



# NORTH DAKOTA DEPARTMENT OF **PUBLIC INSTRUCTION**

## **2023-2024 English Learners Program Report** **EL01-EL19**

**November 2023**

Kirsten Baesler  
State Superintendent  
Department of Public Instruction  
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Bismarck, ND 58505-0440  
[nd.gov/dpi](http://nd.gov/dpi)

## All Districts must complete EL01-EL07

### Submissions EL01-EL02 – Leadership & Policy

EL01: Review the district's Leadership section of the MIS01 Fall Report in the STARS for evidence of the requirements below. If the information in the EL program section meets the requirements below, submit a copy of the report. Label as indicated below.

If the indicators in the Fall Report do not meet the requirements outlined below, submit a narrative of the new information and an assurance sentence indicating that the new information will be added/corrected in the subsequent year's MIS01 Fall Report. Label as shown below.

- EL01-a: The district has assigned a **CERTIFIED EL PROGRAM DIRECTOR** who has the authority to allocate resources to the program, oversees the implementation, and is aware of the Director's role and responsibilities. **Label as Submission EL01-a.**
- EL01-b: The district has identified an **EL CERTIFIED COORDINATOR/TEST ADMINISTRATOR** who holds an EL endorsement and is aware of and in agreement with the responsibilities associated with implementing the EL identification plan, including screening potential EL students in the district. **Label as Submission EL01-b.**

EL02: District EL Policy

- EL02-a: Submit a copy of the **DISTRICT'S EL POLICY** approved by the school board. **Label as Submission EL02-a.**
- EL02-b: Submit a copy of the **APPROVED MINUTES** from the school board meeting in which the EL policy was approved (second reading, if applicable). **Label as Submission EL02-b.**

### Submission EL01 – EL Leadership

#### Requirement

**EL01-a:** The NDDPI Administrative Rules section 67-28-01-06 requires every school district to incorporate administrative oversight by a program director with an administrative credential. The director must have the authority to allocate district resources for the program and must take responsibility for the program implementation.

**EL01-b:** The NDDPI Administrative Rules section 67-28-01-02 requires every school district to designate a qualified program representative who serves as a contact for English learner student services and data, as well as the certified EL test administrator for the English language proficiency (ELP) screener and/or annual ELP summative assessment.

The director and EL coordinator are responsible for meeting Title VI's prohibition on national origin discrimination and ensuring the school district takes "affirmative steps" to address language barriers so EL students may participate meaningfully in the district's educational programs. The school district must annually report a certified EL teacher as the EL Coordinator/Test Administrator in the State Automated Reporting System (STARS) MIS01 Fall Report.

#### Documentation

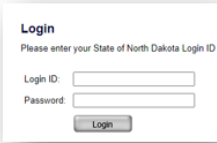
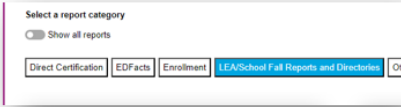
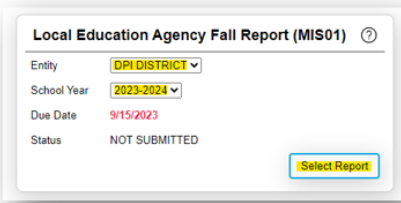
**EL01a-b:** Districts must compare the requirement(s) of each indicator with the district's current Fall Report to ensure the information in the district's report meets the requirements of each indicator.

- If either of these indicators in the Fall Report does not meet the requirements, submit new information and an assurance sentence indicating it will be added/corrected in the subsequent year's MIS01 Fall Report.
- If the district met the requirements for EL01 in the MIS01 Fall Report, submit a copy of the district's current report.

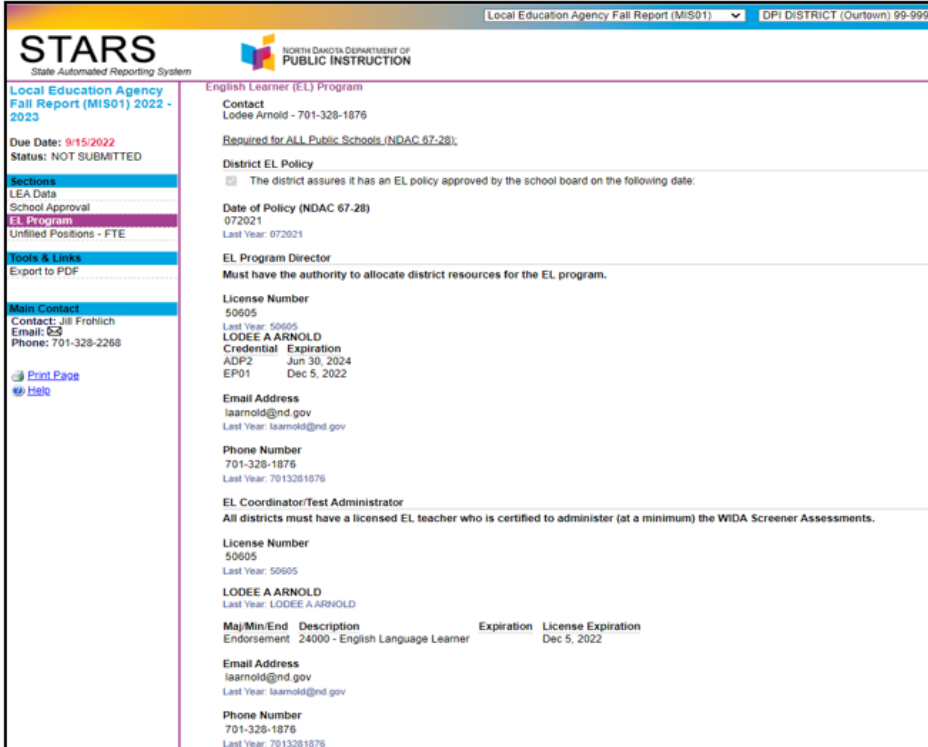
## Resources

To print the report from the MIS01 Fall Report in the STARS:

