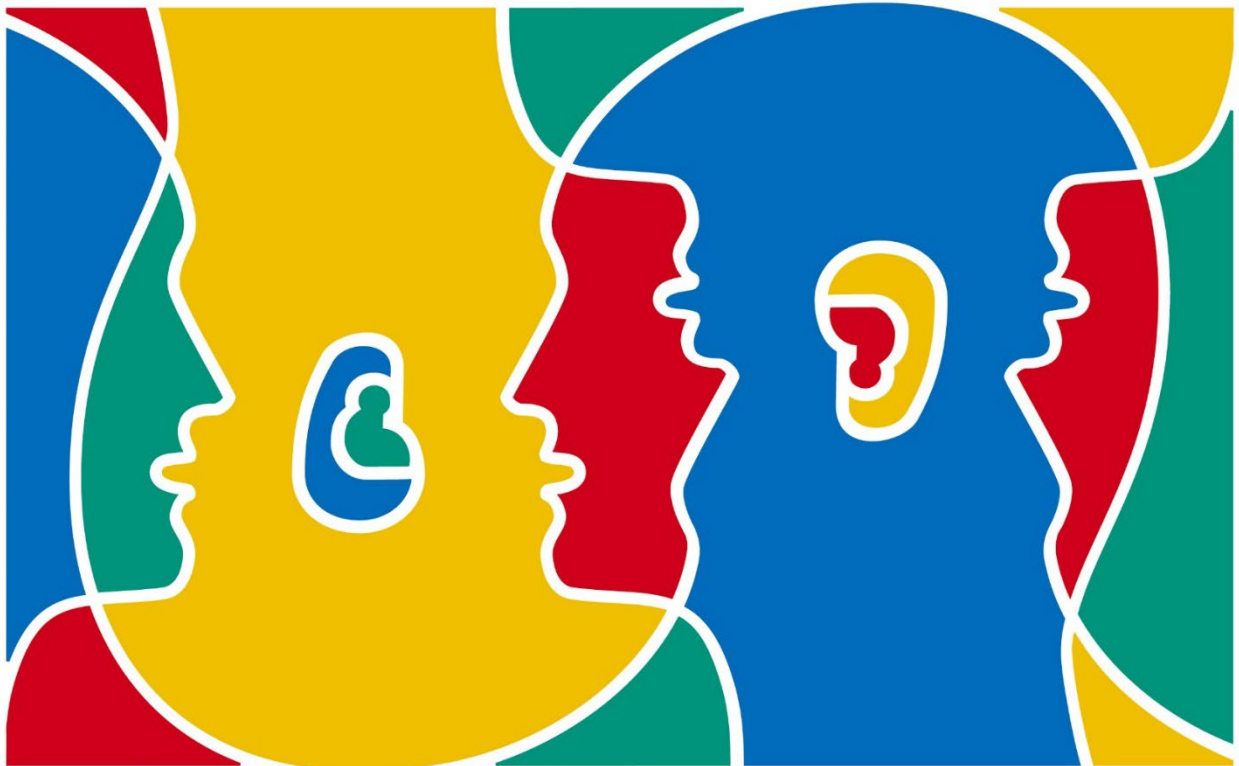


# New Mexico Language Usage Survey Guidance Handbook: Tools for Identifying Potential English Learners



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The State of New Mexico  
Language Usage Survey Guidance Handbook:  
Tools for Identifying Potential English Learners

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**Required Notice**

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## Introduction

This document is intended to be used as a guidance handbook for school and district personnel. There are two companion PowerPoints available on the [Language and Culture \(LCD\) Website](#).

A brief description of the two training resources is below.

1. A training for frontline staff who assist parents/guardians when enrolling their children in school for the first time.
2. An overview of this manual for district and school personnel who are part of the process of identifying potential English learners (ELs).

The Public Education Department (PED) encourages the following school personnel to explore this handbook carefully to ensure compliance with federal and state law:

| <b>Bilingual Multicultural Education Program (BMEP):</b>   |   |                                    |                                   |                                |
|--|---|------------------------------------|-----------------------------------|--------------------------------|
| • <a href="#">BMEP State Law</a>   | • <a href="#">BMEP Regulation</a>   | • <a href="#">BMEP PD Guidance</a> | • <a href="#">BMEP Reports</a>    |                                |
| • <a href="#">BMEP Resources (forms)</a>   | • <a href="#">BMEP TAM</a>  |                                    | • <a href="#">SLD Standards</a>   |                                |
| <b>Who should utilize these resources:</b> BMEP Coordinators, Curriculum, Instructional Leaders, and Education Assistants; Directors, and Educators; District Test Coordinators (DTC); Literacy Coach; Native American Language & Culture (NALC) Educators; NOVA Coordinators (Data/Program Reporting); PED Staff as Appropriate; Principals/Charter School Directors; Special Education Directors; Superintendents; Tribal Education Leaders/Directors;   |   |                                    |                                   |                                |
| <b>Culturally and Linguistically Responsive (CLR) Instruction:</b>   |   |                                    |                                   |                                |
| • <a href="#">CLR Handbook</a>   | • <a href="#">CLR Framework Resources</a>   |                                    | • <a href="#">CLR PD Pathways</a> |                                |
| • <a href="#">Equity Council</a>   | • <a href="#">Equity Council Resources</a>  |                                    | • <a href="#">M/Y Resources</a>   |                                |
| <b>Who should utilize these resources:</b> Administrators/Front office staff; ALL Educators; Counselors/Social-emotional Liaisons; Curriculum, Instructional Leaders, and Education Assistants; Equity Council members; Native American Language & Culture (NALC) Educators; Nurse; Other Members of the Education Community that assists Parents/Families; Parent Liaison/Volunteer; PED Staff as Appropriate; Principals/Charter School Directors; School Boards/Governing Boards; School Psychologist, Diagnostician; Student Assistance Team (SAT) Leaders/Coordinators; Special Education Directors; Superintendents; Tribal Education Leaders/Directors;   |   |                                    |                                   |                                |
| <b>English Learner (EL) Programs:</b>  |   |                                    |                                   |                                |
| • <a href="#">EL Resources</a>   | • <a href="#">EL Identification</a>   | • <a href="#">ELDIF</a>            | • <a href="#">ELD Standards</a>   | • <a href="#">LUS Handbook</a> |
| • <a href="#">Serving ELs TAM</a>  | • <a href="#">Identifying and Serving ELs with Disabilities Guidance Handbook</a> |                                    |                                   |                                |
| <b>Who should utilize these resources:</b> Administrators/Front office staff; Curriculum, Instructional Leaders, and Education Assistants; English Language Development (ELD) Coordinators, and Educators; District Test Coordinators (DTC); Individualized Education Program (IEP) Team; Literacy Coach; NOVA Coordinators (Data/Program Reporting); Nurse; Other Members of the Education Community that assists Parents/Families; Parent Liaison/Volunteers; PED Staff as Appropriate; Principals/ Charter School Directors; School Psychologist, Diagnostician; Student Assistance Team (SAT) Leaders/Coordinators; Special Education Directors; Superintendents; Title III Directors; Tribal Education Leaders/Directors; |   |                                    |                                   |                                |

