West Virginia Standardized Statewide Entrance and Exit Procedures for English Learners

Background

Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities ACT (EEOA) establish that all States and LEAs must ensure that English learners (ELs) can participate meaningfully and equally in educational programs and services. Essential obligations include:

- Identifying and assessing all potential EL students in a timely, valid, and reliable manner;
- Providing EL students with an effective language instruction educational program (LIEP);
- Monitoring and evaluating EL students in LIEPs to ensure their progress with respect to acquiring English proficiency;
- Exiting EL students from LIEPs when they are proficient in English; and
- Monitoring exited students to ensure they were not prematurely exited and that any academic deficits have been remedied.

West Virginia Board of Education (WVBE) Policy 2417, Regulations and English Language Proficiency Standards for English Learners, provides the definition of an EL in the state of West Virginia and clarifies the exit criteria that must be met in order for a student to be reclassified.

This guidance document establishes standardized statewide entrance and exit procedures that correspond to both federal legislation and state policy regarding the identification, support, and reclassification of English learners.

Entrance Procedures

Home Language Survey

1. All LEAs are required to implement a home language survey (HLS) as part of the registration process for all students at the time of enrollment. The intent of the HLS is to gather information about a student’s language background and identify students whose primary language or home language is other than English. This step initiates a timely process of identifying potential ELs who might need language assistance services in order to be successful in the instructional setting.
   a. West Virginia has adopted the minimally compliant HLS questions that have been approved by the U.S. Department of Education Office for Civil Rights (OCR) and the U.S. Department of Justice (DOJ). The three questions include:
      i. What is the primary language used in the home, regardless of the language spoken by the student?
ii. What is the language most often spoken by the student?
iii. What is the language that the student first acquired?

b. A sample form containing the three HLS questions has been posted to the WVDE Office of Federal Programs site http://wvde.state.wv.us/federal-programs/guidance.html
c. The questions should be incorporated into the enrollment materials that all students receive upon entering the county school system. The HLS should be appropriately filed with the other student enrollment documentation.
d. A response of a language other than English, to one or more of the HLS questions, should result in the next step of testing/screening.

Screening

2. Students (potential ELs) who have an indication of a primary language other than English as determined by the HLS, must be assessed via a valid and reliable English language proficiency (ELP) screener that examines the domains of speaking, listening, reading and writing.
   a. In order to determine whether the student should be classified as EL, LEAs will implement the statewide screener starting with the 2018-2019 school year. Prior to the 2018-2019 school year, LEA’s may utilize a valid and reliable, locally selected ELP screener.
   b. Students scoring proficient on the ELP screener do not meet the definition of EL in WV and should not be classified as EL. The student will not be eligible to participate in a language assistance program.
   c. Students who do not score proficient on the ELP screener should be formally classified as EL. The student will be eligible to participate in a language instruction educational program (LIEP).

Notification

3. Title I of ESEA requires that LEAs provide parental notification to parents and families of ELs regarding LIEPs and related program information (ESEA Section 1112(e)(3)). This section of Title I also specifies the timelines and specific information that must be included as part of the parental notification. WVBE Policy 2417 also references the federal timelines that must be met in notifying parents and families so that ELs may begin receiving services within a reasonable time upon formal identification.
   a. The LEA must provide a parent or guardian with notification of a child’s identification as EL and the provisions for an LEIP no later than 30 days after the beginning of the school year.
   b. For those children who have not been identified as EL prior to the beginning of the school year but are identified during such school year, the LEA will provide notification during the first 2 weeks of identification.
   c. The notification to the parent must include federally-defined criteria including: reason for identification, the child’s ELP level, method of instruction for LIEP, characteristics of LIEP to support individual instruction and academic achievement, LIEP exit criteria, any SWD service coordination if applicable, and parental rights.
   e. Sample letters of notification have been posted to the WVDE Office of Federal Programs site http://wvde.state.wv.us/federal-programs/guidance.html. These letters address a variety of situations and may be personalized for individual county use. Sample letters posted on the site address the following purposes:
i. **Initial Identification** – Utilized when a student has been initially identified as EL.

ii. **Continuing Services** – Letter that can be sent annually to update the parent on the continued service for a non-exited EL student.

iii. **Initially Fluent** – Utilized for a student who was a potential EL (via the HLS) who scored fluent on the language screener. This student is not identified as EL.

iv. **Withdrawal or Denial of Program** – This form is utilized for parents who opt their child out of the proposed LIEP services. The student is still required to participate in the annual ELP Assessment. This form serves as a follow-up to the parental rights requirement included in the Initial Identification letter.

