



New Hampshire Department of Education

Procedures for Initial Identification and Placement of English learners (ELs)¹

Accurate identification and screening procedures help ensure that districts meet their obligations to English learners (ELs).

School districts have an obligation to:

- ✓ Establish local policies and procedures to identify potential English learners
 - ✓ Adopt and administer a uniform state-approved Home Language Survey (HLS)
 - ✓ Administer state-approved English language proficiency (ELP) Screener to potential ELs
 - ✓ Assign a NH certified ESOL teacher to make final determinations of EL eligibility
 - ✓ Code any newly identified ELs in the NH i4See system
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STEP 1: Establish local policies and procedures to identify potential ELs in accordance with NH DOE guidance

Under federal law², districts are required to develop local policies and procedures to identify potential ELs in a timely and uniform manner. For students enrolling prior to, or at the beginning of the school year, districts have 30 days from the first day of school to notify parents regarding EL identification. For students enrolling during the school year (i.e., 30 days or more from the first day of the school year), districts have 14 days to notify parents regarding EL identification.

Step 2: Adopt and administer a uniform state-approved Home Language Survey (HLS):

A Home Language Survey must be given to ALL new students enrolling in a district to complete as part of the standard enrollment packet. The HLS is required to be provided in a language that the parent/guardian can understand.

The HLS is designed to help identify students with limited English proficiency and is the first step in the identification process. The HLS is not designed to make a final determination of EL status. All responses to the HLS should be kept in the student's cumulative academic record.

¹ For the purpose of this document, the NH Department of Education, uses the label English learners (EL) to align with the US Department of Education language used throughout federal laws and policies.

² ESSA §1112(e)(3)(D), §3111(b)(2)(A, G), §3113(b)(2), §1111(b)(2)(G)

All school personnel responsible for helping with initial student enrollment should understand the purpose of the Home Language Survey and be able to explain the purpose of the HLS to parents. Here is a possible script local school personnel can use when talking with parents about the HLS:

The Home Language Survey is a questionnaire we give to all parents. We use it to identify students who may speak a language other than English at home, because these students may be eligible for additional support and English instruction at school. This form is not used for determining legal status or for immigration purposes. If your child is identified as an English Learner, you may decline the EL program and additional support services. We are required by federal law to collect this information to ensure that the rights of multilingual students and families are protected.

When a HLS indicates that English is the only other language used by the student and all other individuals in the home, the student is considered an English only speaker. School personnel should follow procedures established by the school district for student placement.

If a language other than English is documented on any response, the form must be reviewed by the school or district's NH Certified ESOL teacher. The ESOL teacher must follow up with the parents/guardians to confirm that the information provided on the HLS is accurate to determine if ELP screening is needed. Any follow-up conversations with the student's family relevant to initial EL eligibility and identification should be documented and attached to the original HLS and added to the student's permanent academic school record.

Changes to HLS:

Prior to the Every Student Succeeds Act (ESSA), districts had more discretion to create local versions of the HLS. New changes under ESSA now mandate that all states create a uniform statewide entry process.³ In response to this change, the NH DOE has created a standardized state-approved HLS for local use. The state-approved HLS is an adaptable template that can be customized with your district's logo or letterhead and it is available in multiple languages on the [NH DOE website](#) > [ESOL Program page](#).

STEP 3: Assessment of English Language Proficiency

The initial ELP screener provides an assessment of the student's English proficiency, which gives schools more information to assist with EL determination and placement.

When the ESOL teacher determines that a language other than English is spoken at home, districts must administer an ELP screener with the following exceptions:

³ [20 U.S.C. § 6823 \(b\) \(2\)](#)

- Students who transfer from another district within NH or another WIDA state and who did not qualify as ELs on ELP screening as administered in their former district; or
- Students who transferred from another district within NH or another WIDA state with ACCESS ELP results from within the last calendar year.