1. Log into STARS
2. Select “LEA/School Fall Reports and Directories”
3. On the “Local Education Agency Fall Report (MIS01)”, select your district from the “Entity” dropdown
4. Select the current school year from the “School Year” dropdown and hit “Select Report”

Narrative	Screenshot
<p>Log into STARS</p> <p>Enter login ID and Password</p> <p>Hit Login</p>	
<p>Select LEA/School Fall Reports and Directories</p>	
<p>On the Local Education Agency Fall Report (MIS01), select your district from the ‘Entity’ <a href="#">dropdown</a></p> <p>Select the current school year from the ‘School Year’ <a href="#">dropdown</a></p> <p>Hit ‘Select Report’</p>	

5. Select “EL Program” in the upper left margin.
6. Select the “Export to PDF” button in the left margin.
7. Select “LEA Fall Report” in the drop-down box and select the “PDF” button.



**STARS**  
State Automated Reporting System

Local Education Agency Fall Report (MIS01) 2022 - 2023

Due Date: 9/15/2022  
Status: NOT SUBMITTED

**Sections**

- LEA Data
- School Approval
- EL Program**
- Unfilled Positions - FTE

**Tools & Links**

- Export to PDF

**Main Contact**

Contact: Jill Frohlich  
Email: [EF@nd.gov](mailto:EF@nd.gov)  
Phone: 701-328-2268

[Print Page](#)  
[Help](#)

**English Learner (EL) Program**

Contact  
Lodee Arnold - 701-328-1876

Required for ALL Public Schools (NDAC 67-28);  
District EL Policy

The district assures it has an EL policy approved by the school board on the following date:

Date of Policy (NDAC 67-28)  
072021  
Last Year: 072021

EL Program Director  
Must have the authority to allocate district resources for the EL program.

License Number  
50605  
Last Year: 50605  
LODEE A ARNOLD  
Credential Expiration  
ADP2 Jun 30, 2024  
EP01 Dec 5, 2022

Email Address  
laarnold@nd.gov  
Last Year: laarnold@nd.gov

Phone Number  
701-328-1876  
Last Year: 7013281876

EL Coordinator/Test Administrator  
All districts must have a licensed EL teacher who is certified to administer (at a minimum) the WIDA Screener Assessments.

License Number  
50605  
Last Year: 50605  
LODEE A ARNOLD  
Last Year: LODEE A ARNOLD

Maj/Min/End	Description	Expiration	License Expiration
Endorsement 24000	English Language Learner		Dec 5, 2022

Email Address  
laarnold@nd.gov  
Last Year: laarnold@nd.gov

Phone Number  
701-328-1876  
Last Year: 7013281876

## Submission EL02 – EL School Board Policy

### Requirement

The NDDPI Administrative Rules section 67-28-01-01 requires every school district to have a policy for providing alternative language services in compliance with the NDCC chapter 15.1-38 regarding EL instruction. Districts indicate an annual assurance of an approved EL policy and the policy date in the STARS MIS01 Fall Report. This indicator requires evidence of the board policy and its approval.

### Documentation

**EL02-a:** Documentation includes a copy of the EL policy approved by the school board.

**EL02-b:** Documentation includes a copy of the approved minutes from the school board meeting in which the EL Program Policy was approved (second reading, if applicable).

### Resources

- [Sample EL School Board Policy](#)

## Submissions EL03-EL05 – EL Identification

EL03: Review the **DISTRICT'S EL IDENTIFICATION PLAN** in the EL Program section of the MIS01 Fall Report in the STARS for evidence that the Identification Plan meets the requirements and aligns with the statewide EL identification criteria and procedures. **Label as Submission EL03.**

- If the information contained in the EL Identification Plan meets the requirements as indicated in the [EL Supplemental Documentation Guidance](#), submit a copy (or refer to the copy above) of the district's EL Program section of the MIS01 Fall Report.
- If the EL Identification Plan in the Fall Report does not meet the requirements as indicated in the [EL Supplemental Documentation Guidance](#), submit a narrative of the new information and an assurance sentence indicating the new information will be added/corrected in the subsequent year's MIS01 Fall Report.

EL04-EL05: District's documentation of EL Identification

- EL04-a: Submit copies of at least FIVE (5) [HOME LANGUAGE SURVEYS](#) (HLSs) completed and signed by a parent/guardian. **Label as Submission EL04-a.**
- EL04-b: Submit a copy of the **DISTRICT'S STARS ENROLLMENT VALIDATION REPORT** showing no EL-related errors. **Label as Submission EL04-b.**
- EL04-c: Submit evidence that the **ENGLISH LANGUAGE PROFICIENCY (ELP) SCREENER** is used (or will be used) to identify potential English learners. If all HLSs the district receives indicate no language other than English, create a narrative assuring this. **Label as Submission EL04-c.**
- EL05: Submit copies of at least five (5) dated and completed **PARENT NOTIFICATION LETTERS** or emails for the current school year. If no Home Language Surveys received by the district indicate a language other than English and the district has no returning ELs, submit a narrative assurance indicating this. **Label as Submission EL05.**

