flexible enough to meet the academic and behavioral needs of all students. With MTSS, schools identify struggling students, monitor student progress, provide evidence-based interventions, and adjust the intensity and nature of those interventions depending on a student's responsiveness. Schools also identify students with learning disabilities or other disabilities.

When an EL, who is actively receiving support from an EL program, is observed by the mainstream teacher to have continuing difficulties with learning, the first course of action would be to consult informally with the EL teacher/specialist to request additional instructional strategies for teaching. The EL teacher might

1. Offer new suggestions;
2. Request to observe the student in the classroom; or
3. Check with the entire team of teachers to see if the student is struggling in more than one class.

If the student continues to struggle, the next option is to refer the student to the Teacher Support Team (TST) for possible intervention. It is essential that the EL teacher is involved or consulted at each step of the tier process. This is imperative before making recommendations for intervention strategies. Teams must collaboratively determine if the mainstream teachers' instructional techniques are known to be effective with ELs, as well as whether or not teachers have implemented the recommended EL instructional accommodations.

Grading and Retention of English Language Learners

As students are working to learn English during the initial stages of language acquisition, it is a violation of their Civil Rights to retain them due to limited language proficiency. Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), schools must ensure that EL students are placed appropriately and can participate meaningfully and equally in educational programs. Districts are required to take steps to ensure that students are not retained solely because they are still in the early stages of learning English. Students who receive extensive language supports and classroom accommodations must have this information noted on their report cards, and accommodations must be shared

with the families of EL students to ensure that they have an understanding of true academic performance in English language proficiency.

LAS Links recognizes five proficiency levels: Level 1 (Beginning), Level 2 (Early Intermediate), Level 3 (Intermediate), Level 4 (Proficient), and Level 5 (Above Proficient).

No failing grades may be given to ELs whose English proficiency is developing from Level 1 through Level 3. An EL cannot be penalized for his/her lack of English.

Hattiesburg Public School District will follow the following modified grading scale:

Kindergarten – 12th Grade:

1. Levels 1-3 (Beginning through Intermediate)

a. 60 -100% Passing (with necessary accommodations and modifications)

b. Notation of “EL” on the report card

2. Levels 4-5 (Proficient and Above Proficient)

a. Common criteria for assigning grade (with necessary accommodations and modifications)

b. Notation of “EL” on the report card

A Carnegie unit credit should be awarded to students in levels 1-3 based on classroom modifications and accommodations for student success.

Legally, the LEA is required to accommodate the EL in a way that allows the student to benefit from the educational experience. The student cannot be penalized for his/her lack of the English language. A valid interpretation would mean that a student should never be given the grade of “F” when the student’s lack of success can be attributed to limited English proficiency. Experts in the field say that the average amount of time for attaining oral fluency is 1 to 2 years. However, English skills in reading and writing take an average of 5 to 7 years; during this time the student may still be limited English proficient (LEP).

The experts in the field of English as a Second Language suggest that classroom teachers hold students accountable for material that is appropriate for their English language levels and educational background. Modifications of instructional methods and assessments are recommended for grade-level content material. (Possibilities include shorter tests, read aloud, oral responses, and pictorial responses, etc.)

Retention is generally not recommended for ELs. It is crucial that a careful evaluation is made to be sure that lack of English language skills is not mistaken for poor achievement. Though the decision to promote or retain must be made on a case-by-case basis, any decision to retain an EL must be accompanied by extensive documentation demonstrating that appropriate accommodations and modifications were employed throughout the year to assure compliance with Federal requirements (May 25, 1970 Memorandum).

