

English Language Learners in North Dakota: Identification and Screening



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English Language Learners Defined

The first step in providing ELL services is to identify the students who may qualify for the ELL program. The federal and state definitions for ELLs are very similar.

Federal Limited English Proficient (LEP) definition:

(Students must meet a part of the criteria in each of the sections A-D)

The term “**limited English proficient**”, which is defined in section 9101 of Title IX (ESEA) when used with respect to an individual, means an individual:

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C) (i) who was **not born in the United States** or whose **native language is a language other than English**;

(ii) (I) who is a **Native American** or **Alaska Native**, or a native resident of the outlying areas; **and**

(II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency;

or

(iii) who is **migratory**, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; **and**

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual -

(i) the ability to meet the State’s proficient level of achievement on State assessments described in section 1111(b) (3);

(ii) the ability to successfully achieve in classrooms where the language of instruction is English: **or**

(iii) the opportunity to participate fully in society.

Must meet either part i, ii **or** iii

Must meet either part i, ii **or** iii

If part ii, then must meet both pieces **and** ii

Title IX, Section 9101, No Child Left Behind Act, 2001

State English Language Learner (ELL) definition:

Eligibility for English language learner services

To be eligible for English language learner services, a student must:

1. Be at least five years of age, but must not have reached the age of twenty-two;
2. Be enrolled in a school district in North Dakota;
3. Have a primary language other than English or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
4. Have difficulty speaking, reading, writing, and understanding English as shown by assessment results.

ND Administrative Code Section 67-28-01-04

In the most basic terms, students must be of school age, enrolled in school and come from an environment in which a language other than English has had a significant impact, such that the student cannot access the academic language of the classroom environment without specialized instruction and accommodation.

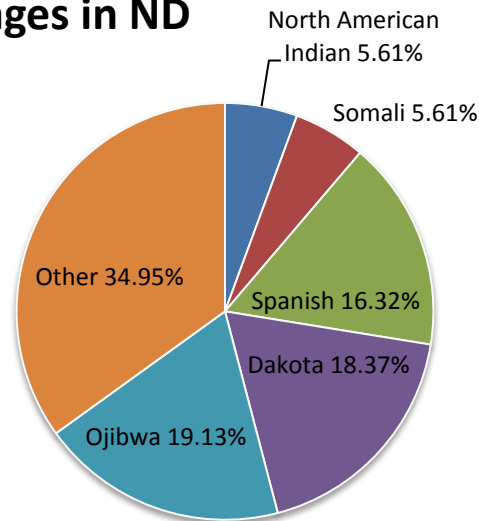
Screening for ELLs – Home Language Survey

The Office of Civil Rights recommends that a Home Language Survey (HLS) is used in every school to help identify potential ELL students. The two most important factors regarding the use of the HLS are communication and individual consideration.

Schools must communicate clearly with parents to assure that answers given on the HLS are accurate and reflect the possible influences of other languages on the child. Parents, and not schools, must report the language information. Many factors can contribute to misleading data given on a HLS. Parents might think that the school values English more than other languages or might be reluctant to be honest about the languages used in the home. Other parents may not understand the purpose of the HLS and report languages that their child is studying as a second language. If the data seems incorrect or incomplete, schools may ask parents for further clarification and make changes on the HLS with a note of the personal or phone conversation (initialed and dated).

Each student must also be considered on an individual basis. Decisions cannot be made uniformly regarding one cultural group or one family. Unique circumstances and special cases must be considered to determine if the ELL definition fits each student. The chart below illustrates the linguistic diversity in the state. North Dakota ELLs represent over 117 language groups. Sixty-five percent of ELLs in ND speak one of the following languages: Ojibwa, Dakota, Spanish, Somali, and North American Indian. The other 34% of ELLs represent the remaining 112 languages.

Top ELL Languages in ND



Schools must provide linguistic services for all ELLs who need language support services to succeed academically, and the identification of those students must be solely linguistic-based. There is no other acceptable basis in which to identify ELLs. To comply with this civil right, schools must administer the language screening tool to all students. Schools often use the HLS as the language screening tool. If the district uses an HLS as the screening tool, it would not be acceptable to administer the HLS to only those students suspected to be ELL due to national origin, culture, race or ethnicity. The language screening tool must be administered to all students.