## Submission EL03 – District's EL Student Identification Plan

### Requirement

Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA) require all school districts to have procedures in place to accurately and timely identify potential EL students. The North Dakota State ESSA Plan requires every school district to implement the statewide EL identification procedures and criteria. The district's EL identification plan is documented annually in the MIS01 Fall Report in

the STARS. The identification plan must include the step-by-step procedures the district follows to incorporate the North Dakota ESSA statewide EL identification criteria and procedures, including who is responsible and how the district:

- Ensures a parent completes the North Dakota Home Language Survey (HLS) for each student at registration,
- Reviews the HLS for a language other than English,
- Reviews the student's academic performance (if available) to determine difficulty with the content in English,
- Administers the North Dakota ELP screener (currently WIDA Screeners for grades K-12),
- Determines if a student qualifies for the EL program, and
  - If the screener score is below a 3.5 in one of the four domains or below a 5.0 composite score, the student qualifies for the EL program unless there is significant evidence of academic success in English.
- Identifies students who qualify for the program as EL in PowerSchool and STARS.

## Documentation

**EL03:** To accurately document this indicator, districts must compare the requirement(s) above with the district's current EL Identification Plan in the MIS01 Fall Report to ensure the information in the district's report meets the requirements above.

- If the district's EL Identification Plan in the Fall Report does not meet the requirements indicated above, submit the new identification plan with an assurance sentence indicating the new plan will be implemented immediately, and the plan will be added/corrected in the subsequent year's MIS01 Fall Report.
- If the district's EL Identification Plan in the MIS01 Fall Report meets the requirements above, submit a copy of the district's current EL Identification Plan (or refer to the submission from EL01).

## Resources

- [Statewide EL Identification Criteria and Procedures](#)
- [State and Federal Definitions of an English Learner](#)
- [North Dakota Home Language Survey](#)
- [WIDA Kindergarten Screener](#)
- [WIDA Screener Online](#)

## Submission EL04 – EL Identification

### Requirement

The Civil Rights Act of 1964, Title VI, requires all schools receiving federal funds to provide linguistic services for all ELs who need language support services to succeed academically, and the identification of those students must be linguistically based. Title VI and the Equal Educational Opportunities Act of 1974 (EEOA) also require all school districts to have procedures in place to accurately and timely identify potential EL students. The North Dakota State ESSA Plan requires every school district to implement the statewide EL identification procedures and criteria. The laws above require identification procedures to include a valid and reliable English language proficiency (ELP) screener assessment.

To comply with these laws, the Office of Civil Rights (OCR) recommends a home language survey (HLS) to be used in every school to help identify potential English Learners (ELs). The ESSA requires every state to utilize uniform statewide entrance and exit criteria and procedures for the English Learner Program. Included in the ND statewide procedures is the requirement for districts to have all parents complete the North Dakota HLS for each student at the time of enrollment and use it as a tool in the identification process of ELs. Schools must have an HLS on file for **ALL** students. It is not acceptable to administer the HLS to only those students suspected to be ELs due to language, national origin, culture, race, or ethnicity.

The STARS has a tool to help districts detect students identified as ELs in another district. The STARS validation

report can be pulled from STARS enrollment to show students who may have been missed during the initial identification process.

## Documentation

**EL04-a:** Documenting the use of the HLS includes current copies of at least **five** HLSs completed by a parent.

**EL04-b:** Documenting no students were missed in the identification process according to the STARS validation report includes submission of a copy of the STARS enrollment validation report or assurance from the person who verified the report is clear of this validation error.

**EL04-c:** In addition to having the ELP screener included in the EL identification plan, the monitoring process requires evidence of the use of the ELP screener by submitting copies of a current ELP Screener score report. If all HLSs received by the district indicate no language other than English (no current ELs identified), create a narrative assuring this.

## Resources

- [North Dakota Home Language Survey](#)
- [North Dakota Entrance and Exit Criteria and Procedures](#)
- [WIDA Screener](#)
- [WIDA Screener for Kindergarten](#)

The screenshot below shows the filter in the [STARS](#) enrollment report. A report of the current EL enrollment can be exported by using the options of “Export to CSV” or “Export to PDF” and selecting “EL” in the drop-down menu.

The screenshot displays the STARS (State Automated Reporting System) interface for the North Dakota Department of Public Instruction. The page title is "STARS State Automated Reporting System" and the user is logged in as "DPI DISTRICT (Ourtown) 99-999". The main navigation bar shows "STARS Home" > "Enrollment" > "District Student Filter".

The left sidebar contains several sections:

- Enrollment 2022 - 2023**: Fall Enrollment (Status: NOT SUBMITTED), Spring Enrollment (Due Date: 6/30/2023, Status: NOT SUBMITTED).
- Sections**: District Student Filter (selected), Notification, Plant Courses, Early Childhood, Title I Private & Local Neglected, Graduation Rate.
- Tools**: State Student Search, PowerSchool Waiting for State ID (PSSStateStudentSearch), Versions, Import/Transfer, Export to CSV, Export to PDF.
- Main Contact**: Steve Snow, Email: [icon], Phone: 701-328-2236.
- [Print Page](#) and [Help](#) links.

The main content area is titled "Students" and includes instructions: "Enter the filter criteria and click Filter to retrieve the students matching the criteria. To search for and add link under Tools in the left navigation. After the students have been displayed, click on the student's last name to view the student record or to identified by the start date." There is a checkbox for "Check to return only the most recent student detail record for a student." which is checked.

