

English Learner FAQ

Who is an ELL?

ELL means English language learner. The term is synonymous with English learner (EL) which is used by the federal government in the Every Student Succeeds Act (ESSA) Section 8101[20] where an EL is defined as an individual:

(A) who is aged 3 through 21;

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

(C)(i) who was not born in the United States or whose native language is a language other than English; ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is not English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding English may be sufficient to deny the individual (i) the ability to meet the challenging state academic standards;

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

(iii) the opportunity to participate fully in society

2. Who is an ESL or ELD student?

ELD refers to English Language Development. This would refer to a student who is provided English language development instruction.

3. What is the difference between an EL and ELD? EL stands for English Learner, a student and ELD stands for English Language Development instruction. ELD instruction should be leveled by English language proficiency (ELP) levels, as measured by the annual ACCESS for ELLs assessment, which is the required English language proficiency assessment for ELs in New Mexico.

4. How are English learners identified?

The identification process for ELs is a two-step process. First, parents complete the Language Usage Survey (LUS) upon initial enrollment in public school. A parent only completes this form once in a student's public education career. If a student is transferring from one district to another in New Mexico, the LUS completed at the previous district has to transfer as part of student records to the new school. The new school should request this information specifically. The LUS is kept in the cumulative file.

Secondly, if any answers to questions 1-6 on the LUS are 'yes' or if a language other than English is indicated in question 7 of the LUS, then the English language proficiency screener (currently this is the

W-APT) is administered to the student. Based on the W-APT results a student is either identified as an initial fluent English proficient student (IFEP) or as an English learner (EL). The W-APT results are kept in the cumulative file and are transferred as part of student records to schools the student attends.

For further information and resources on the EL identification process, please see the LUS Guidance Handbook in the following link:

http://ped.state.nm.us/ped/BilingualDocs/ServingELs/NMLUS_Guidance_Handbook_12.23.16.pdf

5. Where are the LUS and the W-APT results kept? The LUS, the W-APT, and the ACCESS for ELLs results must be kept in the cumulative file and transfer as part of student records to the schools the student attends.

6. Can a student be identified as an English learner using a Teacher Observation Form?

If it appears that a student is struggling academically and /or behaviorally, due to difficulties with English proficiency, a teacher observation form can be used as part of Tier 2 data collection. The SAT gathers other available data on the student, and develops a hypothesis regarding possible causes for the difficulties, and designs an individualized SAT intervention plan and/or behavior intervention plan for the student. If the frequent progress monitoring indicates that the difficulties are related to lack of English proficiency the SAT team can, in such a case, make the decisions to administer the W-APT English language proficiency screener to the student. A second language acquisition specialist should be part of the SAT team in such a case.

For further information concerning this process, please see the Serving English Learners technical assistance manual in the following link:

http://ped.state.nm.us/ped/BilingualDocs/ServingELs/BMEB_Serving%20ELs_TA_Manual_2016_Rev12.27.16.pdf

7. Does an ESL or ELD class have to be taught by an English Teacher who has a TESOL endorsement or can it be any teacher with a TESOL endorsement?

Serving ELs is a federal requirement and EL teachers must be proficient in English and be provided appropriate training for serving ELs. A TESOL endorsement is not required to teach ELs, but it can serve as an indicator of proper training. The following offers further guidance on staffing an EL program and service:

1. Districts/schools must provide the personnel necessary to effectively implement EL programs.
2. Necessary personnel include teachers who are qualified to provide EL services, core-content teachers who are highly qualified in their field as well as trained to support EL students, and trained administrators who can evaluate these teachers.
3. Districts must provide adequate professional development and follow-up training in order to prepare EL program teachers and administrators to implement the EL program effectively.

4. Districts must ensure that administrators who evaluate EL program staff are adequately trained to meaningfully evaluate whether EL teachers are appropriately employing their training in the classroom in order for the EL program model to successfully achieve its educational objectives.