English Language Learners in ND are students who are Native American, refugee, immigrant, migrant, Hutterite, foreign adopted and natural born citizens from bilingual households. Some students may be the only English speaker in the household or have one parent who speaks English and one parent that does not. Other students may have been raised by a grandparent who speaks a language other than English. The recommended sample HLS for ND includes five critical questions in order to screen for every possible situation that may lead to a student experiencing the influence of another language in their lives. The HLS may also serve as a tool to collect data for other ELL related programs in which students may qualify. A sample HLS can be found in Appendix A. Schools may use this sample as is, or adapt it to fit the needs of the students that they serve. Whatever is used by the district as the language screening tool, it must include a variety of questions to ensure all potential ELLs are identified for further screening.

The state of Arizona asks only one question on their required HLS and they testified in federal court in September, 2010 regarding the potential for under identifying potential ELL students with their single question HLS. The OCR letter to the state's department of education states that the one question HLS "does not comply with Title VI because these identification procedures do not adequately identify and serve ELL students who need English language development services..." ND does not require a specific set of questions to be asked, but the sample HLS in the appendix includes the questions needed to screen for all potential ELL students.

Screening for ELLs – English Language Proficiency Assessment

The next step after a language other than English is reported on the HLS is to look again at the LEP definition to determine if the individual student meets the definition. If student records are available, they may be used to determine if the student has exhibited the "ability to successfully achieve in classrooms where the language of instruction is English." If the student records indicate previous participation in ELL services in another school, if the student has not been successful or if records are unavailable, they should be referred for an English Language Proficiency (ELP) assessment.

It is important to understand the nature of an ELP assessment prior to determining which students should be administered the assessment. ELP assessments measure the degree to which a student can read, write, listen and speak using academic English. ACCESS assigns a proficiency level score to each of these four components in addition to calculating an overall (composite) score. ND is a member of the World-Class Instructional Design and Assessment (WIDA) Consortium and uses the W-APT and/or MODEL assessments for initial ELP screening. WIDA's ACCESS test is the approved annual English language proficiency assessment. More information on these assessments can be found at www.wida.us.

Many at-risk students lack proficiency in academic language. ELL programs are intended for students who come from an environment where a language other than English is significantly impacting the student's level of English language proficiency. The W-APT, MODEL and ACCESS tests are not intended or designed to differentiate between students who are: LEP, native speakers of English, at-risk, language impaired or community dialect speakers. Rather, it is designed to measure English language proficiency for students who have a significant influence of a language other than English in their environment. The W-APT and/or MODEL should not be used until the other parts of the LEP definition are met. Using the W-APT, MODEL or ACCESS for students who do not

have a significant influence of a language other than English in their environment is likely to result in false positives and over-identification of ELs.

Test Administrator Training:

In order to administer the WIDA assessments, training is necessary. Teachers holding a current ND ELL Endorsement can attend either a face-to-face training for ACCESS (ND’s annual ELP assessment - which will also serve as training for W-APT and MODEL) or attend a live ACCESS training webinar sponsored by the North Dakota Department of Public Instruction ELL Program. Non-ELL Endorsed teachers who would like to administer the WIDA assessments must be supervised by an ELL Endorsed teachers and attend a face-to-face training session to ensure full reliability in scoring. Interested test administrators who do not hold a teaching license must have written approval from DPI and follow the non-endorsed training requirements. All test administrators must become fully certified by completing the online courses associated with the portions of the assessment that they plan to administer. Quiz results are available immediately upon completion of each quiz and an 80% pass rate is required. Finally, all test administrators must refresh their Speaking test training every two years by completing WIDA’s online training course and passing the online quiz for Speaking (80% minimum score). The date that quizzes were completed, as well as the score for each quiz, is recorded in each test administrator’s online account. This information is available to NDDPI staff to assure that test administrators are qualified to administer each portion of the assessment.