| <b>State Seal of Bilingualism-Biliteracy (SSBB) Resources:</b>  |  |   |                                    |
|---|--|---|------------------------------------|
| • <a href="#">SSBB State Law</a>  | • <a href="#">SSBB Regulation</a>                | • <a href="#">SSBB Educator Info</a>                  | • <a href="#">SSBB Resources</a>   |
| • <a href="#">SSBB One-Pager</a>  | • <a href="#">SSBB Handout</a>                   | • <a href="#">SSBB TAM</a>                            | • <a href="#">SSBB Power-point</a> |
| <b>Who should utilize these resources:</b> Administrators/Front office staff; Counselors/Social-emotional Liaisons; Curriculum, Instructional Leaders, and Education Assistants; High School Administrators; NOVA Coordinators (Data/Program Reporting); Parent Liaison/Volunteer; PED Staff as Appropriate; Registrars, and Counselors; Student Assistance Team (SAT) Leaders/Coordinators; Superintendents; Tribal Education Leaders/Directors; |  |   |                                    |
| <b>Title I Part C: Migrant Education Program (MEP - Federal Subgrants):</b>   |  |   |                                    |
| • <a href="#">MEP Federal Law</a>   | • <a href="#">Comprehensive Needs Assessment</a> | • <a href="#">ID&amp;R Manual</a>                     |                                    |
| • <a href="#">National COE</a>  |  | • <a href="#">Service Delivery Plan</a>               |                                    |
| <b>Who should utilize these resources:</b> Administrators/Front office staff; Counselors/Social-emotional Liaisons; NOVA Coordinators (Data/Program Reporting); Other Members of the Education Community that assists Parents/Families; Parent Liaison/Volunteer; PED Staff as Appropriate; MEP Subgrantees and Directors; MEP Recruiters, and Liaisons;  |  |   |                                    |
| <b>Title III: ELA and Immigrant Programs (Federal Subgrants):</b>   |  |   |                                    |
| • <a href="#">Title III Federal Law</a>   |  | • <a href="#">Title III PD Guidance</a>               |                                    |
| • <a href="#">Title III TAM: Supplemental Support for EL Programs and Services</a>  |  |   |                                    |
| <b>Who should utilize these resources:</b> NOVA Coordinators (Data/Program Reporting); Other Members of the Education Community that assists Parents/Families; Parent Liaison/Volunteer; PED Staff as Appropriate; Title III Subgrantees; EL Coordinators, Directors, and Educators;  |  |   |                                    |
| <b>World Language Program Resources:</b>  |  |   |                                    |
| • <a href="#">World Languages Regulation</a>  |  | • <a href="#">World Language TAM</a>                  |                                    |
| • <a href="#">World Readiness Standards</a>   |  | • <a href="#">World Readiness Standards Crosswalk</a> |                                    |
| <b>Who should utilize these resources:</b> Curriculum, Instructional Leaders, and Education Assistants; District Test Coordinators (DTC); Literacy Coach; PED Staff as Appropriate; Principals/Charter School Directors; Special Education Directors Superintendents; World Language Coordinators, Directors, and Educators; Tribal Education Leaders/Directors;  |  |   |                                    |

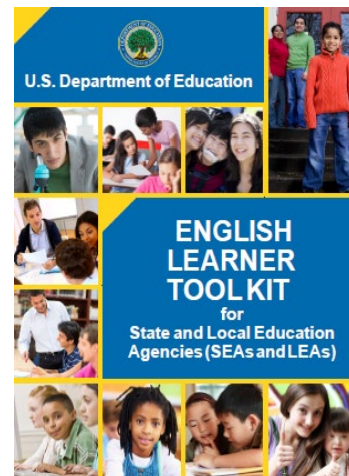
## Purpose and Intended Uses of the LUS

Under Title VI of the Civil Rights Act of 1964 and subsequent federal and state mandates, all districts in New Mexico must screen, identify, and provide services to ELs. Given this responsibility, districts are required to ask parents/guardians for the information needed to:

1. identify potential ELs using the New Mexico LUS; and
2. assess potential ELs to determine status using the department-approved English Language Proficiency (ELP) screeners: WIDA Screener for Kindergarten or WIDA Screener Online.

The LUS is typically administered to parents/guardians at a student’s initial school enrollment and should only be administered once in a student’s school career. It includes a number of differently worded questions that essentially ask parents/guardians for the same information: to indicate whether a language other-than-English is used by the student and by the student’s parents/guardians, in the home.

The *Every Student Succeeds Act* (ESSA) of 2015 requires states to adopt standardized statewide procedures and criteria for entry into, and exit from, EL status that are consistent across districts within the state. To ensure federal compliance, and in consultation with key stakeholders, the PED has designed the LUS form and companion LUS Guidance Handbook. The majority of the guidance has been adapted by the Office of English Language Acquisition (OELA), [\*EL Toolkit for State and Local Education Agencies \(SEAs and LEAs\)\*](#). This federal guidance handbook contains compliance information, district/school self-assessments, and resources, and feedback from New Mexico’s local, district-level bilingual and Title III directors that has been incorporated throughout this handbook, and a working paper by the Council of Chief State School Officers (CCSSO) titled *Common EL Definition Working Paper on CCSSO Guidance, Stage 1: Identifying Potential ELs*.



In 2013, the CCSSO held a national working session of state and consortium representatives, experts, and stakeholders on policies, practices, and tools for identifying potential ELs. Session participants reached a general consensus, agreeing that the purposes and intended uses of the LUS are to work with school officials to identify potential members of that class of students protected under federal law who are entitled to, and may benefit from, specialized instruction for ELD and language support services that help ensure full access to the academic curriculum;

- identify who should be assessed using the ELP screener to determine EL status (WIDA Screener for Kindergarten or WIDA Screener Online); and
- better understand students’ language environments and use.

The CCSSO work session also determined that states should ensure that **the LUS’ are NOT intended as a measure of English proficiency**; rather, they are a tool to help gauge the language environments a student has been exposed to and, thus, the likelihood that a student has acquired English abilities prior to enrolling in a US school.

## Choosing your LUS Ambassadors

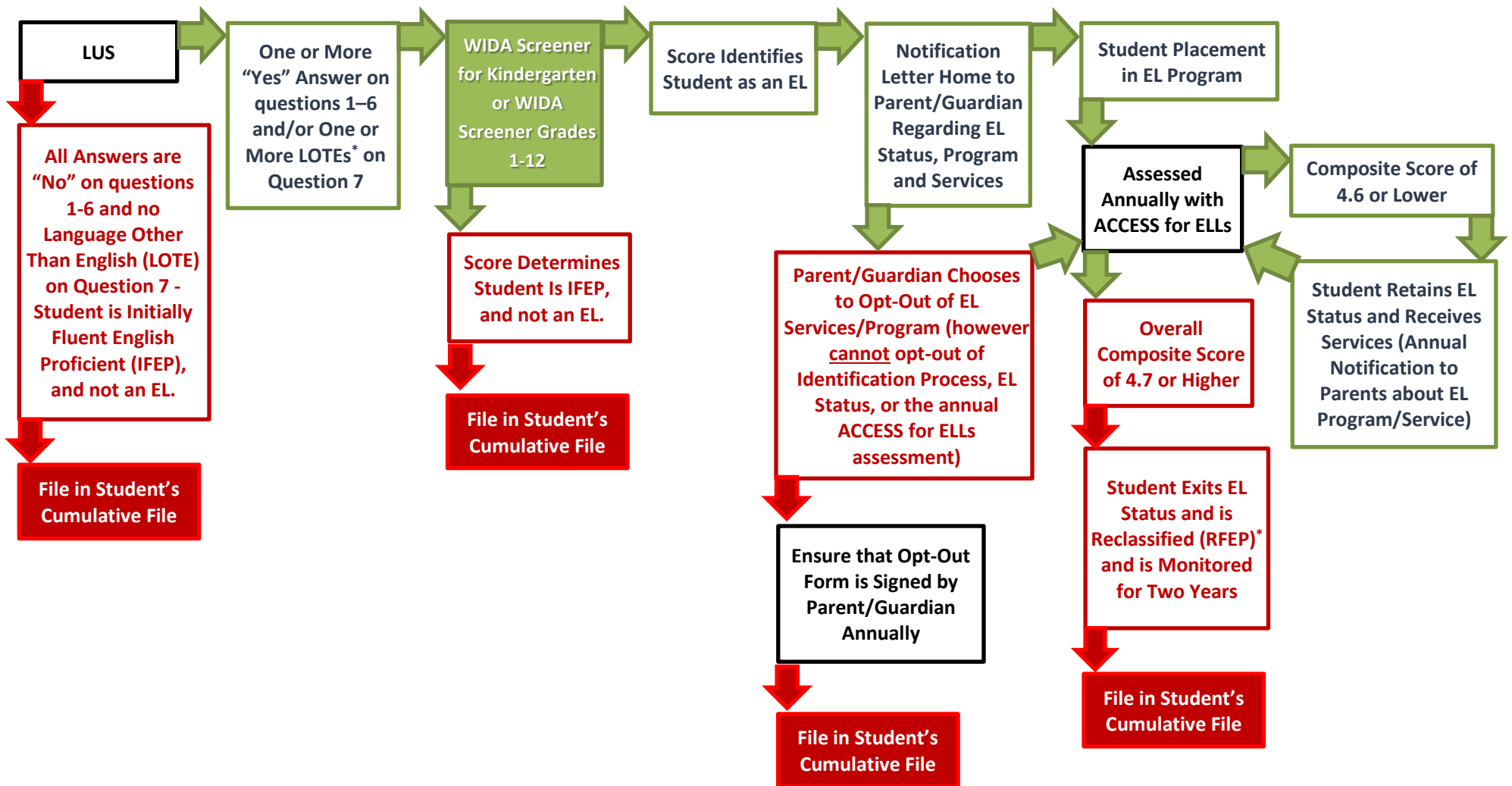
Every district and school has key personnel that help manage the LUS process.