The following ELP screeners have been approved by the NH State Board of Education:

Screener Options and Eligibility Determination:

WIDA Assessment	Grade	Required Domains	Scoring Threshold <i>Students with scores @ minimum threshold or higher do not qualify:</i>
Kindergarten Screener	1 st semester Kindergarten	Listening & Speaking	Oral language proficiency score: 4.5 or higher
	2 nd semester Kindergarten	Listening, Speaking, Reading and Writing	Composite score: 4.5 or higher <i>(no domain minimum requirements)</i>
	1 st grade		
WIDA Screener (Grades 1-12)	Grades 1-12		

***Note: As of July 1, 2021, the WIDA Kindergarten Screener is the sole state-approved Kindergarten assessment to determine initial EL eligibility. LEAs using the WIDA W-APT or WIDA MODEL must make plans to transition; a transitional grace period of six months will be extended.**

Test Administrator Qualifications:

Only educational professionals licensed in ESOL in NH (or another state which has a reciprocity agreement with NH) who have successfully completed the WIDA test administrator training certification are permitted to administer and score the WIDA suite of state-approved ELP assessments to determine initial EL eligibility. Training is available through the WIDA Secure Portal to licensed educators. EL educators can request access to the WIDA Secure Portal through their district’s designated EL program coordinator or the NH DOE ESOL Education Consultant.

Pre-K Screeners:

Districts that provide a Pre-K program must select and use a standardized screening instrument (preLAS, preLAS Observational Tool or Pre-IPT) to assess English proficiency of potential ELs.⁴ Districts may not use the current WIDA screeners for this purpose, as they have not been validated for assessing the English proficiency of students younger than 5.

⁴ The US DOE and US DOJ [2015 Dear Colleague Letter](#) (pg.18) states, “school districts must provide EL students with equal opportunities to meaningfully participate in all programs and activities of the...district—whether curricular, co-curricular, or extracurricular. [fn omitted] Such programs and activities include pre-kindergarten programs...”

Students Unable to Complete One or More Domains:

In rare cases, a student with a disability may not be able to access one or two domains of an ELP screener. If this is clearly documented in the student’s IEP, and the IEP team has found that all the available accommodations (for both online and paper versions of the test) are insufficient to allow the student to access the domain, the student may be eligible for an Alternate Overall Composite score calculation.

The Alternate Overall Composite score calculation is based on the scores of the language domains that the student is able to access. Students who reach the domain minimums in all domains they are able to complete are likely English proficient.

Domain minimum scores are:

Reading	6.0
Listening	6.0
Writing	4.5
Speaking	4.5

STEP 4: Assign a NH Certified EL Educator to Make Final Determination

Once information from the HLS and ELP Screener has been collected, the EL educator will use the information to make a holistic determination regarding whether or not the student is fully English proficient. Students determined not to be fully English proficient are classified as ELs, and eligible for EL programming and support.

From the first day of enrollment, districts have 30 calendar days to determine the EL status of new students. Districts have 30 days from the start of the school year to notify parents of EL status for those students enrolled prior to or at the beginning of the school year⁵ (i.e., 30 days or more from the first day of the school year). If student enrolls after the first 30 days of school, parent notification must be completed within two weeks.⁶

It is critical that translated parent notification letters be provided. If written translation is not provided, an oral interpretation of this information must be provided.⁷

Tools and resources for ensuring meaningful communication with limited English proficient parents can be found at [OELA English Learner Tool Kit, Chapter 10](#).

