English Language Development Services

Dual Civil Rights Obligation

Districts must meet the dual obligation of providing designated English language development services as well as provide meaningful access to rigorous, grade-level content. The OSPI Multilingual Education Program supports and guides districts in designing and implementing programs which draw upon the assets of multilingual/English learners and utilizes culturally responsive practices. The OSPI Multilingual Education Program created Meeting the Civil Rights Requirements for Multilingual/English Learners in Washington State to clarify the criteria of this dual obligation and to serve as a self-reflection tool for districts.

Civil Rights Guidance-Staffing

School districts have an obligation to provide the personnel and resources necessary to effectively implement their chosen TBIP program models. This obligation includes having highly qualified teachers to provide English language development services, trained and supported core content teachers who provide meaningful access to rigorous, grade-level content, administrators trained in second language acquisition who can evaluate these teachers, and adequate and appropriate materials for the TBIP program.

Paraprofessionals, aides, 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 multilingual/English learners. If a school district uses paraprofessionals to provide language assistance services to multilingual/English learners that supplement those provided by qualified teachers, it may do so only if the paraprofessional is trained to provide services to multilingual/English learners and instructs under the direct supervision of a qualified teacher.

Read more in the January 7th, 2015 Dear Colleague Letter on meaningful participation for English learners. Learn more about compliance monitoring for qualifications for staff who instruct multilingual /English learners in section 7 of the Consolidated Program Review checklist.

Washington Office of Superintendent of
PUBLIC INSTRUCTION

Equitable Access to School and District Programs

State and federal civil rights laws, including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, require school districts to allow multilingual/English learners the opportunity to participate in all programs, services, and activities offered by the district. Districts may not categorically deny multilingual /English learners from participating in any program, service, or activity solely based on students' English proficiency. This includes honors and advanced courses, Career and Technical Education, Highly Capable Programs, online programs, Title I services, special education, Advanced Placement, extracurricular activities, and athletic programs. If, for example, a school district has a process for locating and identifying students for a particular program or activity, it must also locate and identify multilingual/English learners who could benefit from the program.

Tests used to place students in specialized programs should not prevent a student from qualifying simply based on a student's English proficiency. For programs with entrance exams, testing multilingual/English learners in English may not effectively demonstrate their ability or skills. Testing in the student's primary language may be necessary to provide multilingual/English learners an equal opportunity to participate.

For more information, refer to [Prohibiting Discrimination in Washington Public Schools: Guidelines for school districts to implement Chapters 28A.640 and 28A.642 RCW and Chapter 392-190 WAC.](#)

Services for Multilingual Learners

Multilingual English learners vary in their needs, trajectory toward proficiency and self-efficacy in acquiring academic English. Program models have an impact on how students make progress. Yet all students must experience robust, effective English language development instruction as well as meaningful access to content. It may be beneficial to utilize an [individualized learning plan](#) to target the specific and unique needs of students which can guide all teachers and support collaboration among teachers and with the student to reach the student's goals.

The unique differences between students who are newcomers, students progressing toward proficiency, those whose language development has stagnated (Long Term English Learners) and students served in alternative learning environments are outlined in the sections that follow.

Services for Beginning-Level Students (typically receiving services less than 2 years)

Beginning level students, at any grade level, arrive with varying levels of English proficiency. Some have little to no conversational OR academic English while others have been simultaneously acquiring their primary language as well as English (simultaneous bilingual) . In general, these students need

- An emphasis on oral language development as it is foundational to literacy in English
- Support in forming friendships/connections with English-only classmates and multilingual students who do not share the newcomer's language
- Access to dual language programs, where available

Please refer to Chapter 8 of the Policies and Practices Guide for more information on newcomers, including information on transcript review, pathways to graduation and other topics specific to newcomers.

Services for Intermediate-Level Students (typically receiving services 2 to 5 years)

As students move through the grades, their language development (which is NOT a linear trajectory) will typically show overall continued growth, with some plateaus, based upon the program model. Some years may show little growth and others greater. The needs of students who are continuing to develop language proficiency include:

- Ongoing, robust, targeted English language development instruction related to their specific language proficiency and needs (requirement of the Civil Rights dual obligation)
- Continued emphasis on oral language development and academic discourse with extensive opportunities for discussion and verbal interactions with more proficient peers and adults
- Meaningful access to rigorous, grade level content throughout the day in all classes (requirement of the Civil Rights dual obligation)
- Ongoing close monitoring of language development with targeted designated language development instruction based upon formative assessment data

Services for Long-Term English Learners (typically receiving services more than 5 years)

Characteristics of LTELS

Long-term English Learners or LTELs are students who have been receiving English language services for more than 5 years **and** whose English development has stagnated. Typical characteristics of LTELs include:

- Significant needs in reading and/or writing.