Mississippi EL Standards

Mississippi currently utilizes the TESOL Pre-K-12 English Language Proficiency Standards, and the State’s ELPT is aligned to these standards. The frameworks for the standards may be accessed at https://www.tesol.org/docs/books/bk_prek-12elpstandards_framework_318.pdf?sfvrsn=2

Staffing and Supporting an English Learner Program

Recruiting, developing, and retaining qualified educators is essential to ensuring that any EL program model is effective. The Hattiesburg Public School District will make every effort to hire an adequate number of teachers who are qualified to provide EL services and to train core-content teachers, who meet requirements in their field, to specifically support EL students. These teachers should meet state requirements and have mastered the skills necessary to effectively teach in an EL program.¹⁶

The Hattiesburg Public School District will make every effort to hire teachers qualified and certified to teach ELs, or support unqualified staff as they work toward obtaining the qualifications within a reasonable period of time. If HPSD cannot hire an adequate number of qualified EL trained teachers, the district will ensure that current teachers receive the necessary training, either through Mississippi Department of Education-provided professional development or through training provided through the district. Paraprofessionals or assistants may not take the place of qualified teachers and may be used only as an interim measure while the school district hires, trains, or otherwise secures enough qualified teachers to serve its EL students and must always be under the supervision of a teacher.

Even when teachers already hold an ESL license, it is expected that the district provide teachers and paraprofessionals with ongoing PD designed to improve effectiveness.

All staff, including bilingual paraprofessionals and assistants, are required to speak English proficiently. Paraprofessionals who work with ELs also must receive appropriate PD to build effectiveness. Paraprofessionals, assistants, or tutors may not take the place of qualified teachers and may be used only as an interim measure while the school district hires, trains, or otherwise secures enough qualified teachers to serve its EL students. Paraprofessional must be under the supervision of a teacher.

¹⁶ U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

Ensuring Meaningful Communication With Limited English Proficient Parents

The Hattiesburg Public School District has a legal obligation to communicate meaningfully with Limited English Proficient parents and families and to adequately notify them of information about any program, service or activity called to the attention of non-LEP parents. Successful communication provides LEP parents, guardians, and families with the school-related information they need to make informed decisions about, and be helpful participants in, their children's education. This may include but not be limited to information about language assistance programs, special education and related services, Individualized Education Program (IEP) meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent or guardian permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted programs, and magnet and charter schools.¹⁷

HPSD will develop and implement an uncomplicated process for determining (1) if parents and guardians have limited English proficiency, (2) what their primary language is, and (3) what their language needs are. HPSD will use a Home Language Survey to inquire about whether a parent or guardian requires oral and/or written communication in a language other than English. The district and its schools must translate the HLS into languages that are common in the school and surrounding community. Schools must take parents at their word about their communication need if they request language assistance. Schools must also understand that parents or guardians may not be proficient in English, even if their child is.

HPSD will provide language assistance to LEP parents effectively with appropriate, competent staff or appropriate and relevant outside resources. To provide these services, we may survey or canvas staff to see if they are trained and qualified to provide effective language assistance or obtain qualified interpreters and translators if staff is unqualified or if additional staffing support is needed. HPSD will ensure translators are familiar with the language used in school communication and it is strongly recommended that all interpreters and translators sign a confidentiality agreement. Students, siblings, friends, and untrained staff members are not considered qualified translators or interpreters, even if they are bilingual. All interpreters and translators, including staff acting in this capacity, must be proficient in both English and the target language; have knowledge of specialized educational terms or concepts in both languages; and be trained in the role of an interpreter or translator, and the ethics of interpreting and translating, with particular emphasis placed on the importance of maintaining student, family and staff confidentiality.

¹⁷ U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

Tool for Translating Federally Mandated Documents

In Mississippi, one tool for providing translated notices to families is the online system TransACT. All Mississippi public school staff with email addresses can access the system, which provides hundreds of translated, ESSA-aligned forms and notifications. TransACT can be accessed at www.transact.com. Additionally, Title I of ESEA, as amended by ESSA now requires education agencies to conduct effective outreach to parents, guardians, and families of ELs. This requirement includes outreach for regular meetings attended by non-El families.

Building strong relationships between families and schools or districts typically occurs over time, and these relationships can be established and nurtured in numerous ways, which go well beyond the basic requirements of translation and interpreter services. It is essential that school and district leaders understand the cultures of LEP families and integrate the culture of LEP families into school life. Schools and LEAs also should foster relationships by inviting families to volunteer in the school and encouraging families to help children integrate their cultural and linguistic traditions into school assignments and other curricular and extracurricular activities.