The filter fields are:

- Plant:** [No Plant Filter] (dropdown)
- Grades:** [ ] (text input, example: "K, 1-3" or "9-11" or "PK, 4, 5-8")
- Last Name Begins With:** [ ] (text input, example: "P" or "Smi")
- State ID:** [ ] (text input)
- Start Date:** [MM/DD/YYYY] (calendar icon)
- End Date:** [MM/DD/YYYY] (calendar icon)
- ExitCode:** [Select all exit codes] (dropdown)

Below the filter fields is a grid of checkboxes for student categories:

<input type="checkbox"/> Special Ed	<input type="checkbox"/> Section 504	<input type="checkbox"/> Refugee
<input type="checkbox"/> NS Lunch Program	<input type="checkbox"/> Open Enrolled	<input type="checkbox"/> BIE
<input type="checkbox"/> Title I	<input type="checkbox"/> Home School	<input type="checkbox"/> Migrant
<input type="checkbox"/> Immigrant	<input type="checkbox"/> EL	<input type="checkbox"/> CTE
<input type="checkbox"/> Ed Career Planning	<input type="checkbox"/> Military	<input type="checkbox"/> Foster Care

A "Filter" button is located at the bottom of the filter section. Red arrows point to the "Export to CSV" and "Export to PDF" options in the left sidebar, and to the "EL" checkbox in the student category grid.

## Submission EL05 – Parent Notification of Eligibility

### Requirement

Upon completion of the ND ELP Screener Assessment and annually thereafter, the NDAC and Title I (NDAC 67-28-01-05 Sec. 4, Title I Section 1112.e.3.A.i) requires the district to inform parents (to the extent practicable, in a language/format they understand) of the student's EL status and their level of English language proficiency. Title I and Title III also require parent notification to occur within 30 days of the start of the school year or within two weeks of identification during the school year.

If the student is identified as an English learner, the parent notification must include the following:

- A statement indicating the student qualifies for English language development support or the EL program
- The English language proficiency (ELP) scores qualifying the student for services
- The method of instruction used in the district's language instruction educational program (LIEP)
- How the LIEP will meet the child's educational strengths and needs
- How the LIEP will help the child learn English and meet academic achievement standards
- The requirements to exit the program
- The student's expected graduation year
- Parent and student's rights, and
- If the student has an IEP, how the LIEP will help to meet the objectives of the IEP

The following parent notifications are a one-time correspondence and do not need to be completed annually thereafter:

- If the student did not qualify for the program, the parent notification must include the following:
  - A statement indicating the student did not qualify for the EL program.
  - The English language proficiency (ELP) scores that disqualify the student for services.
- If the student has reached English language proficiency (ELP), the parent notification must include the following:
  - A statement indicating the student met ELP and exited the program.
  - The English language proficiency (ELP) scores the student attained to meet the ELP exit criteria.
  - The process the school will take to monitor the student for two years.
  - The student's expected graduation year

### Documentation

**EL05:** Documentation of parent notification includes a copy of at least FIVE (5) dated and completed parent notification letters that include all the required components listed above. The evidence of the date of the notification can be documented by ensuring the school's form includes a date, a copy of the dated receipt of mail, or a dated email of the notification sent to parents.

- If no Home Language Surveys received by the district indicate a language other than English and the district has no returning ELs, submit a narrative assurance statement.

### Resources

- [EL Parent Notification Sample](#)

## Submission EL06 – ELP Screener Assessment-Certified Testing Staff

EL06: Submit evidence of the assessment certifications indicating all staff who *handle* the ELP assessments are certified and qualified as required, including:

- EL06-a: A copy of each **TEST ADMINISTRATOR'S CURRENT WIDA CERTIFICATE** for each assessment or a certification report from the [WIDA Secure Portal](#). **Label as Submission EL06-a.**
- EL06-b: A copy of the **EDUCATOR'S LICENSE OF EACH ELP TEST ADMINISTRATOR**. **Label as Submission EL06-b.**
- EL06-c: A copy of the **SIGNED SECURITY AGREEMENT** for any staff who handle the assessment but do not administer it. Indicate N/A if no other staff handles the assessments. **Label as Submission EL06-c.**

## Requirement

The Civil Rights Act of 1964, Title VI, and the Equal Educational Opportunities Act of 1974 (EEOA) require all school districts to have procedures in place to accurately and timely identify potential EL students, including a valid and reliable screener assessment. To maintain security and validity, all staff who *handle* the ELP assessments (WIDA Screeners, ACCESS, and ALT ACCESS) must be trained in testing security, procedures, and protocol as applicable to their role and the tests administered. The ND ELPAC has determined that the training/certifications must be completed during the same academic year of the test administration.

To be qualified to **administer** the ELP assessments, a test administrator must:

- Complete the training certifications within the same academic year for any assessment(s) administered.
- Hold a ND Teaching license to administer the online ACCESS assessment for grades 1-12 with NO sections that require local scoring.
- Hold a ND EL endorsement to administer all K-12 ELP screeners, ALT ACCESS, or any other portions of the assessment that are locally scored.

Staff who do not administer but only *handle* the assessments (including anyone who opens the boxes when received, handles the test materials at any time, packs materials to return, and technology coordinators) must attest to maintaining test security by reviewing and signing the Test Security Agreement.

Each year, EL District Coordinators must submit an assurance that all staff who *handle* the ELP assessments are trained to do so and that all test administrators are qualified to administer the ELP assessments for the current academic year. During the monitoring process, evidence is submitted to verify these certifications and qualifications of staff.