- Gaps in academic background knowledge.

- Disengagement, learned passivity or even invisibility in school.

- Lack of awareness that their academic skills, courses and/or academic record may not be preparing them for college.

The majority of LTELs have lived most if not their entire lives in the United States and much of their English exposure is from non-native speakers. Most LTELs express a desire to attend college but have often internalized a sense of failure that they may believe is their responsibility.

Needs of LTELS

Long-term English Learners need a safe learning community with a growth mindset that affirms their language, culture, and life experiences. They also benefit from instruction on cognitive and metacognitive strategies, ample use of graphic organizers and non-linguistic representations, and explicit instruction on study skills and the behaviors associated with academic engagement and success. **Long-term English Learners need us to identify and know them!**

Educators can support LTELs by identifying them and assessing their skills to pinpoint specific language needs. Schools should also monitor their progress by analyzing student work samples and observing their participation and expressive oral language development, adjusting instruction and supports as needed.

2019 WA State Data								
Number of LTELs/Percent out of EL population per grade level								
4th	5th	6th	7th	8th	9th	10th	11th	12th
4815	4596	4340	4525	4125	3730	2927	2497	2036
66.2%	68.4%	68.9%	70.1%	67%	61.3%	55.7%	51.4%	47.6%

Strategies for Supporting LTELS

The following are strategies for supporting long-term English Learners with a focus on developing academic language, oracy, and literacy, addressing academic gaps, and engaging students actively with rigor and relevance. It may be beneficial to utilize an individualized learning plan to target the specific and unique needs of students which can guide all teachers and support collaboration among teachers and with the student to reach the student's goals.

Academic Language Development

- Utilize the WIDA ELD Standards Framework to identify language expectations and goals for content units.

- Provide specific, targeted instruction on language functions and features needed to complete expressive tasks and assessments in content units.

- Provide ample opportunities to use and practice the language functions and features that are targeted in the language expectations for the unit.

- Engage students frequently in oral academic discourse and discussion with specific instruction on the language features needed to interpret and comprehend visual and auditory input.

Oracy and Literacy Development

- Oral language is the foundation to literacy: "If we can't say it, we can't write it." Connect literacy with an intentional emphasis on expressive oral language development.

- Provide regular, structured opportunities for peer interaction and discussions (beyond turn-and-talks) with ample opportunities to express ideas in their own words.

- Engage students in close reading across content areas, focusing on language expectations, functions, and features from the WIDA ELD Standards Framework selected for the unit.

- Engage with relevant, real-world informational texts that are high quality, of high interest, and are not watered down.

- Write across a variety of topics and in a variety of formats to both express thoughts and to support the learning process.

- Utilize frequent quick writes and opportunities to practice the targeted language functions and features.

Addressing Academic Gaps

- Build background knowledge related to key unit concepts by connecting it to and building on familiar prior knowledge, then applying it to new content.

- Teach vocabulary in word families, emphasizing cognates and false cognates and building meaning around words.

- Provide ample opportunities to use new words in discussion and in writing with scaffolds and graphic organizers as necessary.

Active Engagement, Rigor, and Relevance

- Invite and expect (warmly demand) engagement.

- Provide support to take risks and extend and build language use.

- Maintain and communicate high expectations and academic rigor.

- Acknowledge the challenge and be an ally and support.

- Provide explicit instructions, models, mentor texts, rubrics, and examples and non-examples of tasks, assignments, and expressive language expectations.

- Incorporate relevant, meaningful content, issues, and materials.

Preventing LTEL Status

To prevent multilingual learners from slipping into long-term English Learner status:

- Monitor their language development closely and often. For example, the WIDA rubrics for speaking and writing can be used to analyze student expressive language associated with classroom assignments, tasks, projects, and assessments.

- Emphasize oral language development as an intentional foundation for literacy.