English Learners and Access to Other Program Services

Services for ELs must represent a continuum of available programs and students must not be denied access to programs due to language proficiency. The EL students who meet criteria may be eligible for a variety of other specialized program services, including gifted education, advanced placement, dual credit, and other advanced courses; MTSS, special education services, migrant and immigrant programs, and services for homeless students.

Gifted Education

EL students may possess extraordinary learning or performance abilities that have nothing to do with their language proficiency. Procedures used for identifying students who are gifted must be as bias-free and culturally equitable as possible, while also being consistent with the requirements set for other gifted students. These procedures must be designed to highlight student strengths and abilities, regardless of native language or dominant language use. Generally, assessments used in identification must be administered in the language that gives the individual student the greatest opportunity for demonstrating extraordinary capability. Assessment of a student's linguistic ability must be done in the language in which the student is most comfortable. Students who are identified gifted must still receive EL services until they qualify for exiting EL status. The time spent in the development of English proficiency must not take precedence over appropriate instruction and learning in the student's areas of strength and talent. For example, a mathematically gifted, non-English proficient student must receive advanced and accelerated mathematics instruction and opportunities to perform at optimal levels. The language of instruction must serve the optimal development of the student's mathematics ability. The student must spend as much quality time in high-level mathematics learning and production as would a highly English proficient, mathematically gifted student.

Advanced Placement, Dual Credit, and Other Advanced Courses

In addition to gifted education, EL students also must be provided with access to Advanced Placement, dual credit, and other advanced courses. The ELs must receive language supports to assist them in accessing academic content, just as they would if they were in other less accelerated academic courses.

Guidelines for EL Students with Disabilities

The IDEA and Section 504 of the Rehabilitation Act of 1973 (Section 504) address the rights of students with disabilities in school and other educational settings. If an EL is suspected of having one or more disabilities, the Hattiesburg Public School District must evaluate the EL promptly to determine if the EL has a disability or disabilities and whether the EL needs disability-related services. Disability evaluations may not be delayed because of a student's limited English language proficiency or the student's participation in an EL program. Also, a student's English language proficiency cannot be the basis for identifying a student for special education.¹⁸

It is important for educators to accurately assess whether ELs are eligible for special education services. Appropriate disability identification processes that evaluate the student's disability-related educational needs and not the student's English language skills will help school personnel to accurately identify students in need of disability-related services. In addition, districts must ensure that a student's special education evaluation is provided and administered in the student's dominant language or another mode of communication and in the form most likely to yield accurate information about what the student knows and can do unless it is clearly not feasible to do so. Assessing whether a student has a disability in his or her native language or another mode of communication can help educators determine whether a need stems from a lack of English language proficiency or a student's disability-related needs.

When an EL student is determined to have a disability, the student's EL and disability-related educational needs must both be met. For EL students, in addition to the required IEP team participants under IDEA, it is essential that the IEP team include participants who know the student's language needs. It is also important that the IEP team include professionals with training, and preferably expertise, in second language acquisition. There are steps that must be taken to help prevent over-identification of ELs in special education. When a student is having difficulty mastering specific skills, it is important for the teacher to accommodate the instructional strategies and pace of instruction for the student. If the student continues to have difficulty after consistent language accommodations and Tier 1 and Tier 2 interventions, the student must be referred to the Student Evaluation Team (SET) along with the TST. The EL professional must be a member of the TST.

A number of factors must be considered when deciding whether a student must be referred for special education testing. These include the following:

- Entry date in the United States
- Years of consistent schooling
- Educational history, including years in U.S. schools and consistency of education
- Prior evaluation results
- Physical conditions that might account for difficulties, including need for glasses or hearing aids
- School attendance
- Input from parents, guardians, and families

After this information is reviewed, one of two things may happen:

1. The TST may recommend additional interventions and accommodations for the classroom.
2. The SET team can then make a referral for special education testing to determine if the student has a specific disability. Once a referral is made, testing is completed to determine if the student qualifies as a student with a disability under IDEA.