## Documentation

- **EL06-a:** Evidence of WIDA-certified test administrators includes submission of a copy of the current WIDA certificate for each assessment or a certification report from the [WIDA Secure Portal](#).
- **EL06-b:** Evidence showing all test administrators are licensed teachers in ND includes a copy of the teaching credentials of ALL ELP assessment test administrators.
- **EL06-c:** Evidence of all test handlers' security training includes a copy of the signed Test Security Agreement for the current year.

## Resources

- [WIDA Assessment Training](#)
- [WIDA Test Administration Certification](#) (WIDA Secure Portal) – “Manage” (upper right corner)
  - [Manage Users:](#) This tool allows district test coordinators to search for individual users or create new ones.
  - [Certification Report:](#) This option allows District Test Coordinators to save/print the certifications for entire districts.
- [ACCESS Test Security Agreement](#)



## Submission EL07 – Students’ Rights to Attend School

- EL07: Submit a copy of the **DISTRICT’S CURRENT ENROLLMENT/REGISTRATION FORM(S), INSTRUCTIONS, AND/OR POLICIES** to evidence that the student identification information collected and required by the district is not a condition of enrollment. **Label as Submission EL07.**

### Requirement

The U.S. Department of Education enforces many statutes that prohibit discrimination, including the Fourteenth Amendment, Title IV and VI of the Civil Rights Act of 1964, and the U.S. Supreme Court decision in the landmark case of Plyler vs. Doe 457 U.S. 202 (1982). These statutes and proceedings guarantee non-discrimination for public education regardless of immigration status. They do not allow identification tools that provide insight into immigration statuses, such as a birth certificate, social security number, or immigration documents, **as a requirement for enrollment.**

In a May 6, 2011, Dear Colleague letter on the Rights of All Children to Enroll in School, the U.S. Departments of Education and Justice provided guidance, and a Q&A to assist districts in meeting the legal obligations to ensure their enrollment procedures do not discriminate.

The North Dakota Century Code (NDCC) 12-60-26 requires “proof of identity” of the child, but it is not required to be one of the above documents and **may not be a condition of enrollment.** NDCC suggests that if proof of identity is not provided, the school is to notify BCI and local law enforcement to ensure the student(s) is not lost, missing, or a runaway.

### Documentation

**EL07:** Evidence includes a copy of the district’s current enrollment form(s) and/or instructions where student/parent identification requirements are listed. If the district includes one of the documents listed above, a policy or procedure must also be submitted indicating that the information is NOT a condition of enrollment.

### Resources

- [NDCC 12-60-25](#)
- [U.S. Department of Justice and U.S.D.E. Office of Civil Rights Dear Colleague Letter May 8, 2014](#)
- [U.S. Departments of Education and Justice Fact Sheet on the Rights of All Children to Enroll in School](#)
- [U.S. Departments of Education and Justice Questions and Answers on the Rights of All Children to Enroll in School](#)

***EL08-EL19 applies to DISTRICTS WITH CURRENTLY ENROLLED ENGLISH LEARNERS***

**Submission EL08 – District/School Program Plan: EL Program (LAU) Plan or Handbook**

- EL08: Submit a copy of the **DISTRICT'S LOCAL EL PROGRAM PLAN** (LAU Plan) or handbook describing the core Language Instruction Educational Program (LIEP), including all required components. **Label as Submission EL08.**

**Requirement**

Federal and State law (May 25 Office for Civil Right Memo of 1970, Lau v. Nichols of 1974, Equal Education Opportunities Act of 1974, NDAC 67-28-01-01 & 67-28-01-06) require districts to have a local program plan (LAU Plan) or handbook containing the following:

- A description of the Language Instruction Educational Program (LIEP), the alternate language curriculum, and how they will help students learn English and meet challenging academic standards
- A description of how each school's program is based upon sound educational theory and evidence-based practices.
- A description of how the school's program is supported with adequate and effective staff and resources so the program has a realistic chance of success, including instructional facilities comparable to those for non-ELs.
- A description of how each school's program is evaluated to ensure the program produces results showing the language barriers are being overcome within a reasonable amount of time.

**Documentation**

**EL08:** Evidence includes a copy of the district Lau program plan or handbook, including all the required components listed above.

**Resources**

- [Lau Plan Template](#)