- If multilingual learners are in the 4th or 5th year of services and are not showing progress, create individual short- term language goals that all teachers can focus on across content areas.

With systematic support and intentional strategies, educators can reduce the number of multilingual learners who become long-term English learners and increase their success and opportunities for the future.

Services for Multilingual English Learners in Alternative Learning Environments: Open Doors Programs, Non-Traditional School Settings and Online Learning/Virtual School

Civil Rights Obligations

Public schools must take affirmative steps to ensure that multilingual English learners can participate meaningfully in their educational programs and services. Open Doors programs, non-traditional school settings and online/virtual learning environments must take the same rigorous steps as traditional schools to meet these requirements. To comply with state and federal laws, the following civil rights obligations must be met for multilingual English learners enrolled in Open Doors programs, non-traditional school settings, or on-line/virtual schools regardless of whether the school district receives Transitional Bilingual Instruction Program (TBIP) or Title III funding:

- Identify all multilingual English learners, including those with disabilities, using a [home language survey.](#)

- Provide all multilingual English learners with appropriate and effective English language development services and accessible content instruction.

- Ensure that qualified staff provide English language development services.

- Communicate with students and their families in a language they can understand.

- Send [family notifications](#) regarding program eligibility (or student notifications for students 18 and older).

- Avoid unnecessary segregation of multilingual English learners from general education programs and services.

- Assess and progress monitor English language development for all eligible multilingual English learners.

Funding and Providing English Language Supports

English learners in alternative learning environments are entitled to Transitional Bilingual Instruction Program (TBIP) services. The school district receives additional TBIP funding for their TBIP-eligible students.

The District Assessment Coordinator (DAC) is responsible for oversight of TBIP eligibility testing using the state-approved [English Language Proficiency (ELP) screener](#) as well as administering the [WIDA ACCESS annual assessment](#) to all eligible multilingual English learners each spring. Following state procedures, the District Assessment Coordinator could also train staff from the alternative learning environments to administer ELP assessments. The school district retains records of student eligibility in the student's cumulative file.

The school district must ensure that all eligible multilingual English learners receive English language development services within 10 days of enrollment. The school district can send qualified staff to provide English language development services through the ALE or contract with the ALE program provider to deliver services. If the ALE program provider delivers TBIP services, the school district retains the responsibility of oversight. The agreement between the provider and the school district should include the percentage of funding that will flow through to the provider and the percentage of funding that the district will retain for oversight, testing, and professional development.

Exited EL students continue to receive TBIP monitoring, and the school district can claim Exited TBIP funding for the two years after the student tests out of English learner status. For guidance, see the Services for Exited Students section below.

Students who are TBIP-eligible and enrolled in an ALE program are claimed monthly on the P223 as one headcount in the TBIP field. The student's TBIP program would be reported at the

ALE school. If the TBIP services are provided outside of the ALE program, the hours can be reported as a partial FTE at the school where the TBIP services are provided, and the FTE claimed at the ALE program would be reduced so that no student's total FTE exceeds 1.0. Exited ELs are reported monthly on the P223 as one headcount in the Exited TBIP field at the Open Doors school or other ALE program.

District TBIP Grant Application

In order for a school district to receive TBIP funding, the district's program must be approved through an annual grant application. In the grant application, school districts will submit a description of TBIP services delivered through the ALE program including the following:

- Who will deliver services?

- Qualifications for providing English language development services

- A description of the services and the district's oversight of these services

- Professional development to staff delivering services

- Who will be responsible for identification and annual testing?

- How these services will be evaluated on an annual basis

The program narrative submitted for approval of a multilingual English learner pathway in ALE can be used in the TBIP grant application.

Technology Supports for Eligible Students

Many districts recognize the positive potential of various technology software applications to support MLs development of academic English. Districts may choose to use technology supports for MLs provided:

- Software was **specifically designed for MLs and language acquisition/English language development**

- Technology supports are NOT the sole designated ELD provided to the student

- Technology may ONLY be used to supplement (never replace) the ELD planned and provided by a teacher with the appropriate endorsement/ knowledge of language acquisition (paraeducators may provide supplementary instruction and must be supervised by an endorsed teacher)

- TBIP funds may be used to purchase supplementary technology support tools ONLY if the above conditions have been met.