**Data Management**

4. WVBE Policy 2417 defines the responsibility of the county Title III director in collecting and maintaining EL student data using the West Virginia Education Information System (WVEIS). Once a student has been identified as EL through both the HLS and the ELP screener, the EL tab in WVEIS should be activated. Note that a potential EL student who is deemed by the ELP screener not to qualify for services should not have an active EL record in WVEIS. Please see the WVEIS instructions for additional details regarding EL data management posted to the WVDE Office of Federal Programs site [http://wvde.state.wv.us/federal programs/datamanagement.html](http://wvde.state.wv.us/federal programs/datamanagement.html)

**LIEP**

5. Under ESEA and WVBE Policy 2417, each LEA is required to provide ELs with effective LIEPs and language assistance that results in improved English language proficiency and academic achievement. The LEA is required to provide EL services and programs, until ELs are proficient in English and can participate meaningfully in educational programs without EL supports. Please see the LIEP guidance document for additional suggestions regarding implementing effective LIEPs.

**Special Populations**

6. ESEA as amended by ESSA promotes the inclusion of ELs in early learning programs, as supported by the purposes identified in Title III. West Virginia LEAs may elect to extend direct EL services to **Pre-K students**. LEAs may also support Pre-K EL students through the process of implementing the required program components of Title III including providing effective professional development; offering activities focused on parent, family, and community engagement; and supplementing LIEPs.
   a. LEAs that provide direct services to Pre-K ELs should formally identify the students within WVEIS as previously described.
   b. LEAs that provide consultative services will not formally identify the students within WVEIS during the Pre-K year of service. The student should be formally screened and entered into the WVEIS system during the Kindergarten enrollment process. Direct services should initiate at that time.

7. When an EL is a student with disability, consultation occurs between the EL Committee and the IEP Team or Section 504 Committee when developing an LIEP and language assistance services.
WVBE Policy 2417 provides the regulatory language regarding the participation of the EL with disability in regards to annual assessments. The WVEIS data management process previously described in this guidance document should also be followed for ELs with a disability.

8. LEAs must provide for the equitable participation of eligible private school students in private schools located in areas served by the LEA. The LEA must engage in timely and meaningful consultation with private school officials during the design and development of their Title III programs and prior to making any decisions that may affect the participation of private school students in the program.
   a. Private school students should be entered into the “R” district with an attributable FTE. Please see __________ for detailed instructions for enrolling EL private school students into WVEIS.

Exit Procedures

Reclassification

1. Once identified as EL, a student will continue to receive EL language assistance supports through the LIEP until reaching a determination of proficient in English. At this level, the student should be able to meaningfully engage with the state’s challenging academic standards without intensive EL language supports. ESEA and WVBE Policy 2417 regulates the annual ELP Assessment that must be administered to all ELs in order to monitor the progress that students are making in developing English language proficiency. The annual ELP assessment serves as the measurement that is utilized to formally reclassify or exit a student from EL status and their LIEP.
   a. WVBE Policy 2417 identifies a student score of proficient on the West Virginia ELP Assessment as the formal criteria for exiting EL status.

Monitoring

2. After a student has successfully met the exit criteria established in WVBE Policy 2417, LEAs must monitor the academic progress of the former EL for a period of two years. Note that reporting requirements in ESEA as amended by ESSA extends the reporting of academic progress for 4 years after a student has exited EL status.
   a. The West Virginia Department of Education does not prescribe a specific monitoring form or process. Sample EL progress monitoring forms have been posted to the WVDE Office of Federal Programs site http://wvde.state.wv.us/federal-programs/guidance.html and are also embedded within Chapter 8 of the U.S. Department of Education EL Toolkit http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.

Program Re-Entry

3. The monitoring process is intended to ensure that a student is able to meet the state’s academic standards and meaningfully participate in the instructional program comparable to their never-EL peers. If through the monitoring process an exited EL is not progressing academically as expected, a process for re-entry may be considered.
a. Using data and evidence gathered through the monitoring process, an EL SAT/EL Committee team consisting of content teachers, EL specialists, and the child’s parent or guardian, may initiate the process for re-entry.

b. The decision to initiate the re-entry must be based on academic performance and must be attributable to the child’s English language development.

c. The statewide screener used for initial identification should be re-administered and will serve as a valid, reliable, and grade-appropriate ELP assessment for reclassification.

d. If the ELP assessment qualifies a student for EL services, the practices identified within the entrance procedures of this document will be followed again until the child successfully meets the established exit criteria.

e. The LEA should document the reasons why a student has been reentered into EL services including documentation of parental consent.