## Submissions EL09-EL16 – District/School Language Instruction Educational Program (LIEP)

- EL09: Submit a copy of at least FIVE (5) completed and current **INDIVIDUALIZED LANGUAGE PLANS (ILPs)**, including all required components and appropriate signatures. **Label as Submission EL09.**
- EL10: Submit evidence of the LIEP, including:
  - EL10-a: Submit a copy of at least five (5) **STUDENT EL ENROLLMENT RECORDS** from the STARS showing the program model selected for the student. **Label as Submission EL10-a.**
  - EL10-b: Submit **DOCUMENTATION TO EVIDENCE THE PROGRAM MODELS** in 11-a are occurring, effective, and incorporate high-quality research/evidence-based strategies. **Label as Submission EL10-b.**
  - EL10-c: Submit evidence of the **CORE ENGLISH LANGUAGE DEVELOPMENT (ELD) CURRICULUM** used by the district/school. **Label as Submission EL10-c.**
  - EL10-d: Submit evidence of the current **ELD STANDARDS EMBEDDED** in EL and content instruction. **Label as Submission EL10-d.**
- EL11: Submit evidence of all **EL TEACHERS'** (except those already included in EL06-b.) **NORTH DAKOTA LICENSE/CERTIFICATION**, including the EL endorsement, to ensure eligible students are provided EL services by a highly effective/qualified EL teacher. **Label as Submission EL11.**
- EL12: Submit evidence of **EL RELATED PROFESSIONAL DEVELOPMENT** completed for all staff involved in the education of ELs. This includes leaders, classroom/content teachers, EL teachers, specialists, etc. **Label as Submission EL12.**
- EL13: Submit a **DETAILED LEDGER** to evidence that adequate resources have been allocated to implement the LIEP effectively (e.g., EL staff, PD, EL materials, and supplies). **Label as Submission EL13.**
- EL14: Submit evidence of **COMPARABLE INSTRUCTIONAL SPACE and ACCESS TO CURRICULUM AND PROGRAMS**, including:
  - EL14-a: Submit evidence of **COMPARABLE INSTRUCTIONAL SPACE**, such as a copy of a school map highlighting the EL program room or instructional space and labeling other comparable service providers like Title I, Special Education, LOS, etc. **Label as Submission EL14-a.**
  - EL14-b: Submit evidence of **ACCESS TO CURRICULUM AND**, such as copies of EL students' class schedules and rosters of EL participants in extra and co-curricular activities to show language is not a barrier for ELs to participate in ALL courses and activities. **Label as Submission EL14-b.**
- EL 15: If the district has English learners on an IEP, submit evidence of **SPECIFIC SPECIAL EDUCATION SERVICES** provided in addition to the LIEP. **Label as Submission EL15.**
- EL16: Submit copies of the **EL MONITORING RECORDS** of at least five (5) ELs who have attained proficiency (exited the program) in the past two years. If the district has not had any ELs attain proficiency in the past two years, submit a narrative assurance indicating this. **Label as Submission EL16.**

### Submission EL09 – Individualized Language Plan

#### Requirement

The NDDPI Administrative Rules section 67-28-01-05 requires all ELs in the district to have an annually updated ILP created collectively by the language support team (EL teacher, classroom teacher, administrator, and parent). The plan must include the following items:

- Student English language proficiency levels,
- Academic achievement,
- The language instruction educational program type and amount of service time provided,
- Instructional strategies to be used in the general education classroom,
- Accommodations or modifications as applicable in the classroom and on assessments,
- Goals for the year, and

- Additional services provided, if applicable, such as Title I, levels of service (gifted and talented), MTSS or tiered support, special education, etc.

## Documentation

**EL09:** Evidence includes a copy of at least FIVE (5) completed and current ILPs, including required components and appropriate signatures. If the district has less than five ELs enrolled, submit ILPs for all ELs.

## Resources

- [Individualized Language Plan Template](#)

## Submission EL10 – Evidence of Language Instruction Educational Program (LIEP)

### Requirement

Title VI of the Civil Rights Act of 1964, the Equal Education Opportunities Act (1974), Title III of the ESEA reauthorized by ESSA, and the NDDPI Administrative Rules section 67-28-01-06 require districts to provide a high-quality LIEP incorporating research/evidence-based strategies, the English Language Development (ELD) Standards, a specific ELD curriculum, and an LIEP model necessary to ensure English learners gain meaningful access to the schools' content curricula and programs.

### Documentation

Evidence includes documentation of the following for at least FIVE EL students:

**EL10-a:** Submission includes evidence of the program model the district/school has selected to provide for the EL student. The same program model should be included in the student's ILP, STARS enrollment, and parent notification. Evidence of the program enrollment may include a copy of any of the three documents listed above.

**EL10-b:** Submission includes evidence that the program model indicated in EL10-a is occurring, effective, and incorporates high-quality research/evidence-based strategies. Evidence may include student and teacher schedules, lesson plans, choice boards, etc.,

**EL10-c:** Submission includes evidence of a core ELD curriculum used by the district/school that aligns with the WIDA ELD Standards 2020 Edition. The core ELD curriculum is designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (i.e., speaking, listening, reading, and writing). Evidence may include copies of lesson plans, curricula research documentation, etc.

**EL10-d:** Submission includes evidence that the current ELD standards are embedded in instruction, such as lesson plans, student choice boards, correlations studies between the implemented ELD curriculum and the ELD standards, etc.

### Resources

- [STARS EL Enrollment Guidance](#)
- [WIDA ELD Standards 2020 Edition](#)

## Submission EL11 – LIEP Provided by a Qualified Teacher

### Requirement

The Equal Education Opportunities Act (1974), Title III of the ESEA, and the NDDPI Administrative Rules section 67-28-01-06 require districts to provide a high-quality LIEP program based on sound educational theory and taught by qualified, highly effective teachers. To be qualified in North Dakota, an EL teacher must hold an ELL endorsement, a degree in ESL or bilingual education, or a TESOL certification.

## Documentation

Evidence includes a copy of the teacher's North Dakota credentials, including an ELL/ESL endorsement.

## Resources

The following screenshot shows a sample licensing record from the [ND Education, Standards, and Practices Board](#) (ESPB):



**ND Educator License** - License Number: 000012345  
Regular – 5 years Issued: 11/14/2017 Expires: 12/5/2022

### Endorsements:

14 - ESL Endorsement  
Effective Date: 8/1/2016 Expires: Never  
English Language Learner - Minor Equivalency, K-12  
Institution: ND Degree:

## Submission EL12 – EL Related Professional Development

### Requirement

Section 504 of the Rehabilitation Act (1973) 29 U.S.C. Section 706 states that English Learners are entitled to “free and APPROPRIATE [emphasis added] public education. Section 1703(f) of the EEOA requires states and school districts to provide adequate services for ELs to gain full access to the curriculum. Title VI also requires school districts to take affirmative steps to ensure that English learner (EL) students can participate meaningfully and equally in educational programs and services. Although the laws do not require schools to adopt a particular type of language acquisition program, courts generally consider three factors to assess the adequacy of such a program:

- Whether the school's program is based upon sound educational theory or principles;
- Whether the school's program is reasonably calculated to implement the educational theory effectively; and
- Whether, after sufficient time to give the program a legitimate trial, the program results show that language barriers are actually being overcome.