Exited TBIP Students

[RCW 28A.180.030](#) defines an "exited pupil" as a student previously enrolled in the transitional bilingual instruction program (TBIP) who is no longer eligible for the program based on his or her performance on an annual English language proficiency assessment approved by the Superintendent of Public Instruction. [RCW 28A.180.040](#) requires school boards to provide instructional support for exited pupils who need assistance in reaching grade-level performance in academic subjects.

The only means by which a student served under TBIP and/or Title III may demonstrate proficiency in academic English and thereby exit services is through the annual language assessment approved by the state. Beginning in spring 2022, this is the WIDA ACCESS Assessment.

After students have exited an EL program, school districts must monitor the academic progress of former ELs for at least two years to ensure that:

- Students have not been prematurely exited.
- Students are meeting challenging state standards.
- Students are meaningfully participating in the standard instructional program comparable to their never-EL peers.

TBIP Services to Eligible Exited Students

Although funds are allocated based on the headcount of eligible exited TBIP students who are enrolled in each district, districts will make the determination of the amount and type of supplemental instructional support based on eligible students' needs in the academic subjects in which they are not at grade level. Academic subjects are not limited to those that fall within state-testing requirements.

Districts should use more than one measure to determine when a student needs assistance in reaching grade-level performance. Such review of exited students' academic needs should occur throughout the school year and not be limited to annual assessment results.

Measurements can include but are not limited to:

- State, district, and classroom assessments
- Grades
- Teacher recommendations.

Academic support could be provided by a member of the district's English Language Development staff or other district staff best able to meet the specific individual academic needs of the exited students. This support may be provided before, during, or after school. The following items are examples of ways a district may use exited TBIP funds for exited students:

- Expanded access to homework supports to increase academic achievement.

- In-class support

- Extended day, extended year, and/or Saturday support services

- Other innovative district supports designed to assist recently exited TBIP students in reaching grade-level performance in academic subjects.

Services provided will depend on the individual academic needs of exited students identified as needing support. The district should provide supports based on specific students' needs, rather than developing a program in which all recently exited English learners would participate.

The exit criterion of a proficient score on the annual language proficiency assessment is set with the anticipation that transitioning multilingual learners are proficient enough in English to participate meaningfully in the regular educational program. Districts should provide language program services only as long as necessary for the English learner to transition out of program. While the focus of TBIP services to exited students is academic support, language development support should also be provided if this need is identified through monitoring.

Program Evaluation Requirements Regarding Former English Language Learners

Both TBIP and Title III require evaluation of the effectiveness of services to English learners with regard to how students perform academically after they exit a district's English language development program.

ESEA Title III, Section 3121(4) indicates districts' program evaluations must include "a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the two years after such children are no longer receiving services" to support English language development.

Reclassification of Exited English Learners – Fewer than 1% of Exited ELs

A school district's monitoring of an exited EL student may indicate that a persistent language barrier is the cause of academic difficulty. In such instances, first examine the student's general education and intervention services and determine whether they are adequate. After a thorough examination of data and an in-person consultation with the family, school districts should retest the student with the state's English language proficiency screener to determine if there is a persistent language barrier. Prior to re-assessing the student, school districts should document the bases for rescreening and the parents' consent to rescreening. In order to rescreen a student for reclassification, the parent must consent to having their child rescreened. If the results of the rescreening qualify the student as an English learner, the school district must re-enter the student into English learner status, offer English language development services, and send home the parent notification of student placement into program. The district may

claim the reclassified student for funding. Students who test but do not qualify on their initial screener, and who later demonstrate a need to be re-assessed, should also follow the reclassification process. Exited English learners may be considered for reclassification during or after the two-year monitoring period.

References:

Olsen, Laurie. *Meeting the Unique Needs of Long-Term English Learners.*

Olsen, Laurie. *Secondary School Courses Designed to Address the Language Needs and Academic Gaps of Long-Term English Learners*. Available from Californians Together

O'Hara, Pritchard, & Zwiers. *Common Core Standards in Diverse Classrooms*.

WIDA. *The WIDA ELD Standards Framework* and *WIDA MODEL Rubrics*. Retrieved from: *https://wida.wisc.edu/resources*

Resources

For more information on providing multilingual learners with English language development services, see the U.S. Department of Education's EL Toolkit Chapter 2 and for providing meaningful access to curricular and extracurricular programs, see EL Toolkit Chapter 4.