The training requirements for the WIDA family of assessments are summarized below:

ND Teachers holding Bilingual or ELL Endorsement	ND Teachers not holding Bilingual or ELL Endorsement	All ND Teachers
Face-to-face ACCESS training OR Webinar ACCESS Training and	Face-to-face ACCESS training and supervision by ELL Endorsed Teacher and	Refresh Speaking training every two years via WIDA
WIDA Online ACCESS for ELLs Test Administrator Training for each module being administered (minimum score of 80% on quiz)	WIDA Online ACCESS for ELLs Test Administrator Training for each module being administered (minimum score of 80% on quiz)	Online ACCESS for ELLs Test Administrator Training for the Speaking test (minimum of 80% on Speaking quiz)

ELL Program Placement Criteria:

Starting with the ACCESS test scores from the 2009-10 school year, the state approved exit criteria is an overall Proficiency Level score of 5.0 with a minimum score of 3.5 in each category of Reading, Writing, Listening and Speaking. Therefore, students who are screened using the W-APT or MODEL assessments who do not meet the exit criteria are entered into the ELL program and identified as ELLs in Power School and in STARS. A flowchart for ELL identification, screening and programming can be found in Appendix B.

Contact Information

For clarification or more information about the English Language Learners Program in North Dakota please refer to the contacts below.

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Appendix A

North Dakota's Sample Home Language Survey

Home Language Survey

Student Name: _____ Date: _____

Student's School: _____ Student's Grade: _____

The US Office of Civil Rights requires that schools identify possible English Language Learner students during enrollment. This Home Language Survey will be used as a tool to determine if your child is eligible for language support services (ELL). If a language other than English is used by your or your child and your child meets the Limited English Proficient definition, the school may give your child an English Language Proficiency Assessment. The school will share the results of the assessment with you.

What **language(s)** are spoken at home? _____

What language(s) do **you** use the most to speak to your child? _____

What language(s) does **your child** use the most at home? _____

What language(s) did **your child** learn when he/she **first** began to talk? _____

List other language(s) that **your child** has used with a **grandparent or caretaker**: _____

If available, in what language would you prefer to receive information from the school? _____

Has your child ever received services in an English as a Second Language or English Language Learner Program? **Yes** **No**

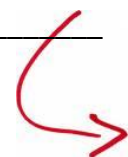
Put an **X** in the boxes on the top line to show the grades your child has gone to school in the United States. Put an **X** in the boxes on the bottom line to show the grades that your child went to school in another country.

School	Grade													
Grade level attended school inside of the US	PreK	K	1	2	3	4	5	6	7	8	9	10	11	12
Grade level attended school outside of the US	PreK	K	1	2	3	4	5	6	7	8	9	10	11	12

If your child has gone to school outside of the United States:

In which country or countries did your child go to school? _____

Which language or languages did your child learn in school? _____



This form also asks for information used by other programs to help your student in school. You are not required to answer these questions, but if you circle yes or no for questions 1-4, your student may qualify for additional services.

Refugee Student:

NDDPI applies for a Refugee School Impact Grant to provide services for newly arrived refugee students. A refugee student left their home country due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion and has fled to another country to be resettled. Newly arrived is defined as within the last three years.

1. Would your child be considered a newly arrived refugee student? **Yes** **No**

Immigrant Student:

Immigrant students are mentioned specifically in the LEP definition and may qualify for LEP services. Additionally, students who have attended schools in the US for three years or less may qualify for additional services.

2. Would your child be considered an immigrant student? **Yes** **No**

If yes, please fill in the Country _____ **and** US entry date (mm/dd/yy) ____/____/____
(For refugee students, this is the country that you originally fled, not the country that you lived in most recently.)

Native American or Alaska Native student:

Native American and Alaska Native students are mentioned specifically in the LEP definition and may qualify for LEP services.

3. Would your child be considered Native American or Alaska Native student by any definition above? **Yes** **No**

Migrant Student:

Migrant students are mentioned specifically in the LEP definition and may qualify for LEP services. A migrant student has a parent who is a migratory agricultural worker and in last 3 years, has moved from one school district to another, in order to work (temporary or seasonal) in agricultural activities.