Considering ELs spend a large portion of their day in the general education classroom, a district is implementing sound educational theory if the teachers in the general education classroom have access to high-quality professional development that provides foundational knowledge, effective scaffolding strategies, differentiated instructional strategies, effective use of student assessment data, and develops skills for supporting second-language acquisition across the curriculum. This professional development should be made jointly available to EL and general education teachers and evaluated for how well it is implemented and its effects on student achievement.

### Documentation

**EL12:** Evidence of EL-related Professional Development completed for all staff involved in the education of ELs, including leaders, classroom/content teachers, EL teachers, specialists, etc.

### Resources

- [U.S. Department of Justice – Types of Discrimination](#)
- [Is Being a Good Teacher Good Enough?](#)

## Submission EL13 – Adequate Resources to Support the LIEP

## Requirement

The Equal Education Opportunities Act (1974), Title III of the ESEA, and the NDDPI Administrative Rules section 67-28-01-06 require districts to provide a high-quality LIEP program based on sound educational theory and not deny any student full access to the curriculum. EL students are entitled to EL programs with sufficient resources to ensure the programs are effectively implemented, including highly qualified teachers, administrators, and support staff, appropriate instructional materials, and effective training when necessary.

## Documentation

**EL13:** Evidence includes a copy of the district's detailed ledger showing adequate resources to implement the LIEP effectively. Resources may include staff, PD, EL materials/supplies, EL parent engagement activities, interpreting or translating services, etc.

## Submission EL14 – Comparable Instructional Space and Access to Curriculum and Programs

### Requirement

The Civil Rights Act of 1964, Title VI (1991 OCR Memorandum), and the ESEA require districts to utilize instructional facilities comparable to those provided for non-ELs and not to unreasonably segregate ELs. The Fourteenth Amendment declares that no student shall be denied access to any course or activity (including gifted and talented, AP, or Dual Credit programs/courses) because of their language or cultural background. Courts have determined a violation of the 14<sup>th</sup> Amendment if English learners are not provided an opportunity to actively engage in the entire academic curriculum or activities offered by the district due to a language barrier.

### Documentation

**EL14:** Documentation includes a school map highlighting the EL program room or instructional space and labeling other service providers like Title I, Special Education, LOS, etc., to illustrate equity and EL student class schedules and rosters of participants in extra and co-curricular activities that include EL students.

## Submission EL15 – Services for ELs on an IEP

### Requirement

According to the Individuals with Disabilities Act (IDEA), English learners with disabilities must be provided special education services according to their Individual Education Plan (IEP), in addition to an LIEP according to their ILP.

### Documentation

**EL15:** Documentation may include a student's class schedule, ILP, and IEP to evidence all services provided. If the district has no ELs on an IEP, indicate this as a statement and label it "N/A."

## Submission EL16 – District Monitoring of Exited ELs

### Requirement

The Civil Rights Act of 1964, Title VI, and the ESEA require all districts to ensure that students overcome language barriers and can participate fully in mainstream classes. The laws have included monitoring exited ELs for at least two years after exit to ensure language is no longer a barrier.

### Documentation

**EL16:** Documentation includes evidence of how the school specifically monitors the academic progress of former ELs.

## Resources

- [Sample Monitor Form for Exited EL Students](#)

## Submission EL17 – Annual Summative ELP Assessment of All EL Students

EL17: Submit evidence that ALL ELs participate in the annual ELP assessment (ACCESS for ELLs):

- EL17-a: Submit a copy or screenshot of the most recent **ACCESS FOR ELLS ADMINISTRATION REPORT** from WIDA AMS listing student tests completed. **Label as Submission EL17-a.**
- EL17-b: Submit a copy of the **STARS ENROLLMENT REPORT** of all EL students enrolled in the district during the testing window. **Label as Submission EL17-b.**
- EL17-c: Submit a copy of the **NON-PARTICIPATION REPORT** from the STARS documenting the reasons students did not participate in the ELP assessment. Be sure ALL ELs enrolled during the test window either participated in the assessment or are on the non-participation report. **Label as Submission EL17-c.**

## Requirement

The Equal Education Opportunities Act (1974), ND ESSA Plan, and NDDPI Administrative Rules section 67-28-01-01, 03 require all districts with ELs to measure the language proficiency of all ELs, ensuring program effectiveness and student growth. Districts must use a valid and reliable assessment and ensure all ELs participate each year. The North Dakota ELP Assessment is currently the WIDA ACCESS for ELLs.

## Documentation

Evidence should show that all students enrolled during the testing window participated in the assessment. This may include:

- **EL17-a:** A copy or screenshot of the most recent ACCESS for ELLs administration report from WIDA AMS listing student tests completed and
- **EL17-b:** A copy of the EL students enrolled in the district during the testing window from STARS enrollment.
- **EL17-c:** If the district had students enrolled during the test window who did not participate, include a copy of the “submitted” non-participation report from the STARS showing allowable reasons for the students to be exempt from the requirement.

## Resources

A testing status report can be printed in WIDA AMS from “Student Test Progress” in Student Management or from the “Daily Cumulative Student Status Report” under “Status Reports” in Report Delivery. Below are screenshots from WIDA AMS, where you can find the reports.

