

ESSA EL Advisory Team

Notes 5.18.16

Comments and Revisions for NH ESOL State Guidance on Programs for English Learners (Title III feedback)

Objectives: to improve the NH State Guidance around Identifying ELs and implementing screening procedures, and to clarify and revise the monitor and exit procedures.

NHDOE EL definition and interpretation (currently)

Definition of Proficiency - In order to reach proficiency on the ACCESS for ELLs™, a student must attain no less than a 5.0 composite score and no less than a 4.0 on each domain score (Speaking, Listening, Reading and Writing).

The NH DOE determines that an English Learner (EL) is proficient in the English language when the EL has completed the process below, achieving proficiency scores on ACCESS 2.0 (currently set at 5.0 or higher Composite and 4.0 or higher in each language domain) and completing two years of monitor status without direct English language instruction (tutoring and indirect services permitted), therefore demonstrating academic performance in English equivalent to peers. After this time, the student will no longer be classified as being an EL.

Codes (used for clarification purposes not currently using these categories of EL)

EL—active (eligible and receiving direct services and ELP assessment)

EL—non-active (eligible however not receiving services due to opt-out or no teacher available, ELP assessment still required)

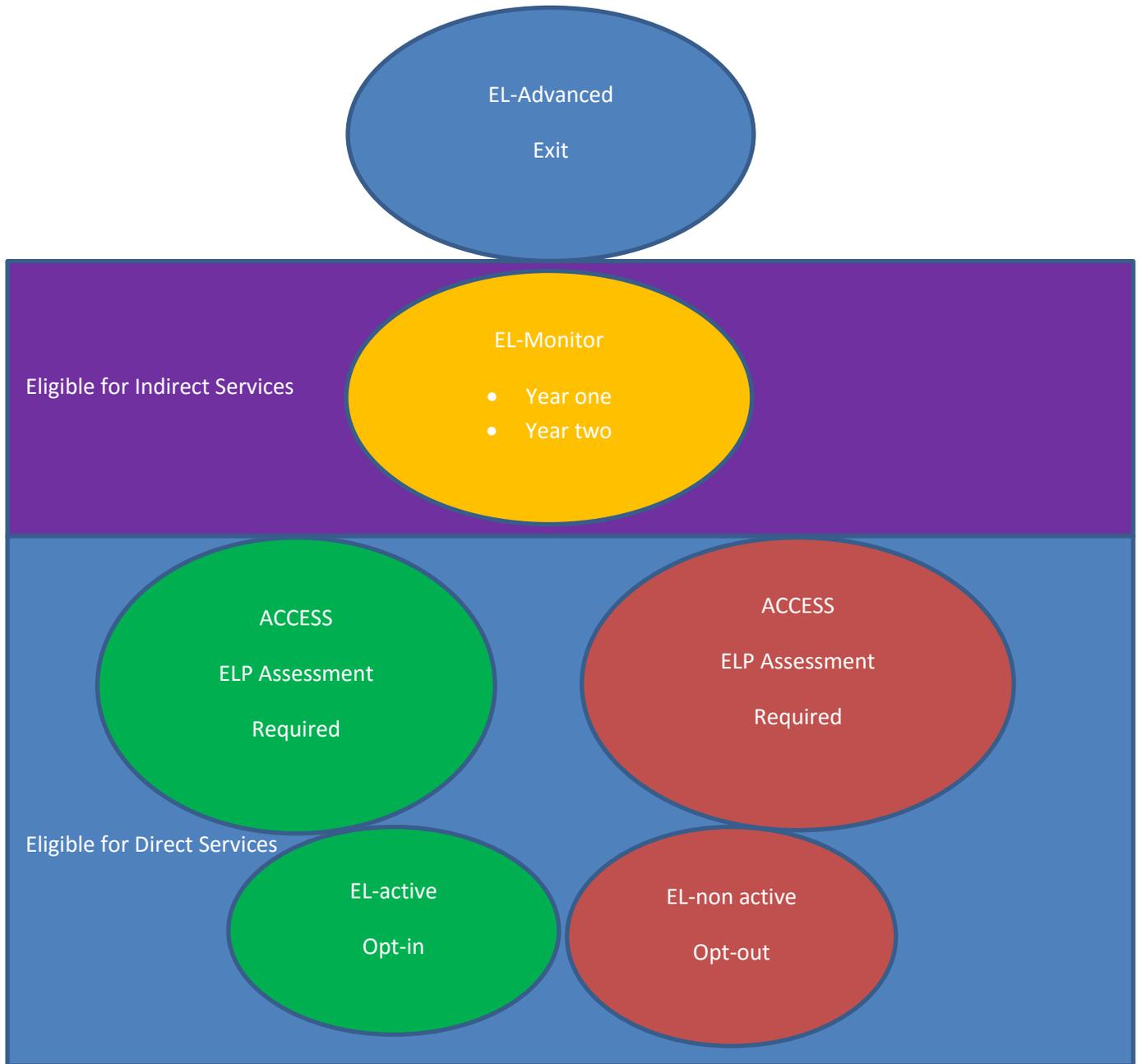
EL—monitor year 1 (not eligible for direct service hours, only indirect support services allowed, and no ELP assessment)

EL—monitor year 2 (not eligible for direct service hours, only indirect support services allowed, and no ELP assessment)

EL—advanced (not eligible, no ELP assessment, no longer tracked, monitored, or counted as EL in State database)

Graphic to help clarify the progression of an English Learner (work-in-progress)

What further information should we include?



Statement of Purpose--HLS and federal requirement (work-in-progress)

To address a couple of the comments/revisions of our Home Language Survey

Draft Statement

All public schools have the responsibility to ensure equal access to education, and the data captured on a Home Language Survey is essential for proving compliance with the federal government's laws and regulations.

See **Memorandum September 27, 1991**, from the Office of Civil Rights

Policy Update on Schools' Obligations Toward National Origin Minority Students With Limited-English Proficiency

<https://www2.ed.gov/about/offices/list/ocr/docs/lau1991.html> .

Therefore, each public school receiving federal assistance has the burden of proof, which is consistent through the ESEA, NCLB and ESSA, to demonstrate there are practices and procedures for ensuring every student has the opportunity to an equitable education. In essence, it is the implementation of **Title VI of the Civil Rights Act of 1964**.

In NH, schools fall into districts/SAUs which need to be recognized by the SEA, which is in **NH Education Law Chapter 194:1**, and SAUs need to adhere to School Performance and Accountability, which is found in **New Hampshire Education Law Chapter 193-H** (NH Education Laws 2014-15).

The purpose of the Home Language Survey is to identify whether a student has linguistic and cultural norms other than English.

English is the language used "exclusively" for instruction in NH (**NH RSA 189:19**); therefore, it is imperative that schools identify all students who have English as a second or other language. Linguistic barriers need to be investigated immediately, for a failure to do so would violate the student's right to access educational opportunities.

Failure to implement a policy to identify linguistic barriers is delinquency and opens the school to possible civil litigation and/or loss of federal funding.

Our EL Advisory should carefully consider the length of this statement if it is to be placed on the HLS.

Q: Would it be okay to word it: A Message about Language Rights?

Next Reading

Elementary and Secondary Education Act of 1965, As Amended by the Every Student Succeeds Act—Accountability and State Plans: <https://www.federalregister.gov/articles/2016/05/31/2016-12451/elementary-and-secondary-education-act-of-1965-as-amended-by-the-every-student-succeeds>