



# **ENGLISH LEARNER PROGRAM SAMPLE MONITORING DOCUMENTATION 2021-2022**

- **EL01-EL09 ALL DISTRICTS**
- **EL10-EL23 DISTRICTS WITH CURRENTLY  
ENROLLED ENGLISH LEARNERS**

# Sample Monitoring Documentation for English Learners Program

Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), public schools must ensure that EL students can participate meaningfully and equally in educational programs. The Office of Indian/Multicultural Education is required by law to monitor local programs for English learners (ELs) and Title III programs to ensure compliance with procedures and regulations in Federal and state laws. It is the responsibility of the North Dakota Department of Public Instruction (NDDPI) to ensure districts and schools are accountable to North Dakota Century Code, NDDPI Administrative Rules, Title I & III of the Elementary and Secondary Education Act (ESEA) reauthorized by Every Student Succeeds Act (ESSA), civil rights laws regulated by the Office of Civil Rights, and the Department of Justice.

The purpose of this document is to assist districts and schools in meeting these requirements through the monitoring process. This document outlines each requirement in detail, the documentation necessary to evidence compliance, special alerts to take into consideration, and resources available. Below is a description of each category.

## Requirements

This section outlines the specific requirements of Federal and state law, or the Office of Indian/Multicultural Education and provides an explanation of the requirements to assist schools in understanding the requirement's rationale.

## Documentation

This section includes information and examples of how the district could provide evidence or documentation for the requirement.

## Resources

This section outlines resources available for further information on the requirement.

# EL01-EL09 ALL DISTRICTS

## EL01-EL03 Leadership & Policy

### Submission EL01 – EL Director

#### Requirement

**EL 01:** 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.

### Submission EL02 – EL Coordinator/Test Administrator

#### Requirement

**EL 02:** 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

**EL01–EL02:** To accurately document these indicators, districts must compare the requirement(s) of each indicator above 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 the new information will be added/corrected in the subsequent year’s MIS01 Fall Report.
- If the district met the requirements for EL01-EL02 in the MIS01 Fall Report, submit a copy of the district’s current report.

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

1. From the STARS home screen select “Shadow” in the left blue margin.
2. Under Reports select the “+” sign next to “LEA/School Fall Reports and Directories”.
3. Select “Local Education Agency Fall Report (MIS01)” and “>Next”.
4. Select the school year, “>Next”, and “View Report”.
5. Select “EL Program” in the upper left margin.
6. Select the “Generate PDF” button in the left margin.
7. Select “LEA EL” in the drop-down box and select the “PDF” button.

#### Resources

The image below displays the EL section of the MIS01 Fall Report.

**\* STARS**  
State Automated Reporting System

Local Education Agency  
Public LEA: DPI DISTRICT  
Year: 2019-2020  
Past due as of 9/15/20

Welcome Lodee Arnold

**Local Education Agency Fall Report (MIS01)**

LEA Data

School Approval

EL Programs

Unfilled Positions - FTE

**Tools & Links**

LEA and School Fall Reports Instructional Manual (MIS01 and MIS02)

**Functions**

Check Out

Validate

Submit

Generate PDF

Print Page

Help

**Local Education Agency - DPI DISTRICT**

Local Education Agency  
DPI DISTRICT  
County No. 99 LEA No. 999

Special Education units are not required to complete the EL Program tab.

English Learner (EL) Program  
Contact: Lodee Arnold - 701-329-1876

The EL Board Policy, Program Director, EL Teacher and Program Plan items are to be completed by all LEA's (NDAC 57.28)

**District EL Policy**  
Each district in North Dakota must have a school board policy related to serving EL students. EL policy guidance can be found in the EL section of the NDDPI website. The North Dakota School Board Association has a sample EL policy (SABAA) available. By checking the box below, each school district in North Dakota annual assurances they have an EL policy approved by the school board on the date indicated. The NDDPI recommends this policy to be reviewed at least every five years.