WIDA AMS <https://www.wida-ams.us/default.aspx?eapp=StudentsSetup2&view=StudentStatus>

Student Management | Manage Students | Student Exports | Student Transfer Form | Student Status Dashboard | Student Test Progress | Data Validation

### Student Test Progress

Student Test Progress allows the user to view the online testing status of each student within a school.

**Instructions**

\* Indicates required fields

Administration: ND ACCESS for ELLS 2.0 \* | District: | School: \*

Grade: (All) | Domain: (All)

Find Students | Clear

\* All times are Central Daylight Time.

Collapse All Rows | Expand All Rows

Students							
Last Name	First Name	Grade	Domain	Status	Start Time	End Time	Duration
- Completed							
		01	Listening	Completed	01/17/2018 02:00 PM CT	01/26/2018 02:15 PM CT	215 hrs. 15 min.
		01	Reading	Completed	01/23/2018 02:04 PM CT	02/02/2018 10:29 AM CT	235 hrs. 25 min.
		01	Speaking	Completed	02/02/2018 02:02 PM CT	02/02/2018 02:32 PM CT	0 hrs. 30 min.
- Completed							
		01	Listening	Completed	02/06/2018 02:15 PM CT	02/07/2018 02:27 PM CT	24 hrs. 12 min.
		01	Reading	Completed	01/18/2018 02:00 PM CT	01/31/2018 02:28 PM CT	312 hrs. 19 min.
		01	Speaking	Completed	02/14/2018 10:48 AM CT	02/14/2018 01:31 PM CT	2 hrs. 43 min.
- Completed							
		07	Listening	Completed	02/23/2018 11:14 AM CT	02/23/2018 12:04 PM CT	0 hrs. 50 min.
		07	Reading	Completed	02/21/2018 10:18 AM CT	02/21/2018 10:59 AM CT	0 hrs. 41 min.
		07	Speaking	Completed	02/23/2018 12:10 PM CT	02/23/2018 12:40 PM CT	0 hrs. 30 min.
		07	Writing	Completed	02/22/2018 08:02 PM CT	02/23/2018 08:20 PM CT	0 hrs. 18 min.

Export to Excel | Export to PDF

DRC INSIGHT WIDA REPORT DELIVERY LA

Report Delivery | On-Demand Reports | Online Testing Statistics | Screener Data Export | More

### Status Reports

Status Reports display various reports that track testing activity for a test administration and particular district and/or school.

\* Indicates required fields

Administration: ND ACCESS for ELLs - 20.0 \* | District: Devils Lake 1 - ND36001 | School: (All)

Reports		
Title	Description	Action
Daily Cumulative Student Status Report	Displays all students in a test session, regardless of whether they have started the test session or not. Shows the test status for each student, including start and submit times, the ticket status, assigned accommodations and has a comment field.	
Daily Student Status Report	Displays each student that logs into a test. Shows the test start and submit times, test ticket status and has a comment field. This report does not contain any cumulative test activity for the student.	
Daily Excessive Logins Report	Displays information about students with unusual login activity. Shows the number of times the student logged in, as well the cumulative result of all attempted logins by the student.	
Daily State Summary of Test Times Report	Displays the duration in which students completed the test. This report shows district-wide data for each grade and content area.	
Weekly District Report	Displays the number of tests started and ended at a district level for each week of testing.	
Daily District Report of Testing Status by School	Displays the number of tests started and ended for a district and school, or a grade and subject level.	



## Submissions EL18-EL19 – Correspondence and Evaluation

- EL18: Submit evidence that **INFORMATION PROVIDED TO PARENTS** is in a language and format they understand. This includes registration materials-HLS, parent notes/reminders, website, etc. **Label as Submission EL18.**
- EL19: Submit evidence of the **PROGRAM EVALUATION**, such as a copy of the minutes from a program evaluation meeting, a program evaluation inventory signed by the language support team, and/or a program evaluation report signed by the language support team for the school/district's leadership or school board. **Label as Submission EL19.**

### Submission EL18 – Information to Parents

#### Requirement

The Office of Civil Rights and Title I law requires information to be provided to parents in a language and format they understand, to the extent practicable. Districts may use qualified translators and/or interpreters who have signed a privacy agreement. Due to student confidentiality regulations, the OCR does not support using students, family members, or neighbors as interpreters.

#### Documentation

**EL18:** Documentation may include evidence that the district has no EL parents who need information in a language or format different from the school's standard practice, examples of translated materials, a link to the website available in multiple languages, and/or a copy of a signed a privacy agreement and procedures in the handbook regarding the use of interpreters.

#### Resources

- [Sample Interpreter Privacy Agreement](#)

### Submission EL19 – LIEP Evaluation

#### Requirement

The Office of Civil Rights requires districts to evaluate the effectiveness of a school district's language assistance program(s) to ensure

- EL students in each program acquire English proficiency
- Each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period.

Districts must have a process, including the language support team (at a minimum, the EL Director and EL Coordinator), to review program data such as EL student progress toward ELP, academic progress, EL teacher caseloads, and curricular materials. The review should identify program strengths, improvement needs, and changes to be made to address the issues found in the review.

#### Documentation

**EL19:** Documentation may include minutes from a program evaluation meeting, completion of a program evaluation inventory signed by the language support team, and/or a program evaluation report signed by the language support team submitted to the school/district's leadership and/or school board.

#### Resources

- [Chapter 9 Tools and Resources for Evaluating the Effectiveness of a District's EL Program \(ed.gov\)](#)
- [USED Office of Civil Rights Tool for EL Program Evaluation](#)