1. **Frontline Staff:** These members of the school community are the first to greet and assist parents/guardians as they are enrolling their student(s) for the first time. These staff are integral to ensuring that parents feel welcomed in their school and supported when completing the LUS form. It is of utmost importance that frontline staff are trained, knowledgeable, and remain positive as they assist parents to complete the LUS.
2. **Go-To Staff:** These members of the school community are available to parents/guardians at specific junctures in the LUS process. At any point at which there might be confusion or uncertainty in completing the survey, these go-to staff are available to ensure parents/guardians are successfully directed. For example, parents may be asked to complete an extra step or talk with a specific person when answering “yes” on certain sections of the LUS, or perhaps, the parent/guardian has serious concerns about completing the form. Schools should appoint a go-to person that is knowledgeable, friendly, and happy to assist parents, ensuring that their experience is positive.

Select your ambassadors carefully. Ensure that they are people who see parents and students as important customers who deserve the best service. Please ensure that your ambassadors take the frontline staff and/or guidance handbook trainings available on the [LCD website](#).

## Process for Identifying, Serving, and Reclassifying EL Students

(For a new student to public education, with no LUS on file)



\*Reclassified Fluent English Proficient.



## Identifying Potential ELs

Districts/schools must identify EL students in need of language assistance services, and parents must be notified within 30 calendar days after the beginning of the school year, or within two weeks of initial enrollment if not enrolled at the beginning of the school year (federally required, Title I Section 1112 (e)(3)(A) and [6.29.5.11 NMAC](#)). The LUS is a questionnaire given to parents or guardians to assist districts/schools identify which students are potential ELs, and who will require assessment of their ELP. Proficiency is determined using the WIDA Screener for Kindergarten and WIDA Screener Online for grades 1-12 to establish whether potential ELs are eligible for language assistance services.

All potential ELs must be assessed with a valid and reliable assessment to determine if they are in fact ELs. Parents and guardians must be informed in a timely manner of their child’s ELP level and EL program options. Districts are required to communicate information regarding a child’s ELP level and EL program options in a language the parent understands. If the results of the WIDA Screener for Kindergarten or the WIDA Screener Online determine that the student is an EL, parents or guardians must be notified of services within the first 30 calendar days of the start of the school year or within two weeks of placement, if not identified prior to the beginning of school year (as is required by [Title I Section 1112\(e\)\(3\)\(A\)](#) and [6.29.5.11 NMAC](#)).

## WIDA Screener Placement Criteria

| Kindergarten                                 | DOMAINS                                 | SCREENER IDENTIFIES STUDENT AS AN EL           | SCREENER INDICATES STUDENT IS NOT AN EL        |
|--|---|--|--|
| Student entering in 1 <sup>st</sup> Semester | Listening, Speaking                     | Oral Language Composite Score of 4.0 or lower* | Oral Language Composite Score of 4.5 or higher |
| Student entering in 2 <sup>nd</sup> Semester | Listening, Speaking, Reading, & Writing | Overall Composite Score of 4.0 or lower*       | Overall Composite Score of 4.5 or higher       |

The WIDA Screener for Kindergarten is an adaptive test administered individually. A child entering in the first semester of kindergarten would take only the listening and speaking domains obtaining an Oral Language Composite Score, whereas a child entering in the second semester would take all four domains: listening, speaking, reading, and writing thus obtaining an Overall Composite Score. The WIDA Screener for Kindergarten test materials may be downloaded for free by the district test coordinator from the WIDA™ website. If you need access to download the test, please contact your DTC.

| GRADE       | DOMAINS                                | SCREENER IDENTIFIES STUDENT AS AN EL     | SCREENER INDICATES STUDENT IS NOT AN EL  |
|-------------|--|--|--|
| Grades 1-12 | Listening, Speaking Reading, & Writing | Overall Composite Score of 4.0 or lower* | Overall Composite Score of 4.5 or higher |

\*The composite scores for the WIDA Screeners will be reported as integers and also with 0.5 interval scores (for example, scores of 1, 1.5, 2, 2.5, etc.).

The use of American Sign Language (ASL) cannot, in and of itself, serve as the basis for determining that a student is an EL that is eligible for EL program or services. In the case that a parent or guardian answers “yes” in response to any of the LUS questions #1-6 and indicates one or more language(s) *in addition* to ASL, the student would continue to be screened using the ELP screener. A student identified could be eligible for Title III.

An answer of “yes” in response to any of the LUS questions #1-6 and indicating ASL *only* for #7 would not result in administering the ELP Screener.

Assess students’ ELP in five areas in all four domains: listening, reading, speaking, and writing:

|   |                                     |
|---|-------------------------------------|
| • Language of English Language Arts (LoLA); | • Language of Mathematics (LoMA);   |
| • Language of Science (LoSC); and           | • Language of Social Studies (LoSS) |
| • Social and Instructional Language (SIL);  |                                     |

Builds upon the WIDA ELD Standards. Divided into five grade-level clusters.

|               |              |
|---------------|--------------|
| • Grades 1    | • Grades 2–3 |
| • Grades 4–5  | • Grades 6–8 |
| • Grades 9–12 |              |

Listening and Reading tests begin with an “Entry Task,” that determines the test Tier the student will continue along (Tier A or Tier B/C). The WIDA Screener Online is completed online except for the Writing domain for students in Grades 1–3, which is delivered in a paper/pencil format. All the resources needed to administer the WIDA Screener Online can be downloaded for free by the district test coordinator from the WIDA website. If you need access to download the test resources, please contact your district test coordinator.

Districts may use WIDA Screener Paper for students who require a paper-based form due to IEP or 504 Plan requirements. It is recommended that districts purchase a kit in case it is needed. For more information on purchasing go to the [WIDA Store](#).

The PED requires that those administering and scoring the WIDA Screener for Kindergarten or the WIDA Screener Online or Paper complete the available training as well as pass all applicable and required quizzes with 80 percent or a higher score. For information on who can administer and score assessments and what training is required to ensure valid and reliable results, please visit [New Mexico | WIDA](#). Test administrator certificates should be kept on file at the local level for compliance and monitoring purposes.

In the case that a district or state charter suspects possible erroneous EL identification of a student, that is, the standardized statewide entrance procedures were not followed, please use the following guidance.

- Please obtain the students LUS and ELP screener scores. If, after reviewing these documents, it is determined that there was an error in the EL identification process, document the circumstances of this discrepancy in the students cumulative file and correct the students EL status in the district/charter school student information system and NOVA.
- Staff from the LCD are available to provide support and guidance through this process. You may also review question 4 on page 46 of the [Non-Regulatory Guidance](#).

### Notifying Parents of EL Status

Under the Title I Parent Notification Requirements, districts must—no later than **30** days after the beginning of the school year—inform a parent or the parents of an EL identified for participation in, or participating in, a program of language instruction. Below are the requirements that parents/guardians must be informed of:

- The reasons their child was identified as an EL and in need of placement in a language instruction educational program.
- Their child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement.
- The method of instruction used in the program in which their child is—or will be— participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and use of English and a native language in instruction.
- How the program in which their child is, or will be, participating will meet the educational strengths and needs of the child.

- How the program will specifically help their child learn English and meet age- appropriate academic achievement standards for grade promotion and graduation.
- The specific exit requirements for the program, the expected rate of transition from the program into classrooms that are not tailored for ELs, and the expected rate of graduation from secondary school from such program.
- In the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the IDEA (20 U.S.C 1414(d)); and
- Written guidance detailing that parents have the right to decline enrollment of their child in the program; the ability to choose another program or method of instruction, if available; and the option to immediately remove their child from the program upon their request
- Information that assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the school/district.

NOTE: For a child who has not been identified for participation in a language instruction, educational program prior to the beginning of the school year, the district shall notify parents within two weeks, giving parents the choice of the child being placed in such a program.

### Resources for addressing ELs with Disabilities

In accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, districts must address the following:

- Identify, locate, and evaluate ELs with disabilities in a timely manner.
- Consider the ELP of ELs with disabilities in determining appropriate assessments and other evaluation materials.
- Provide and administer special education evaluations in the child’s native language, unless it is clearly not feasible to do so, to ensure that a student’s language needs can be distinguished from a student’s disability related needs.
- Refrain from identifying or determining that EL students are students with disabilities because of their limited ELP.
- Provide EL students with disabilities with both the language assistance and disability related services they are entitled to under federal law—**One does not supersede the other.**

The IDEA and Section 504 address the rights and needs of students with disabilities in school and other educational settings. If school staff think an EL may have one or more disabilities, the district must evaluate the EL promptly to determine if the EL has a disability or disabilities and whether the EL needs disability-related services (which are special education and related services under IDEA, or those guaranteed under Section 504 and Title II of the Americans with Disabilities Act (ADA) of 1990). For more information on [Section 504 Resources](#), please see the Guidelines for Educators and Administrators for Implementing Section 504 of the Rehabilitation Act of 1973—Subpart D.