It is important to note that the parent, guardian, or the TST team may request a comprehensive assessment be completed at any time, which would then require a Multidisciplinary Evaluation Team (MET) meeting within ten days to determine whether a comprehensive evaluation must be completed at this time.

Specific procedures for special education assessment are provided in the Mississippi Policies and Procedures Regarding Children with Disabilities under the Individuals with Disabilities Education Act Amendments of 2004 (2009). As noted earlier, proficiency assessment in both English and the child's first language can identify the dominant language for further evaluation and assessment if needed. Nonverbal tests are another alternative.

All students who qualify for services under IDEA, regardless of the type or degree of disability, share certain rights and needs, including:

- The right to a free and appropriate public education
- The right to an IEP specifying the student's unique needs along with the special education and related services the student is to receive
- The need to have cognitive, linguistic, academic, and social/emotional characteristics

Migrant Education Program

An EL is eligible to receive migrant education program (MEP) services if they meet the definition of “migratory child” and if the basis for their eligibility is properly recorded on a certificate of eligibility (COE) or on another written or electronic form. All school districts should have a copy of the migrant survey in their registration packet. Any survey indicating potential migrant status should be provided to the Mississippi Migrant Education Service Center. The term “migratory child” is defined in section 1309(2) of the statute and section 200.81(d) of the regulations. Determining whether a child meets this definition is often difficult and depends on a recruiter’s assessment of information presented by a parent or other family member, guardian, or another individual responsible for the child.

According to sections 1115(b)(1)(A) (incorporated into the MEP program by virtue of sections 1304(c)(2)) and 1309(2) of the statute and §§ 200.81(e) and 200.103(a) of the regulations, a child is a “migratory child” and is eligible for MEP services if all of the following conditions are met:

1. The child is not older than 21 years of age; *and*
2. The child is entitled to a free public education (through grade 12) under State law or is below the age of compulsory school attendance; *and*
3. The child is a migratory agricultural worker or a migratory fisher, or the child has a parent, spouse, or guardian who is a migratory agricultural worker or a migratory fisher; *and*
4. The child moved within the preceding 36 months to seek or obtain qualifying work, or to accompany or join the migratory agricultural worker or migratory fisher identified in paragraph 3, above, to obtain qualifying work; *and*
 - a. With regard to the move identified in paragraph 4, above, the child: a. Has moved from one school district to another; or
 - b. In a State that is comprised of a single school district, has moved from one administrative area to another within such district; *or*
 - c. Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in or to accompany or join a parent, spouse, or guardian who engages in a fishing activity. (This provision currently applies only to Alaska.)

The general purpose of the MEP is to ensure that children of migrant workers have access to the same free, appropriate public education, including public preschool, provided to other children. To achieve this purpose, the MEP helps state and local education agencies remove barriers to the school enrollment, attendance, and achievement of migrant children. Although many migrant families represent language minorities, it is important to remember that many do not.

Immigrant Education Program

Status as an immigrant often overlaps with EL status among students. However, educators must be aware that not all immigrant students are ELs. Some immigrant students, for example, might come from English-speaking countries or from countries where English is one of several primary languages. Many immigrants also come to the United States already English proficient, even if they come from countries where English is not widely spoken.

For purposes of education, immigrant children and youth include those individuals who:

- Are aged 3 through 21
- Were not born in the U.S., “State” means the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (Section 3127 of ESEA). Children born to U.S. citizens abroad (e.g., children born on a military base overseas) may be considered immigrants if they meet all the criteria in the definition of immigrant; and
- Have not been attending one or more schools in any one or more states for more than three full academic years. A full academic year is ten months of school attendance, kindergarten through 12th grade. If a student has been in different schools in different school districts and even in different states, the number of months that the student has been in school in any one or more states must not add up to a total of more than three full academic years.

Hattiesburg Public School District will identify immigrant students by adding a question to the Home Language Survey that is filled out by all new students during enrollment. The form will ask about the number of years the child has attended school in the United States.

There are some different needs that immigrants might have. One of the most significant needs is often English language instruction. Districts also may need to help immigrant students adjust to U.S. culture as well as to the culture of a new school and community. School staff may also need professional development in cultural proficiency to more effectively serve immigrant students.