EL policy has been approved by the school board.

This Year  
Last Year

Date of Policy (NDAC 67-28):

**EL Program Director**

License Number: 1234  
JO A CLOSE  
Credential Expiration

Email Address: jo.a.close@ndeducation.com  
Phone Number: 7015551234

**EL Coordinator/Test Administrator:**

License Number: 1234  
JO A CLOSE  
Maj/Min/End Description Expiration License Expiration

Email Address: jo.a.close@ndeducation.com  
Phone Number: 7015551234

## Submission EL03 – 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 the evidence of the board policy and its approval.

### Documentation

- A copy of the EL policy approved by the school board
- 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](#)

## EL04-EL08 EL Identification

### Submission EL04 – 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) requires 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 how the district:

- Ensures the North Dakota Home Language Survey (HLS) is *completed* by a parent for each student 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, and
- 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

**EL04:** To accurately document this indicator, districts must compare the requirement(s) above with the district's current EL Identification Plan in the 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 as indicated above, submit new information and an assurance sentence indicating the new information will be added/corrected in the subsequent year's MIS01 Fall Report.
- If the district met the requirement in the MIS01 Fall Report, submit a copy of the district's current EL Identification Plan (or refer to the copy from EL01-02).

## 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 EL05 – Home Language Survey

### 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. To comply with this civil right and the Every Student Succeeds Act (ESSA), the Office of Civil Rights (OCR) recommends a 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 all districts to have 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.

## Documentation

**EL05:** Documenting the use of the HLS includes current copies of at least **five** HLSs completed by a parent.

## Resources

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

## Submission EL06 – ELP Screener

### 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.

## Documentation

**EL06:** In addition to having the ELP screener included in the EL identification plan, the monitoring process requires documenting 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, create a narrative assuring this and indicate as N/A.

## Resources

- [WIDA Screener](#)
- [WIDA Screener for Kindergarten](#)

## Submission EL07 – Certified Testing Staff

### 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 which includes 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. The ND ELPAC has determined the training must be completed during the same academic year of the test administration. In addition, to be qualified to **administer** the ELP assessments a test administrator must:

- 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.
- Complete the training certifications within the same academic year for any assessment(s) administered.

Each year, EL District Coordinators submit an assurance that all staff who *handle* the ELP assessments (including anyone who opens the boxes when received, handles the test materials at any time, packs materials to return, and

technology coordinators) are trained to do so, and 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

EL07: Evidence of certified testing staff includes

- a. A copy of their current WIDA certificate for each assessment or a certification report from the [WIDA Secure Portal](#).
- b. A copy of the qualifications of **ALL** ELP assessment test administrators

## Resources

- [WIDA Assessment Training](#)
- [WIDA Test Administration Certification](#)

The following is a screenshot of the Manage User system in the WIDA Secure Portal. Users can be searched individually, or a report can be saved/printed for entire districts.

The screenshot displays the 'Manage Users' interface in the WIDA Secure Portal. At the top, there is a navigation bar with the WIDA logo and links for 'Assessment Training', 'Professional Learning', 'Webinars', and 'Resources'. Below this is a header for 'Manage Users' with a search bar labeled 'Search Existing Users' and a 'Create User' button. The main section is titled 'Search Users' and contains several search criteria: 'First Name' (with a placeholder 'First'), 'Last Name' (with a placeholder 'Last'), 'Email' (with a placeholder 'Email'), 'State/Territory/Agency (Account)' (a dropdown menu currently showing 'North Dakota Department of Public Instruction'), and 'District' (an empty dropdown menu). There are also checkboxes for 'Limit results to only selected account' and 'Include Inactive', and a 'Search By Roles' button. A 'Back to List' button is located at the bottom right of the search section. Below the search form is a section titled 'User Certifications' with an 'Export to CSV' button. This section contains a table with the following data:

Course	Date Enrolled	Date Completed	Certificate
WIDA Screener for Kindergarten: Administration and Scoring	5/7/21	5/7/21	<a href="#">View</a>
Alternate ACCESS for ELLs: Administration and Scoring	9/18/20	9/18/20	<a href="#">View</a>
Speaking for Grades 1-5: Scoring ACCESS Paper and WIDA Screener	9/18/20	9/18/20	<a href="#">View</a>
Writing for Grades 1-5: Scoring WIDA Screener	9/18/20	9/18/20	<a href="#">View</a>

## Submission EL08 – Parent Notification of Eligibility

(N/A for districts who have not had a home language survey indicating a language other than English)

## 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) require the district to inform parents (to the extent practicable, in a language/format they understand) whether the child qualifies for the EL program and his/her level of English language proficiency. If the student is identified as an English learner, the notification must include:

- 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.

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.

## Documentation

**EL08:** 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 notification must occur within 30 days of the start of the school year or within two weeks of the student’s identification during the school year. This can be documented by a copy of a dated notification, 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, make that narrative assurance and indicate as N/A.

## Resources

- [EL Parent Notification Sample](#)

## EL09 Students’ Right to Attend School

### Submission EL09 – Enrollment Regardless of Immigration Status

#### Requirement

The U.S. Department of Education (U.S.E.D.) 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 guaranty non-discrimination for public education regardless of immigration status and does not allow identification tools that provide insight to immigration status, 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 does require **“proof of identity” of the child**, but it is not required to be one of the above documents and **still may not be a condition of enrollment.** NDCC suggests 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

**EL09:** 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 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](#)



- 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

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

- Sample Individualized Language Plan – contact the [EL programs office](#) for a copy.

## EL12-EL21 Language Instruction Educational Program (LIEP)

### Submission EL12 – LAU Program Plan or EL Handbook

#### 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 that are 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

Evidence includes a copy of the district Lau program plan or handbook including all the required components.

## Resources

- [Lau Template](#)

### Submission EL13 – 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:

1. Whether the school's program is based upon sound educational theory or principles;
2. Whether the school's program is reasonably calculated to implement the educational theory effectively;  
and
3. Whether, after a period of time sufficient to give the program a legitimate trial, the results of the program 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 that 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

Evidence includes documentation 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.

### Resources

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

## Submission EL14 – 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

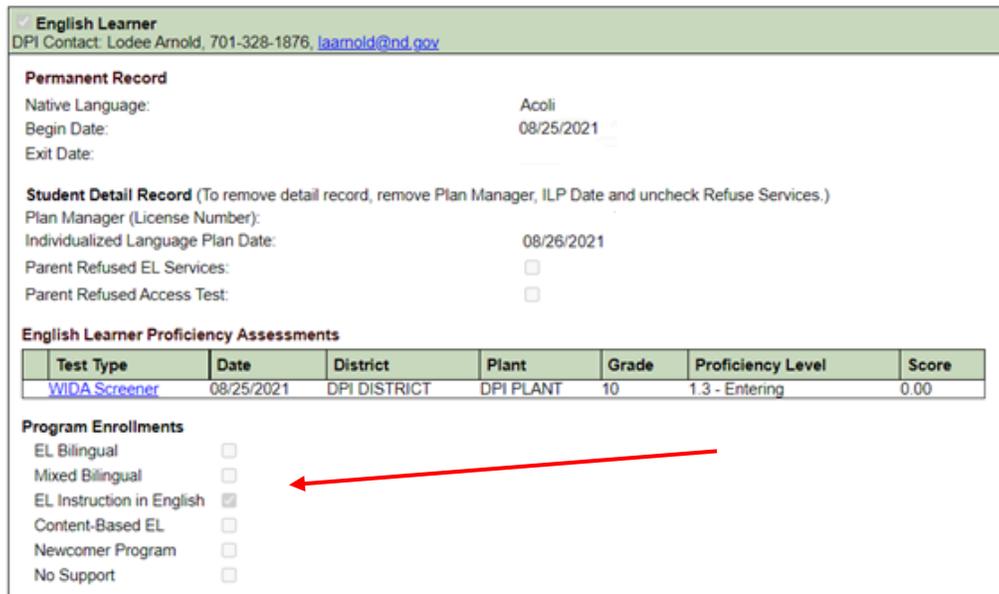
Evidence includes documentation of the following for at least FIVE EL students:

- a. A copy of the student's EL enrollment record in the STARS showing the program model selected for the student,
- b. Evidence that the model indicated in the STARS is occurring, effective, and incorporates high-quality research/evidence-based strategies. Evidence may include student and teacher schedules, lesson plans, choice boards, etc.,
- c. Evidence of a core ELD curriculum used by the district/school. The core ELD curriculum is special curriculum 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).
- d. Evidence of the current ELD standards embedded in instruction, such as lesson plans, student choice boards,

correlations studies between the implemented ELD curriculum and the ELD standards, etc.

## Resources

- [LIEP Program Models](#) The screenshot below shows the Program (Model) Enrollment section in the STARS.



**English Learner**  
DPI Contact: Lodee Arnold, 701-328-1876, [laarnold@nd.gov](mailto:laarnold@nd.gov)

**Permanent Record**  
Native Language: Acoli  
Begin Date: 08/25/2021  
Exit Date:

**Student Detail Record** (To remove detail record, remove Plan Manager, ILP Date and uncheck Refuse Services.)  
Plan Manager (License Number):  
Individualized Language Plan Date: 08/26/2021  
Parent Refused EL Services:   
Parent Refused Access Test:

**English Learner Proficiency Assessments**

Test Type	Date	District	Plant	Grade	Proficiency Level	Score
WIDA Screener	08/25/2021	DPI DISTRICT	DPI PLANT	10	1.3 - Entering	0.00

**Program Enrollments**

- EL Bilingual
- Mixed Bilingual
- EL Instruction in English
- Content-Based EL
- Newcomer Program
- No Support

- [English Language Development Standards Framework](#)

## Submission EL15 – 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 EL16 – 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

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

### Resources

There are no additional resources for this requirement.

## Submission EL17 – Annually Assess the English Language Proficiency of All EL Students

### 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 all students who were enrolled during the testing window participated in the assessment. This may include:

- a. A copy or screenshot of the most recent ACCESS for ELLs administration report from WIDA AMS listing student tests completed and
- b. A copy of the EL students enrolled in the district during the testing window from STARS enrollment.
- 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.

## Requirement

The Civil Rights Act of 1964, Title VI and the ESEA require all districts to ensure students overcome language barriers and are able to 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

Evidence may include a copy of documentation the school uses to monitor the academic progress of former ELs.

## Resources

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

## Submission EL19 – Instructional Facilities Comparable to Non-ELs

### Requirement

The Civil Rights Act of 1964, Title VI (1991 OCR Memorandum) and the ESEA requires districts to utilize instructional facilities comparable to those provided for non-ELs and to not unreasonably segregate ELs.

### Documentation

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.

### Resources

There are no additional resources for this requirement.

## Submission EL20 – Opportunity to Engage in Entire Curriculum

## Requirement

The Fourteenth Amendment declares no student shall be denied access to any course or activity (including gifted and talented, AP or Dual Credit programs/courses) because of his/her 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

Documentation includes EL student class schedules and rosters of participants in extra and co-curricular activities that include EL students.

## Resources

There are no additional resources for this requirement.

## Submission EL21 – 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

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 “N/A.”

### Resources

There are no additional resources for this requirement.

## Submission EL22 – Information to Parents

### Requirement

The Office of Civil Rights 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. The OCR does not support the use of students, family members, or neighbors as interpreters due to student confidentiality regulations.

### Documentation

Documentation may include evidence 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 EL23 – 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 of time.

### Documentation

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 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](#)