Disability evaluations may not be delayed because of a student’s EL status or a student’s participation in a language instruction educational program. **Also, a student’s ELP cannot be the basis for determining that a student has a disability.** It is important for educators to accurately determine whether ELs are eligible for disability-related services. Research shows that there is variability in how districts identify ELs as eligible for special education services; some districts over-identify, and others under-identify ELs as eligible for special education services when compared to non-ELs (Artiles, Rueda, Salazar, & Higareda, 2005; Zehler et al., 2003). Researchers have identified four potential factors that tend to contribute to the misidentification of special education needs and learning disabilities, in particular, among students who are ELs: (1) the evaluating professional’s lack of knowledge of

second language development and/or disabilities; (2) poor instructional practices; (3) weak intervention strategies; and (4) inappropriate assessment tools (Sánchez, Parker, Akbayan, & McTigue, 2010).

Assessment of students who are culturally and linguistically diverse is a process that explores language, culture, and acculturation issues. This assessment requires gathering diagnostic data from numerous sources, in different contexts, and through a variety of techniques. Specific information concerning a student's language proficiency levels, sociolinguistic background, cultural background, and acculturation should be gathered and analyzed. A comparison to the development of other students from a similar background is imperative.

Language and cultural issues must permeate the multilingual diagnostic evaluation and interpretation of findings. For more information, please read the Technical Evaluation and Assessment Manual ([NM-TEAM](#)).

Appropriate disability identification processes that evaluate the student's disability and related educational needs—and not the student's English language skills—assist school personnel accurately identify students in need of disability-related services. Whenever feasible, and to ensure accurate measures, districts must administer a student's special education assessments in the student's native language or other mode of communication most likely to yield accurate information about what the student knows and can do. This commonsense approach helps educators ascertain whether a need stems from lack of ELP and/or a student's disability-related educational needs.

IDEA and Section 504 require that schools provide a Free Appropriate Public Education (FAPE) to eligible or qualified students with disabilities. FAPE requires, among other things, the provision of special education and related services at no cost to the parents in conformity with an Individualized Education Program (IEP) or a Section 504 Plan. An IEP is a written document, developed at a meeting of the IEP team, that draws from test results, strategies previously tried in the classroom, teacher and parent observations, and includes specialized instruction and related services to address the student's needs resulting from the student's disability. Districts must develop and implement the IEP under IDEA. A 504 Plan is a blueprint or plan for how a child will have access to learning at school and provides for services and changes to the learning environment to meet the needs of the child as adequately as other students.

When an EL student is determined to be a child with a disability as defined in IDEA or Section 504, both **the student's language and disability-related educational needs must be addressed**. For EL students, in addition to the required IEP team participants under IDEA, it is essential that the IEP team and the Section 504 team include participants who have knowledge of the student's language needs. It is also important that both teams include professionals with training and—preferably expertise—in second language acquisition and in how to differentiate between the student's needs stemming from a disability and those from a lack of ELP.

In addition, under IDEA and Section 504, the district must take whatever action is necessary to ensure that the student's parents understand the proceedings of the IEP or Section 504 Plan team meeting, including arranging for an interpreter for parents with Limited English Proficiency (LEP) or parents who are deaf or hearing impaired. Under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act, for a parent of an EL to have meaningful access, it also may be necessary to have the IEP, or the Section 504 Plan and related documents translated into the parent's primary language. For more, see: [Ensuring Meaningful Communication with LEP Parents](#)

Should parents decline disability-related services under IDEA or Section 504, the district will remain obligated to provide appropriate language assistance services to ELs. If parents opt out of specific EL programs and services but have consented to the provision of disability-related services, the district remains obligated to provide such services as required in the IEP or Section 504 Plan and to conduct ELP monitoring and/or provide language assistance as appropriate. See Chapter 7 of the EL Tool Kit for information on obligations to students who opt out of EL programs and services.

The following checklist is intended to help districts serving ELs who also have a disability and provides suggested questions only. Districts and schools should check their state policies and procedures to ensure alignment with state and federal policy.

| <b>Identifying Whether an EL Has a Disability</b>   | <b>Yes</b> | <b>No</b> | <b>If No; Solution</b> |
|---|------------|-----------|------------------------|
| When qualified district and school staff believe a student may have a disability, is the assessment administered within required timelines once required notices have been provided and parental consent has been obtained?   |            |           |                        |
| Is the reason for the disability evaluation based on the disability and need for disability-related services and not on the student's ELP?  |            |           |                        |
| Does the evaluation use appropriate methods to measure the student's abilities and not the student's English language skills?   |            |           |                        |
| Is the disability evaluation administered in the child's native language, unless clearly not feasible to do so, to avoid misclassification?   |            |           |                        |
| Can the disability evaluation be conducted in more than one form, such as orally and in writing?  |            |           |                        |
| Did the IEP or Section 504 team gather information from the student, parents, and school records regarding the student's previous educational experiences, language assessments, and special education assessments?   |            |           |                        |
| <b>Analyzing and Utilizing the Results of the Disability Evaluation</b>   | <b>Yes</b> | <b>No</b> | <b>If No; Solution</b> |
| Are evaluators trained to conduct the evaluation and interpret the results, including knowing how to differentiate between language needs and a disability?   |            |           |                        |
| Does the IEP or Section 504 team include participants who have knowledge of the student's language needs and training in special education and related services and professionals with training in second language acquisition and EL services?   |            |           |                        |
| Do these participants have the knowledge to recommend an educational program or plan that provides the student with appropriate services and/or supports based on the student's disability and English Language Acquisition needs?  |            |           |                        |
| Do these participants also understand how language, cultural differences, and acculturation may impact an individual student?   |            |           |                        |
| Have the parents been invited to participate in the planning process and informed of their rights, in a language they understand?   |            |           |                        |
| Have a trained interpreter and translated documents been made available for parents with Limited English Proficiency when required (i.e., parent notices under IDEA) or when determined necessary to ensure effective communication? Is a qualified sign language interpreter available for parents who have hearing loss and need such services? |            |           |                        |
| Does the LEA's educational program address the EL's language needs and include disability-related services designed to address those needs?   |            |           |                        |

|  |  |  |  |
|--|--|--|--|
| Does the IEP or Section 504 Plan outline when and by whom the accommodations, modifications, and supports in the plan will be provided?  |  |  |  |
| Will the recommended services allow ELs with a disability to be involved and make progress in the general education curriculum and to participate in extracurricular activities? |  |  |  |
| Is there a formal plan to monitor the progress of ELs with disabilities with respect to language and disability-based goals?   |  |  |  |
| Have the student’s general education teachers and related service providers been made aware of the IEP or Section 504 services for the EL?                                       |  |  |  |

The OELA provides a set of tools intended to help schools and districts in appropriately identifying and serving ELs with disabilities. The tools provide examples of how schools can refer, assess, and identify ELs who may have a disability; how to write an IEP or Section 504 Plan and select accommodations and/or modifications for ELs with disabilities; and how to compare data about EL students with disabilities from district-to-district. Please see: <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf>

### Suggestions for Communicating with Parents/Guardians of ELs

Districts and schools must provide parents with the required information in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand. Once this information has been provided to parents, they may have questions or concerns. Here are some effective ways to communicate with parents/guardians.

1. Call parents/guardians after the parent notification letter has been sent home. Ask them if they have questions or concerns.
2. Host a community meeting/forum with a Q&A session.
  - a. Ask Tribes to help you communicate with parents.
    - i. Invite the tribal education director to the community forum.
    - ii. Ask that a community forum be hosted by the tribe.
  - b. Have translators available.
  - c. Have childcare available.
  - d. If possible, have beverages and snacks available.
3. Design a brochure about the available programs and share with parents.
  - a. Translate the brochure into as many languages as possible.
  - b. Post the brochure on your webpage.