APPENDIX A- Federal Civil Rights Obligations to EL Students for All LEAs

All of Mississippi's LEAs are required to comply with the following federal civil rights laws:

- **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**, prohibits entities that receive federal funds from discriminating on the basis of race, color, or national origin.¹⁹ The U.S. Supreme Court has ruled that Title VI's prohibition on national origin discrimination requires LEAs to take affirmative steps to address language barriers so that EL students may participate meaningfully in schools' educational programs.²⁰
- **THE EQUAL EDUCATION OPPORTUNITIES ACT (EEOA)**, which requires LEAs to take "appropriate action to overcome language barriers that impede equal participation by [their] students in [their] instructional programs."²¹

In general, the U.S. Department of Education and the U.S. Department of Justice have identified ten actions, listed below that LEAs must take to meet their civil rights obligations and avoid the most common civil rights violations.

- Identify and assess EL students in need of language assistance in a timely, valid, and reliable manner.
- Provide EL students with a language assistance program that is educationally sound and proven
- Sufficiently staff and support the language assistance programs for EL students.
- Ensure EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities, including the core curriculum, graduation requirements, specialized and advanced courses and programs, sports, and clubs.
- Avoid unnecessary segregation of EL students
- Ensure that EL students with disabilities under IDEA or Section 504 are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in evaluations and delivery of services.
- Meet the needs of EL students who opt out of language assistance programs.
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficiencies incurred in the language assistance program have been remedied.
- Evaluate the effectiveness of an LEA's language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time.
- Ensure meaningful communication with limited English proficient parents.

In addition to these ten actions, LEAs:

- Must enroll all students regardless of their, or their parents' or guardians', immigration status
- Must protect students from discriminatory harassment on the basis of race, color, national origin (including EL status), sex, disability, or religion
- Must not prohibit national origin-minority group students from speaking in their primary language during the school day without an educational justification, and
- Must not retaliate, intimidate, threaten, coerce, or in any way discriminate against any individual for bringing civil rights concerns to a school's attention or for testifying or participating in any manner in a school, U.S. Department of Education Office of Civil Rights, or Department of Justice investigation or proceeding.²²

19 Since all Mississippi LEAs receive some type of federal funding (for example, Title I, Title II, IDEA, food and nutrition funding, etc.) all LEAs must comply with Title VI of the Civil Rights Act of 1964. More information about education and Title VI is available from the U.S. Department of Education at <https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>.

20 See Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, U.S. Department of Education and U.S. Department of Justice (2015), p. 5, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf> (citing *Lau v. Nichols*, 414 U.S. 563 (1974)). This Dear Colleague Letter is referred to as "DCL on EL Students" in future footnotes.

21 DCL on EL Students at p. 5 (citing 20 U.S. § 1703(f)).

22 DCL on EL Students at p. 9.

APPENDIX B – Home Language Survey



HOME LANGUAGE SURVEY FOR K-12 SCHOOL DISTRICTS

STUDENT INFORMATION

Student Name _____ Grade _____
First Middle Last

Date of Birth _____ Gender _____ School _____

1. What is the dominant language **most often** spoken by the student? _____
2. What is the language **routinely** spoken in the home, regardless of the language spoken by the student? _____
3. What language was **first** learned by the student? _____
4. Does the parent/guardian need **interpretation** services? ☐ Yes ☐ No
If so, what language? _____
5. Does the parent/guardian need **translated** materials? ☐ Yes ☐ No
If so, what language? _____
6. What was the date the student first enrolled in a school in the United States? _____
MM/YYYY
7. In what country was the student born? _____

Parent / Guardian Signature

Date (MM/DD/YYYY)

DISTRICT USE ONLY

☐ Designated English Learner on the LAS Links Screener

DOCUMENTATION OF LAS LINKS SCREENER FOR STUDENT

<i>Date</i>	<i>Speaking Score</i>	<i>Listening Score</i>	<i>Reading Score</i>	<i>Writing Score</i>	<i>Composite Score</i>