4. Would your child be considered a migrant student? **Yes** **No**

If yes, what is the date that you moved to this area? (mm/dd/yy) ____/____/____

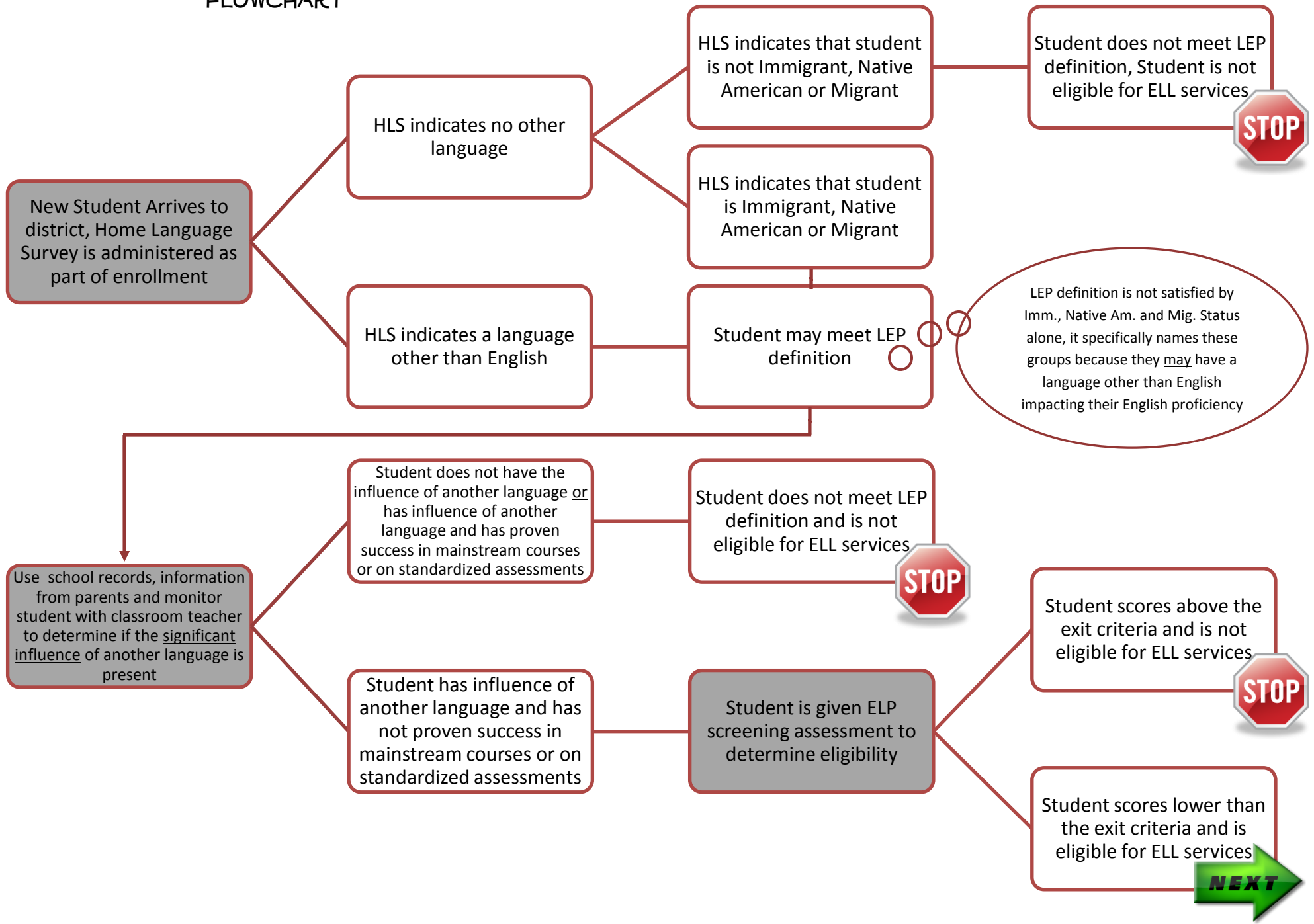
If your family moved to this area for agriculture (temporarily or seasonally) in what area(s) do you work: (please check all that apply)