### District and School LUS Process Checklist

Districts/schools should use the following LUS process checklist as a self-assessment to ensure that they are in compliance with federal and state law, that their processes and procedures are efficient, and that they are focused on ensuring that students receive the services and instruction they need for language and academic success. This self-assessment should be completed before district/school staff are trained to determine growth areas or challenges that can be addressed during training. Use this checklist to ensure that your school-level process is community- and parent-friendly, organized, efficient, that your front-line staff is trained and ready to communicate with parents/guardians, and that the LUS is a helpful tool for ensuring that students receive the best education possible.

| <b>Content of the LUS</b>   | <b>Yes</b> | <b>No</b> | <b>If No; Solution</b> |
|---|------------|-----------|------------------------|
| Is the purpose and use of the LUS clearly communicated to both families and those who administer the survey?  |            |           |                        |
| Has the district contacted local tribes to ensure that the purpose and use of the LUS is communicated clearly to families?  |            |           |                        |
| <b>Translation of the LUS</b>   | <b>Yes</b> | <b>No</b> | <b>If No; Solution</b> |
| Is the LUS translated into the home languages of school and district students, parents, and guardians?  |            |           |                        |
| Are qualified, oral interpreters available, when needed to help families complete the LUS?  |            |           |                        |
| Has a welcoming and culturally and linguistically responsive environment been established in which the LUS is disseminated, made available, and administered?   |            |           |                        |
| Are there standard and uniform procedures for administering and interpreting the LUS results?   |            |           |                        |
| Do the procedures describe whose responsibility it is to administer the LUS, the procedures for administration, and the formats in which it should be administered (i.e., oral, written, in English, or in a home language translation)?  |            |           |                        |
| <b>Procedures for Administering, Interpreting, and Managing LUS Results</b>   | <b>Yes</b> | <b>No</b> | <b>If No; Solution</b> |
| Are there procedures in place that describe and document how staff are trained to administer the LUS, including time frames for providing refresher training?   |            |           |                        |
| Do procedures provide specific guidelines for interpreting LUS responses that include, but are not limited to, the following considerations:<br>(a) Which responses indicate that a student will take an ELP placement test.<br>(b) How are responses interpreted as a whole.<br>(c) What the next steps are if responses are unclear or contradictory. |            |           |                        |
| Do procedures provide the process for keeping the LUS and related documents in the student's cumulative file, as well as entering the translation and interpretation needs of that student's parents into the student information system?   |            |           |                        |
| What is the continuous review process? Is there a process to gather feedback from parents and school personnel?   |            |           |                        |

All district and school staff, who guide families as they complete this form, should have sufficient training to understand the purpose, how the results are used, and the importance of providing accurate information to ensure that students receive all services for which they are eligible.

To obtain accurate information, schools should reassure parents that the LUS is used solely to offer appropriate educational services, **not for determining legal status or for immigration purposes**. Parents and guardians should also be informed that, even if their child is identified as an EL, they may decline the EL program or particular EL services in the program. The LUS:

- should be completed at initial enrollment in public school.
- should be filled out only **ONE time**, not at every enrollment.
- should be filled out **in person**, not sent home.
- must be signed (electronically or on paper) and dated by the parent or guardian.
- must be kept in the student's cumulative file; and
- should be translated into as many languages (as appropriate) and as needed by your district/school.

The CCSSO recommends states to capture what are called ESSENTIAL CONSTRUCTS in the LUS (CSSO, 2014). Essential constructs can be measured by answers to questions that identify student’s current language(s), frequency of English language use by the student, and the frequency of English language exposure provided by others. The questions of the LUS are considered essential construct questions. A parent answering yes to one or more of questions and indicating the language other-than-English used by the student, results in administering the department-approved ELP screener, which is the WIDA Screener for Kindergarten and the WIDA Screener Online for grades 1-12.

The “OTHER QUESTIONS” section of the LUS form are purely informational and are not connected to the EL identification process. Questions about possible schooling in a language other than English for the purpose of developing and/or offering various language programs. Questions about how the parent would like to communicate with the school and if there were anything about the student the parent would like to share. The bottom of the LUS form requires a parent signature and includes a place for the name of the translator and the language translated into, when appropriate.

If the student is a transfer student, the following guidance is on the steps to obtain information on a student’s EL? Status if the student has previously attended another public school in New Mexico.

1. Please specifically request from the previous school or district the following:
  - a. LUS
  - b. WIDA screener for kindergarten (W-APT for students in kindergarten prior to school year 2021-2022) or WIDA Screener online results (or English language placement test results for older students)
  - c. ACCESS for ELLs or Alternate ACCESS results (or NMELPA results for older students)
2. If you cannot obtain these required documents, then look for student information in NOVA and STARS.
3. If, after following all the steps above, you are still unable to determine the EL Status of the student, please follow the states three step EL identification process starting with the LUS.

### Directions for obtaining EL status in NOVA

1. Log in NOVA ➤ Nova Production Reports ➤ District and School reports ➤ General Reports ➤ Student Display 2023-2024 Year Long.
2. Choose live production ODS. Enter the students’ State ID number and press apply.
3. Click on actions ➤NOVA will populate the report.
4. Check the field called ELL Program Eligibility in the blue bar called Student Info and Demographics. This will give you information about the students’ EL Status.

Scroll down to the turquoise bar called Assessments. If the student has taken the ELP assessment, please check the scores reported. If there is a composite score of 4.7 or higher under ELP starting in School year 2022-2023 (or a composite score of 5.0 or higher under ELP previous to that), or a composite score of P1 or higher, the student has exited EL Status and is a RFEP student. In the case that this information is not available on NOVA, please continue your search in STARS.



## Directions on obtaining student EL status on STARS

1. Log into STARS > Reporting Staging > eScholar Framework – verify > District and Location Reports > General Reports > Student Display
2. Enter the students state ID number and press apply.
3. Click on actions > STARS will populate the report.
4. Check the field called ELL Program Eligibility in the green bar called student. This will give you information about a student EL status in prior years.

Scroll down to the turquoise bar called Assessment Fact. If the student has taken the ELP assessment, please check the scores reported. If there is a composite score of 4.7 or higher under ELP starting in School year 2022-2023 (or a composite score of 5.0 or higher under ELP previous to that), or a composite score of P1 or higher, the student has exited EL Status and is a RFEP student.

## Serving ELs who Opt-Out of EL Programs

- Parents have the right to opt their children out of EL programs or particular EL services. This decision must be voluntary and based on a full understanding of the EL child’s rights, the range of services available to the child, and the benefits of such services to the child.
- If a parent decides to opt his or her child out of EL programs or particular EL services, that child still retains his or her status as an EL and must be assessed annually using the ACCESS for ELLs<sup>®</sup>.
- Districts/schools must continue to monitor the ELP and academic progress of students who opt out of EL programs or services. If a student does not demonstrate appropriate growth in ELP or maintain appropriate academic levels, the district/school must inform the parents of this lack of progress in a language they understand and again offer EL services.

Any parent whose child is receiving, or is eligible to receive, EL programs or services has the right to decline or opt his or her child out of the EL programs or particular EL services being offered. Districts/schools may not recommend that a parent opt a child out of EL programs or services for any reason.

The district/school must provide guidance in a language parents can understand to ensure that parents understand their child’s rights, the range of EL services that their child could receive, and the benefits of such services. This ensures that the parents’ decision to opt out is voluntary and informed. District/schools must screen using the WIDA Screener for Kindergarten and the WIDA Screener Online for grades 1-12 and provide written notification to parents of their children’s recommended placement in an EL program within 30 days of the start of the school year (or within two weeks for later-arriving students) ([Title I Section 1112 \(e\)\(3\)\(A\)](#)).

The notification must include all of the statutorily required elements, including the right to opt out. The district/school should retain appropriate documentation to demonstrate that a parent knowingly and voluntarily opted his or her EL child out of EL programs or particular EL services. It is important to note that opting out of EL programs or particular EL services does not affect a student’s ability to participate in any other programs or services, such as special education services.

If a parent decides to opt his or her child out of EL programs or particular EL services, that child retains his or her status as an EL. The district/school remains obligated to take affirmative steps and appropriate action required by civil rights laws to provide the EL student meaningful access to its educational programs. Thus, the district/school must continue to periodically monitor the opted-out student’s academic progress.

Specific monitoring practices vary from district to district. But the practices should all include a combination of performance data—such as information on assessment results, grades, courses taken, observations, attendance, and parent meeting notes—along with possible comparisons to other EL students of similar ELP levels. Appropriate personnel should analyze this information throughout the year and make recommendations based on the student’s current ELP level and ability to perform at grade level.

If a district/school finds that a student is struggling, it should take appropriate steps to assist the student. These steps may include, but are not limited to, further assessing the student’s ELP; notifying the student’s parent about his or her child’s lack of progress and encouraging him or her to opt the child into EL programs and services; and providing supports for the student’s language acquisition, such as offering professional development in second language acquisition to the student’s core curriculum teachers.

ELs, who opt out of services, must—like those receiving programs or services—have their ELP reassessed annually, until they exit EL status. After it is determined that the EL no longer qualifies as an EL, the district/school **must continue to monitor the student for at least two years for academic progress**, just as it would an EL who has received EL programs and services.