(EL Toolkit, chapter 3)

Please note: A TESOL endorsement may be required if serving ELs in a New Mexico state-funded bilingual multicultural education program (BMEP). For further information on BMEP licensure requirements, please see the link below.

http://ped.state.nm.us/ped/BilingualDocs/education/BMEP_Licensure_Requirements.pdf

8. What kind of services does a district/school have to provide English learners?

- a. The federal requirement is that a district must offer an EL program and service until an EL student is
 - 1) proficient in English and
 - 2) can participate meaningfully in the standard instructional programs without EL supports within a reasonable amount of time.
- b. Such an EL program and service must meet the standards established in *Castañeda v. Pickard*:
 1. It must be based on a sound educational theory.
 2. Programs and practices must be reasonably calculated so that the program and service can be implemented effectively (including having the necessary resources).
 3. The program must be evaluated for effectiveness to ensure it produces results within a reasonable period of time.

9. What does an EL program have to include?

The two goals of an EL program are

1. Attaining English language proficiency
2. Meaningful access to the standard instructional program within a reasonable period of time.

Attaining English language proficiency

For English language proficiency a district/school has to offer an ESL or ELD course depending on the English language proficiency (ELP) level of the student or a dedicated ELD block in elementary school that has to be at the minimum 45 minutes. An integrated ELD-ELA class can be offered to EL students whose overall score on the ACCESS for ELLs assessment is 4.5 or higher. The primary goal is learning English and learning content is secondary. (*Saunders, Goldenberg, Marcelletti, 2013*)

Meaningful access to the standard instructional program within a reasonable period of time

In order for EL student to learn grade-level content and thus have meaningful access to the standard instructional program all content area classes have to shelter instruction and offer language supports for EL student. Learning content is the primary goal and language is secondary. (*Saunders, Goldenberg, Marcelletti, 2013*)

10. Can parents refuse to have their student take the ACCESS for ELLs assessment? A parent *cannot* refuse the EL classification *nor* the ACCESS for ELLs assessment. It is a parents' right to know that their child is becoming proficient in English and is able to have meaningful access to all content areas and courses. EL identification and exiting EL status stem from the Title VI of the Civil Rights Act of 1964 and are based on federal requirements. Students exit from EL status by scoring an overall (composite) score of 5.0 or higher on the ACCESS for ELLs assessment. Not taking the ACCESS for ELLs assessment denies a student the right to exit from EL status.

Please note: Districts/schools should provide support and guidance for parents throughout the EL identification process as described in the LUS Guidance Handbook in the link below.

http://ped.state.nm.us/ped/BilingualDocs/ServingELs/NMLUS_Guidance_Handbook_12.23.16.pdf

11. What assessments does an EL student have to take? In addition to the annual English language proficiency assessment, ACCESS for ELLs, an EL student like all students are assessed for academic achievement as follows pursuant to New Mexico Administrative Code (NMAC) 6.29.1.9L(1)-(2):

A student who has been in US schools under three years can be assessed in the home language of Spanish in language arts (SBA Spanish), in math (PARCC Spanish math), and in science (SBA Spanish science). A student can receive a Testing in English waiver for testing in the home language of Spanish for the above mentioned tests if the districts request this through the Testing in English waiver process. This waiver is valid for one year and can be requested up two times. No more, than two waivers are allowed.

In order to be granted a Testing in English Waiver a student must be an EL and must have attended a US school for no more than five years including kindergarten. *Please note:* Students who are enrolled for the first year in a U.S. school may receive a language exemption from the standards based assessment for the reading subtest only. In this situation, the student's score on the ACCESS for ELLs assessment, if available, will be substituted for the reading score.