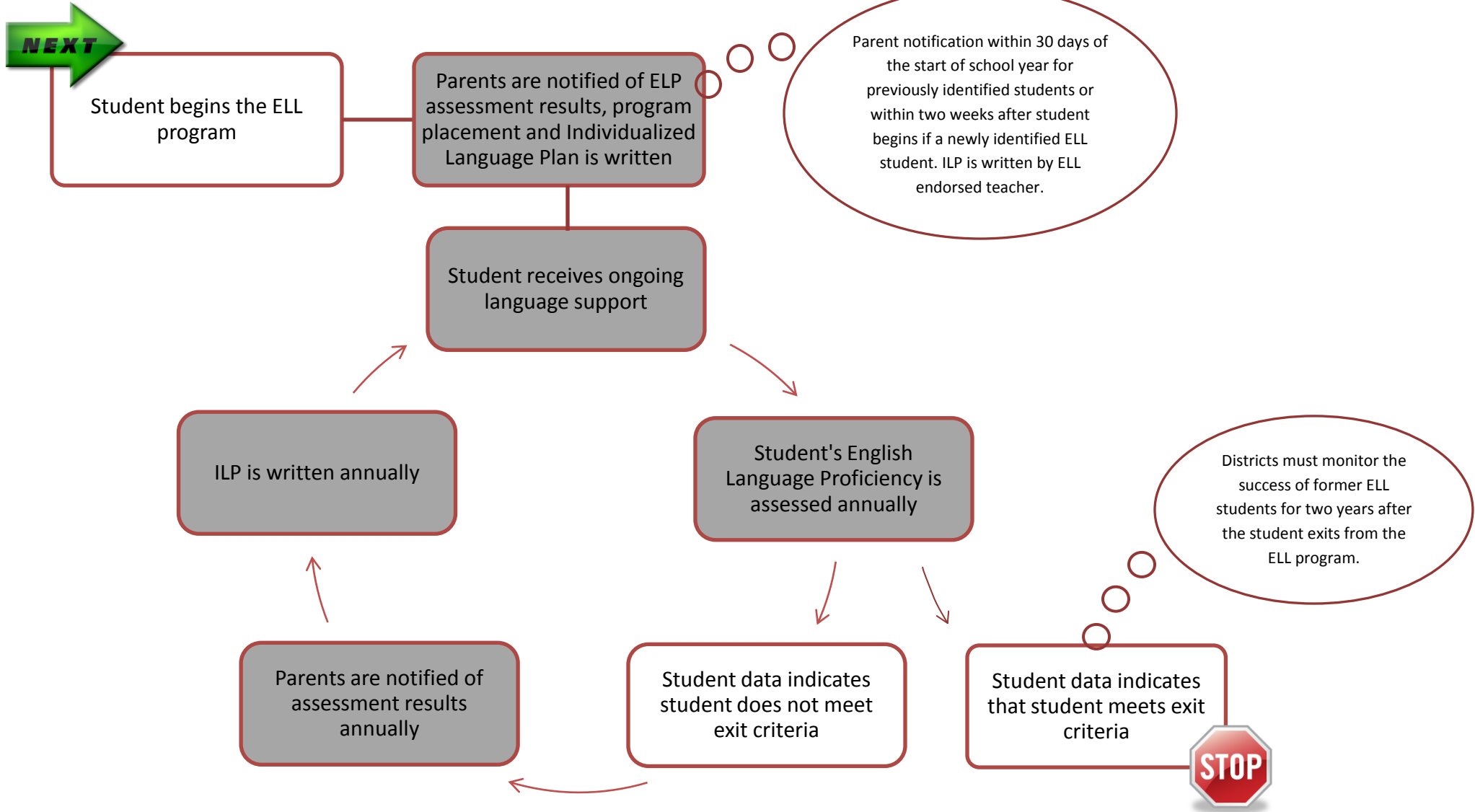
- | | | |
|--|--|---|
| <input type="checkbox"/> Sugar Beet Industry | <input type="checkbox"/> Meat Processing Plant | <input type="checkbox"/> Trimming Trees |
| <input type="checkbox"/> Potato Industry | <input type="checkbox"/> Chicken Farms/Processing | <input type="checkbox"/> Raw Cheese Production |
| <input type="checkbox"/> Bee Keeper/Honey Processing | <input type="checkbox"/> Plant/Cultivate Trees | <input type="checkbox"/> Custom Combining |
| <input type="checkbox"/> Turkey Farm/Processing | <input type="checkbox"/> General Dairy Farm Work | <input type="checkbox"/> Landscaping, laying Sod or |
| <input type="checkbox"/> Egg Production | <input type="checkbox"/> Transportation of Agricultural Products | Planting Grass |

Appendix B

North Dakota's Sample English Language Learner Student Identification and Program Flowchart

ELL STUDENT IDENTIFICATION AND PROGRAM FLOWCHART





ELL – English Language Learner

ELP – English Language Proficiency

ILP – Individualized Language Plan

HLS – Home Language Survey

LEP – Limited English Proficient