## LUS FAQ

The following frequently asked questions are provided to assist personnel who administer the LUS at the district and school levels with federal and state guidance.

| What a parent may ask:   | What school personnel can say/do when answering questions:  |
|--|---|
| What is the purpose of the LUS form, and what does it mean for my child? | The LUS is a process that helps the school in understanding what your child’s language needs are and how to best provide service for those needs.   |
| I refuse to complete the LUS?  | The LUS protects your right to receive communication in a language you understand. It also protects your child’s right to learn English and become English language proficient (ELP), so that he/she can meaningfully participate in the grade-level standard instructional program. If a parent still refuses, refer them to your go-to person.<br><br>If the parent still refuses, please document the refusal in detail and keep the documentation in the child’s cumulative file. |
| What happens if I answer “yes” on the LUS?                               | Your child will be tested using the department approved ELP screener.   |
| Does this mean my child will be labeled?                                 | We believe our students deserve the best education. If your child is identified as an EL, he/she will not be treated differently. Languages are an asset; therefore, the school will ensure that your child receives the language support services that he/she needs to become proficient in English.   |
| Can I refuse the language screener?                                      | No, you cannot refuse the screener (test). But I can refer you to our go-to person if you want to learn more about the test.  |
| What happens if my child doesn’t score very high on the test?            | Your child will be identified as an EL. This means that your child does not yet understand, speak, read and/or write English at a level comparable to their grade-level English proficient peers. You will receive a parent notification letter about what programs and/or language support services are available for your child.  |

| What a parent may ask:   | What school personnel can say/do when answering questions:   |
|--|--|
| Can I refuse the EL program and/or language support services participation?                    | Yes, you can choose to opt-out if/ when you receive the parent notification letter. It does not happen at registration. With that said, the district is required by federal law to ensure that your child receives the best education possible, and this includes language support services to increase your child’s ELP.  |
| Who will have access to the information on the survey?   | <ul style="list-style-type: none"> <li>• School officials with legitimate educational interest</li> <li>• Other schools to which a student is transferring.</li> <li>• Specified officials for audit or evaluation purposes.</li> <li>• Appropriate parties in connection with financial aid to a student</li> <li>• Organizations conducting certain studies for, or on behalf of, the school.</li> <li>• Accrediting organizations</li> <li>• Those who are assisting the school to comply with a judicial order or lawfully issued subpoena.</li> <li>• Appropriate officials in cases of health and safety emergencies</li> <li>• State and local authorities, within a juvenile justice system, pursuant to specific state law</li> </ul> |
| Should I be worried about immigration issues? Or will I be in trouble if I fill out this form? | The information will not be used for determining legal status or for immigration purposes.   |

| School & district staff questions:  | Federal/state law, or federal/state non-regulatory guidance.  |
|---|---|
| How do we set up our processes so that parents/ guardians feel welcome?   | <ul style="list-style-type: none"> <li>• Receptionists and front office staff greet parents warmly.</li> <li>• A welcome sign on the door.</li> <li>• Area for parents to sit comfortably is provided.</li> <li>• Pamphlets, flyers, etc. available for parents.</li> <li>• School leadership is available to talk to parents if parents have questions outside the purview of the front office staff.</li> <li>• Snacks are provided.</li> </ul> |
| How do we make sure that parents don’t feel like taking the survey is going to label or hinder their child?               | Make sure that your processes and procedures are culturally and linguistically responsive. Partner with the community, Tribes, parent volunteers, etc. to ensure that parents understand what the LUS, EL identification, the WIDA Screener for Kindergarten, WIDA Screener Online, and the ACCESS for ELLs mean for their child.   |
| What if a parent answers, “a little bit” to questions of language use? Do we still need to test the student?              | Yes. <i>A little bit</i> is a yes.  |
| Must parents fill out an LUS every year?  | No. The LUS is a document that should only be filled out once in a student’s New Mexico public education career.  |
| Sections vary. What if section three of the form is completed in Spanish but sections one and two points to English only? | District and school go-to staff should be available to talk with parents about the LUS and what it means, as well as to ensure that parents fill it out correctly. Talk with parents to clarify. The LUS should be filled out in person to obtain the best responses (districts using online registration should ensure that staff is trained to clarify with parents over the phone).  |
| What if siblings have different answers?  | Please call parents to clarify. However, different language abilities in siblings might be expected depending on age and experiences  |

| School & district staff questions:   | Federal/state law, or federal/state non-regulatory guidance.  |
|--|---|
| What if a parent or guardian cannot speak, read, or write in English?                        | Front office staff should be trained to interview the parent using the LUS questions in a language in which both the parent and school personnel are comfortable. School personnel should also have a list of interpreters that can be contacted for help.  |
| How do we best accommodate a parent that is deaf or hearing impaired?                        | School personnel should have a list of interpreters that can be contacted for help. If a deaf or hearing-impaired parent has questions about the LUS, please show them the “what a parent may ask” section of this FAQ. Also, although the LUS overview presentation that is on the LCD webpage is designed specifically for school and district staff, it does contain closed captions and could be shown to a deaf or hearing-impaired parent if necessary.   |
| Can a student whose only language other than English is ASL be identified as an EL?          | <p>The use of American Sign language (ASL) cannot, in and of itself, serve as the basis for determining that a student is an EL that is eligible for EL program or services. In the case that a parent or guardian answers “yes” in response to any of the LUS questions #1-6 and indicates one or more language(s) <b>in addition</b> to ASL, the student would continue to be screened using the English Language Proficiency screener. A student identified could be eligible for Title III.</p> <p>An answer of “yes” in response to any of the LUS questions #1-6 and indicating ASL <b>only</b> for #7 would <b>not</b> result in administering the English Language Proficiency screener.</p>                        |
| Can a parent change their answers on the LUS after the student has been identified as an EL? | No, a parent cannot change the answers to the LUS after it is filed   |
| Can the LUS be sent home with the new student registration packet?                           | No, to obtain the best possible response, and to ensure it is completed only once, do it in person. If your district uses online registration, please make sure that your LUS has a solid introduction and that your staff is trained to work with parents and clarify if needed. In the past, we have found that sending the form home has led to confusion and misunderstandings.   |
| What about transfer students, do they take the LUS again?                                    | The following guidance, if they have ever been a student in a public school in New Mexico, is on the steps to obtain information on a student’s prior LUS and possible ELP screener (WIDA Screener for Kindergarten or WIDA Screener Online). As well as a student’s ACCESS for ELLs assessment results. Please go to the <a href="#">Serving EL TAM</a>  |
| What about students who transfer from out of state, or a Bureau of Indian Education school?  | <p>If a NM school receives a student from <b>out of state</b>, please follow the three step EL identification process, starting with the LUS. The identification process for potential ELs should only take place once in a student’s NM public-school journey.</p> <p><b>Only Exception:</b> If the student is transferring from a state that is a current WIDA consortium Member, ACCESS for ELLs or Alternate ACCESS results can be obtained. In this case, the parent or guardian would not complete a LUS and the student would not need to be administered the ELP Screener. A score of 4.7 or higher on the ACCESS for ELLs (starting in school year 2022-2023) or a score of P1 or higher on the WIDA Alternate</p> |

| School & district staff questions:  | Federal/state law, or federal/state non-regulatory guidance.  |
|---|---|
|   | ACCESS indicate that the student has exited EL status and is a RFEP Student in the State of NM. Please file ACCESS for ELLs or Alternate ACCESS results received from the sending state’s district/charter school in the student’s cumulative file.   |
| What is the deadline for identifying, screening, and notifying a parent of a student that enrolls after the first 30 days of the school year?   | District/schools must screen using the WIDA Screener for Kindergarten and the WIDA Screener Online in grades 1-12 and provide written notification to parents of their child’s recommended placement in an EL program within two weeks for later-arriving students (Title I Section 1112 (e)(3)(A) <a href="http://www2.ed.gov/documents/essa-act-of-1965.pdf">http://www2.ed.gov/documents/essa-act-of-1965.pdf</a> )  |
| Is the identifying and notification window 20- or 30-days?  | The identification and parent notification window is 30 calendar days (which is approximately 20 school days).  |
| Once the LUS is completed and the student identified as an EL, can a parent opt out of or refuse program and/or services?                       | <p>Yes, parents can opt out. However, the student will retain his/her EL status and will be assessed annually using the ACCESS for ELLs<sup>®</sup> assessment, until he/she meets the exit criteria, which is a composite (overall) score of 4.7 or higher.</p> <p>A parent must complete and sign the opt-out form. Simply put, public schools are partially funded by the federal government and therefore are required to obey federal law. <b>Federal law requires that all public schools serve ELs</b> and monitor their progress.</p>   |
| Does a teacher observation form qualify as an ELP screening?  | No, federal law requires that potential ELs be assessed using an ELP test or “screener”. New Mexico uses the WIDA Screener for Kindergarten and the WIDA Screener Online for grades 1-12 to determine EL status. For more information on this process, please refer to the: <a href="#">Serving EL TAM</a>  |
| Can a parent choose to opt out or refuse the ACCESS for ELLs <sup>®</sup> annual assessment?  | No. The only opt out allowed by federal law is from the offered EL programs and/or language support services.   |
| What do I do with the LUS form?   | Place it in the student’s cumulative folder.  |
| What do I do if suspect an erroneous EL identification of a student, that is, the standardized statewide entrance procedures were not followed? | <p>In the case that a district or state charter suspects possible erroneous EL identification of a student, that is, the standardized statewide entrance procedures were not followed, please use the following guidance.</p> <ul style="list-style-type: none"> <li>• Please obtain the students LUS and ELP screener scores. If, after reviewing these documents, it is determined that there was an error in the EL identification process, document the circumstances of this discrepancy in the students cumulative file and correct the students EL status in the district/charter school student information system and NOVA.</li> </ul> <p>Staff from the LCD are available to provide support and guidance through this process. You may also review question 4 on page 46 of the <a href="#">Non-Regulatory Guidance</a>.</p> |
| What if we can’t find the answers to our question in this FAQ, the Guidance Handbook, the EL TAM, or the LCD website?                           | You can call the LCD: <a href="#">LCD Staff</a>   |