12. Can students whose home language is Navajo receive a Testing in English Waiver?

No. The Testing in English waiver is for tests in the home language of Spanish only, per New Mexico Administrative Code (NMAC) 6.29.1.9 L(1)-(2). However, an EL student can receive accommodations. For allowable accommodations for each assessment, please see the assessment vendor accommodations manuals. For further guidance on accommodation procedures, please see the 2015-2016 Student Assessment Accommodations Manual in the link below. An allowable accommodation should have been used in daily instruction for a sufficient period of time prior to testing for a student to become comfortable with it. A school-based team of at least three staff members who are familiar with the EL student's abilities and language needs, standardized test procedures, and valid ELL test accommodations Assessment accommodations are allowable changes in assessment administration that help an EL student access the content of the assessment without giving undue assistance. In most cases, assessment accommodations enable an EL student to overcome a language barrier. An allowable assessment accommodation **does not** alter the concept being measured.

<http://www.ped.state.nm.us/ped/AssessmentEvalDocs/TestCoordPres/2016/Accom%20Manual%202015%20-%202016%20Final.pdf>

13. Can a student who has scored an overall (composite) score of 5.1 on ACCESS for ELLs assessment still receive a Testing in English Waiver? No. An overall score of 5.1 is on the ACCESS for ELLs assessment means that the student is proficient in English and therefore no longer classified as an EL. Students exit from EL status by scoring an overall (composite) score of 5.0 or higher on the ACCESS for ELLs assessment. A student who is no longer an EL cannot receive a Testing in English Waiver.

14. Do students with disabilities who are also ELs take the ACCESS for ELLs assessment? Students with disabilities who are also English learners must receive services in both areas: language services as well as disability related services; neither service supersedes the other. A parent can decide to opt his/her child out of EL services but *not* out of the ACCESS for ELLs assessment. The student takes the ACCESS for ELLs assessment annually; any accommodations must be allowable under the ACCESS for ELLs assessment and written into the IEP or 504 Plan of the student. Students with cognitive disabilities who also take the NMAPA assessment can take the Alternate ACCESS assessment, if this is specified in the student's IEP. An IEP team for an EL student with a disability should include a second language acquisition specialist in order to ensure that all the needs of the student are being met. For further information please see the ELs in Special Education FAQ on our website in the link below.

http://ped.state.nm.us/ped/Bilingual_EL_FAQ.html

There is also great information on ELs with disabilities in the English Learner Tool Kit (by USDE) in the link below, specifically chapter 6.

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf>

You can also find further information on serving ELs in our Serving English Learners Technical Assistance Manual in the link below:

http://ped.state.nm.us/ped/BilingualDocs/Serving_ELs_TA_Manual_2016.pdf

15. What is the process and what forms do we use to to monitor exited ELs? Per NMAC 6.29.5.12 exited ELs (reclassified English proficient students—RFEPs) must be monitored for academic progress for two years. Each district creates their own monitoring system for RFEPs including documents used. Such documents inform the district of the effectiveness of the particular EL program(s) used at the district as well as how well the EL program(s) has created a basis for continued success for RFEPs. The English Learner Tool Kit has a chapter on monitoring and exiting ELs (chapter 8) as well as a chapter on serving ELs who opt out of EL programs with tools and resources. These are helpful in creating district/school documentation that works in ensuring that students succeed after exiting status or when opting out of EL services. The links to each chapter are below.

Chapter 8: 8.Monitoring and Exiting English Learners from EL Programs and Services

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf>

Chapter 7: Serving English Learners who Opt-Out of EL Programs :
<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap7.pdf>

16. Do identified English learners have to participate in a New Mexico state-funded bilingual multicultural education program (BMEP)?

No. Districts/schools can choose to meet their federal obligations of serving English learners through a state-funded BMEP.

The federal requirement is that a district must offer an EL program and service until an EL student is

- 1) proficient in English and
- 2) can participate meaningfully in the standard instructional programs without EL supports within a reasonable amount of time.

English learners must be provided specific instruction in English language development. Please see question number 9 in this FAQ for further details.

For further information on state-funded BMEP , please see the link below.

http://ped.state.nm.us/ped/Bilingual_BMEP.html