## Preguntas frecuentes sobre la Encuesta del Uso del Idioma

Las siguientes preguntas frecuentes (*FAQ* por sus siglas en inglés) se proporcionan para ayudar al personal que administra la Encuesta del Uso del Idioma (*LUS* por sus siglas en inglés) a nivel del distrito y de las escuelas. Este FAQ es una compilación de preguntas elaboradas por los directores de Title III y de educación bilingüe de los distritos escolares de Nuevo México con orientación federal y estatal.

| Lo que podría preguntar un padre:   | Lo que puede decir el personal escolar al responder a las preguntas de los padres:  |
|---|---|
| ¿Cuál es el propósito del formulario LUS?   | El LUS es parte de un proceso que ayuda a la escuela a entender cuáles son las necesidades lingüísticas/idiomáticas de su hija/hijo.  |
| ¿Qué significa para mi hija/hijo?   | El formulario LUS proporciona a la escuela una foto instantánea de las necesidades lingüísticas/idiomáticas de su hija/hijo y le ayuda a la escuela a decidir cómo cubrir sus necesidades.  |
| No quiero/me niego (rehusó) a llenar el formulario                                    | El LUS protege su derecho a recibir comunicaciones en el idioma que usted entiende. También protege el derecho que su niña/niño tiene de aprender inglés y llegar a ser competente en inglés, para que ella/él pueda participar de una manera significativa en el programa de instrucción de su nivel escolar. Si un padre aún se rehúsa, diríjalo a la persona de autoridad en la que usted confía para ayudarle en estos casos.<br><br>Si el padre sigue rehusándose, favor de documentar el rechazo en detalle y mantenga la documentación en el expediente acumulativo del niño/niña. |
| ¿Qué sucede si respondo que “sí”?   | Su hija/hijo será evaluada/o con la evaluación de competencia lingüística/idiomática del inglés aprobada por el estado.   |
| ¿Esto quiere decir que mi hija/hijo será etiquetada/o?                                | Creemos que nuestros estudiantes merecen la mejor educación. Si su hija/hijo es identificada/o como un estudiante que está aprendiendo inglés ( <i>EL</i> por sus siglas en inglés) no la/lo trataremos de una manera distinta. Los idiomas son una ventaja; por lo tanto, la escuela se asegurará de que su hija/hijo reciba los servicios de apoyo de idioma que él/ella necesite para llegar a ser competente en el inglés.  |
| ¿Puedo rechazar la evaluación de competencia lingüística/idiomática?                  | No, no puede rechazar la evaluación. Pero lo/la puedo dirigir a la persona de autoridad si usted quiere aprender más sobre la evaluación.   |
| ¿Qué sucede si mi hija/hijo no obtiene un puntaje muy alto en la evaluación?          | Su hija/hijo será identificado como EL. Esto significa que su hijo aún no entiende, habla, lee y/o escribe inglés a un nivel comparable a sus compañeros de su nivel escolar que son competentes en inglés. Usted recibirá una carta de aviso a los padres sobre los programas y/o servicios de apoyo de idioma disponibles para su hija/hijo.  |
| ¿Puedo rehusarme a participar en el programa EL y/o los servicios de apoyo de idioma? | Sí, usted puede optar por no participar si/cuando reciba la carta de aviso a los padres. Esto no sucede ahora durante la matrícula. De cualquier manera, el distrito escolar está obligado por la ley federal a asegurar que su hija/hijo reciba la mejor educación posible, y esto incluye servicios de apoyo de idioma para aumentar la competencia en inglés de su hija/hijo.  |
| ¿Quién tendrá acceso a la información de este formulario?                             | <ul style="list-style-type: none"> <li>• Oficiales escolares con interés educacional legítimo</li> <li>• Otras escuelas a donde se traslade el estudiante</li> <li>• Oficiales especificados con el propósito de auditoría o evaluación.</li> <li>• Las partes apropiadas en relación a ayuda financiera para el estudiante.</li> <li>• Organizaciones que conducen ciertos estudios por, o en representación de, la escuela.</li> </ul>  |

|  |   |
|--|---|
| Lo que podría preguntar un padre:  | Lo que puede decir el personal escolar al responder a las preguntas de los padres:  |
|  | <ul style="list-style-type: none"> <li>• Organizaciones de certificación.</li> <li>• Aquellos que ayudan a la escuela a cumplir con una orden judicial o una citación legal.</li> <li>• Oficiales apropiados en casos de emergencias de salud y seguridad.</li> <li>• Autoridades estatales y locales, dentro del sistema judicial para menores, de acuerdo con la ley estatal específica.</li> </ul> |
| ¿Debo preocuparme por razones de inmigración? ¿Me puedo meter en líos al llenar este formulario? | La información no será utilizada para determinar estado legal o para propósitos de inmigración.   |

|   |  |
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| Preguntas que puede tener el personal de la escuela y del distrito:   | La ley federal, la ley estatal, o la guía federal/estatal que no es reglamentaria.   |
| ¿Cómo diseñamos nuestros procesos para que los padres/tutores se sientan bienvenidos?   | <ul style="list-style-type: none"> <li>• Los recepcionistas y el personal de la oficina saludan a los padres de una manera acogedora.</li> <li>• Un letrero en la puerta dándoles la bienvenida.</li> <li>• Se proporciona un área donde los padres se pueden sentar cómodamente.</li> <li>• Folletos, volantes, etc. disponibles para los padres.</li> <li>• Los líderes escolares están disponibles para hablar con los padres si tienen preguntas fuera del conocimiento del personal de la oficina.</li> <li>• Se proporcionan bocaditos.</li> </ul> |
| ¿Cómo aseguramos que los padres no crean que el responder a la encuesta etiquetará o le causará dificultades a su hija/hijo?                        | Asegúrese que sus procesos y procedimientos sean receptivos a las culturas y los idiomas. Asíciense con la comunidad, las tribus y los padres voluntarios, etc. para asegurar que los padres comprendan lo que significa el formulario LUS, la identificación EL, la evaluación WIDA Screener por Kindergarten, la evaluación WIDA Screener Online y la prueba ACCESS por ELLs para su niña/niño.  |
| ¿Qué pasa si un padre responde “un poquito” a preguntas del uso del idioma? ¿Necesitamos evaluar al estudiante?                                     | Sí. <i>Un poquito</i> quiere decir sí.   |
| ¿Deberán completar los padres un formulario (LUS) cada año?   | No. El formulario LUS es un documento que se debe completar sólo una vez en la trayectoria de educación pública del estudiante.  |
| Las secciones difieren. ¿Qué pasa si la sección tres del formulario se completa en español, pero las secciones una y dos indican únicamente inglés? | El personal de autoridad indicado del distrito y la escuela deben estar disponibles para hablar con los padres sobre el formulario LUS y lo que significa, tanto como para asegurarse de que los padres lo llenen correctamente.<br><br>Hable con los padres para aclarar dudas. El formulario LUS debe llenarse en persona para obtener las mejores respuestas (los distritos que tienen matrícula en línea deben asegurarse que el personal esté capacitado para aclarar dudas por teléfono).  |
| ¿Qué pasa si se indican respuestas distintas para un hermano/hermana?   | Por favor llame a los padres para aclarar esto. Sin embargo, se puede esperar que haya distintas habilidades lingüísticas/idiomáticas entre hermanos dependiendo de la edad y la experiencia.  |

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| Preguntas que puede tener el personal de la escuela y del distrito:   | La ley federal, la ley estatal, o la guía federal/estatal que no es reglamentaria.   |
| ¿Qué pasa si el padre/tutor no habla, lee, o escribe inglés?  | El personal de la oficina debe estar capacitado para entrevistar al padre utilizando el formulario LUS en un idioma en el cuál tanto el personal como los padres se sientan cómodos. El personal escolar también debe tener una lista de intérpretes a quienes puedan llamar para recibir ayuda.   |
| ¿Cuál es la mejor manera de servir a un padre que es sordo o tiene deficiencias auditivas?  | El personal escolar debe tener una lista de intérpretes a quienes puedan llamar para recibir ayuda.<br><br>Si un padre sordo o con deficiencias auditivas tiene preguntas sobre el formulario LUS, por favor muéstrole la sección de “lo que podría preguntar un padre” de este FAQ.<br><br>También, aunque la presentación de resumen general sobre el formulario LUS que aparece en la página web de LCD está diseñada específicamente para el personal de la escuela y del distrito, lleva subtítulos y se podría mostrar a los padres sordos o con deficiencias auditivas si es necesario.   |
| ¿Se puede identificar a un estudiante como EL si su único lenguaje (aparte del inglés) es ASL (lengua de signos americana)?   | El uso del ASL no puede, por sí solo, servir como base para determinar que un estudiante es un EL elegible para programas o servicios EL. En el caso de que un padre o tutor responda “sí” a cualquiera de las preguntas 1 a 6 en el LUS e indique uno o más idiomas además de ASL, el estudiante continuaría siendo evaluado utilizando evaluación de competencia lingüística/idiomática del inglés. Un estudiante identificado podría ser elegible para el Título III.<br><br>Respondiendo "sí" a cualquiera de las preguntas 1 a 6 en el LUS e indicar ASL en la pregunta 7 no resultaría en la administración de la evaluación de competencia lingüística/idiomática del inglés. |
| ¿Es posible que el padre cambie las respuestas en el formulario LUS después de que el estudiante haya tomado la evaluación de competencia lingüística/idiomática del inglés y haya sido identificado como EL? | No, un padre no puede cambiar las respuestas del formulario LUS después de haberse archivado.  |
| ¿Se puede enviar el formulario LUS a casa con el paquete de matrícula del estudiante nuevo?   | No, para obtener la mejor respuesta posible, y asegurar que se complete una sola vez, hágalo en persona. Si su distrito utiliza matrícula en línea, asegúrese que su formulario LUS tenga una introducción firme y que su personal esté capacitado para trabajar con padres y aclarar preguntas si es necesario. En el pasado, nos hemos dado cuenta de que mandar el formulario a casa ha causado confusión y malentendidos.  |



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| Preguntas que puede tener el personal de la escuela y del distrito:   | La ley federal, la ley estatal, o la guía federal/estatal que no es reglamentaria.   |
| ¿Qué tal un estudiante que se traslada de otra escuela? ¿Vuelve a tomar el formulario LUS?  | La siguiente guía se encuentra en los pasos para obtener información sobre el formulario LUS anterior de un estudiante y la posible evaluación de competencia lingüística/idiomática del inglés (WIDA Screener por Kindergarten o WIDA Screener Online), así como los resultados de la prueba ACCESS por ELLs <sup>®</sup> . Esto es para los estudiantes que han asistido anteriormente a una escuela pública en Nuevo México, no para los estudiantes que se están matriculando por primera vez en la educación pública. <a href="#">Serving EL TAM</a>  |
| ¿Qué tal estudiantes que se trasladan de otro estado, o de una escuela bajo la Agencia de Educación de Indios?  | Si una escuela de NM recibe a un estudiante de fuera del estado, siga el proceso de identificación de EL de tres pasos, comenzando con el LUS. El proceso de identificación de ELs potenciales solo debe realizarse una vez en el recorrido de un estudiante hacia la escuela pública de Nuevo México.<br><br><b>Única excepción:</b> Si el estudiante se transfiere de un estado que es miembro actual del consorcio WIDA, se pueden obtener resultados de ACCESS para ELLS o del ACCESS alternativo. En este caso, el padre o tutor no completaría una LUS y no sería necesario administrar el examen ELP al estudiante. Una puntuación de 4.7 o superior en ACCESS para ELLS (a partir del año escolar 2022-2023) o una puntuación de P1 o superior en WIDA ACCESS alternativo indican que el estudiante ha demostrado dominio suficiente del inglés, ya no se designa como EL y es un estudiante RFEP en el estado de NM. Archive los resultados de ACCESS para ELL o de ACCESS alternativo recibidos del distrito/escuela del estado de origen en el expediente acumulativo del estudiante. |
| ¿Cuál es la fecha límite para identificar, evaluar y dar aviso a los padres del estudiante que se inscribe después de los primeros 30 días del año escolar?   | El distrito/las escuelas deben evaluar utilizando el WIDA Screener por Kindergarten y el WIDA Screener Online en grados 1-12 y proporcionar aviso por escrito a los padres sobre la recomendación de poner al niño/niña en el programa EL dentro de un plazo de dos semanas para los estudiantes que llegaran tarde. (Title I Section 1112 (e)(3)(A) <a href="https://www2.ed.gov/documents/essa-act-of-1965.pdf">https://www2.ed.gov/documents/essa-act-of-1965.pdf</a> )   |
| ¿La ventana de identificación y aviso es de 30 o 20 días?   | La ventana de identificación y aviso al padre es de 30 días corridos (que es aproximadamente 20 días escolares).   |
| Una vez que se complete el formulario LUS y se identifique al estudiante como EL, ¿puede el padre optar por salir de o rehusar el programa y/o los servicios? | Sí, los padres pueden optar por salirse. Sin embargo, el estudiante seguirá con su estado EL y será evaluado anualmente utilizando la prueba ACCESS por ELLs <sup>®</sup> hasta que él/ella cumpla con el criterio de salida, que es lograr un total (compuesto) de 4.7 o más alto.<br><br>El padre debe llenar y firmar el formulario de optar por salir, consulte la página 44.<br><br>Para decirlo de manera sencilla, las escuelas públicas reciben ayuda financiera del gobierno federal y por lo tanto deben obedecer la ley federal. La ley federal requiere que todas las escuelas públicas sirvan a los EL y le dé seguimiento a su progreso.   |

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| Preguntas que puede tener el personal de la escuela y del distrito:   | La ley federal, la ley estatal, o la guía federal/estatal que no es reglamentaria.  |
| ¿Califica un formulario de observación del maestro como la evaluación de competencia lingüística/idiomática del inglés?                                       | No, la ley federal requiere que todos los posibles estudiantes EL sean evaluados utilizando la prueba o evaluación de competencia lingüística/idiomática del inglés ( <i>ELP</i> por sus siglas en inglés). Nuevo México utiliza WIDA Screener por Kindergarten y el WIDA Screener Online para grados 1-12 para determinar el estado EL. Para más información sobre este proceso, por favor consulte el manual de asistencia técnica para servir estudiantes: <a href="#">Serving EL TAM</a>  |
| ¿Puede el padre optar por salir de o rehusar la prueba anual ACCESS por ELLs <sup>®</sup> ?   | No, la única opción para optar por salir que permite la ley federal es de los programas EL y/o los servicios de apoyo de idioma.  |
| ¿Qué hago con el formulario LUS?  | Póngalo en el expediente acumulativo del estudiante.  |
| ¿Qué se hace si se sospecha que un estudiante fue incorrectamente identificado EL- ósea, que el proceso estandarizado estatal no se siguió correctamente-?    | <p>En el caso de que un distrito o escuela chárter sospeche una posible identificación errónea de un estudiante, es decir, no se siguieron los procedimientos de ingreso estandarizados a nivel estatal, siga esta recomendación:</p> <ul style="list-style-type: none"> <li>• Por favor obtenga los puntajes de las evaluaciones LUS y ELP de los estudiantes. Si, después de revisar estos documentos, se determina que hubo un error en el proceso de identificación de EL, documente las circunstancias de esta discrepancia en el archivo acumulativo del estudiante y corrija el estado de EL del estudiante en el sistema de información estudiantil del distrito/escuela autónoma y en NOVA.</li> </ul> <p>El personal de LCD está disponible para brindar apoyo y orientación durante este proceso. También puede revisar la pregunta 4 en la página 46 de la <a href="#">guía no regulatoria</a>.</p> |
| ¿Qué hago si no puedo encontrar respuestas a nuestras preguntas en este FAQ, el manual de orientación, y el manual de asistencia técnica, o el sitio web LCD? | Llame a LCD:<br><a href="#">LCD Staff</a> (para servicio en español)  |

## [Glossary of Acronyms and Terms](#)

A full glossary of terms and acronyms can be located in the [Serving ELs TAM](#).

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