In addition, if the student is determined to be an EL, parent/family notification must include the following information: ⁸

⁵ [20 U.S.C. § 6312 \(e\) \(3\) \(A\)](#)

⁶ [20 U.S.C. § 6312 \(e\) \(3\) \(B\)](#)

⁷ [20 U.S.C. § 6312 \(e\) \(4\)](#)

⁸ [20 U.S.C. § 6312 \(e\) \(3\) \(A\)](#)

1. The process used for identification including the assessment data.
2. What their status as an EL means (i.e., what services will their child be eligible for).
3. The specific Language Instruction Educational Programs (LIEPs) available in the district for students this age.
4. How the program will meet the educational strengths and needs of the student, including how the program will help the student learn English while also accessing grade level academic content.
5. The specific exit requirements for ELs in NH.
6. The guarantee to offer programming in the least restrictive environment.
7. For students who may also be identified with a disability, how the program will meet the objectives of the individualized education program (IEP) of the child.
8. Information about the parental/guardian rights:
 1. The right to remove their child immediately from the LIEP upon request;
 2. The right to decline EL services or to choose another LIEP program (as available); and
 3. The right to request assistance in selecting the appropriate LIEP, if more than one is offered.
9. The allowable language assistance services and accommodations available to the student should parents/guardians accept or deny the direct LIEP support services for their student.
10. The school district's obligation to support this student's academic needs should a parent accept or deny services.
11. The requirement to annually assess the student's English language proficiency until the student reaches proficiency.
12. Notice that a student's status as an EL is viewed as confidential information within the school data collection system.

ELs Who Opt Out of EL Programs:

Any parent/guardian has the right to decline or opt his or her child out of the EL program or particular EL services being offered. **School districts may not recommend that a parent/guardian opt a child out of EL programs or services for any reason.** If a parent/guardian decides to decline EL services, the school district should retain appropriate documentation to demonstrate that a parent knowingly and voluntarily opted his or her child out of the EL programs or services and that the legal rights of the parent/guardian were reviewed in a language the parent can understand.

If a parent decides to opt a student out of EL services, that student retains his or her status as an EL. The school district is obligated to ensure meaningful access to its educational program under Office for Civil Rights and ESSA policy. **ELs who opt out of services must take the annual ELP assessment until they reach the state determined threshold for exit or reclassification.**

The NHDOE provides the following tools and resources for serving English learners who opt-out of EL programs:

- US Department of Education, Office of English Language Acquisition (OELA). (2017, October). English Learner Toolkit Chapter 7, Tools and Resources for Serving English Learners Who Opt Out of EL Programs.
https://ncela.ed.gov/files/english_learner_toolkit/7-OELA_2017_optout_508C.pdf
- National Clearinghouse for English Language Acquisition (NCELA). (2015, September). *English Learner Programs and Services Opt-Out Notification*.
https://ncela.ed.gov/files/forms/sample_notification_to_opt_out.pdf

Students Enrolling During the ACCESS Test Window:

The annual summative ELP assessment, ACCESS 2.0 for ELLs, cannot be used to make an initial EL determination. Students newly enrolling in a NH school prior to or during the annual ACCESS test window must go through the standards EL identification and screening process outlined in this guidebook. If a student is identified as an active EL before the last two weeks prior to the last day of the ACCESS test window, they must take the ACCESS test during that testing year.

STEP 5: Code any newly identified EL students in the NH i4See data collection system

Districts must code all students identified as ELs, or “Limited English Proficient” (LEP) on the ESOL roster within the NH i4See System and maintain that data throughout the academic year.

For additional technical assistance with data maintenance, please reference the video tutorial collection made available by the NHDOE through the links below:

- [Adding a New EL Student to NHDOE i4see ESOL Roster](#)
- [Update Student Information: Program Type, Service Minutes and Primary Language](#)
- [General Overview: Completing ESOL Database Updates](#)
- [Reviewing & Resolving Anomaly Reports in i4see ESOL Roster](#)

For any other questions or issues related to management of EL student data, please submit a Help Desk ticket by following the instructions provided on the [NHDOE Help Desk website](#).

Districts must also maintain records of each student enrolled in LIEP or EL program. These records must include, but are not limited to, entry/exit information, ACCESS scores, screening test results, report cards and progress reports, documentation of monitoring of any former English Learners (FELs) and opt-out students. As well as any documentation of parent communication (e.g., parent conferences or written notices, etc.).

STEP 6: Place identified students in Language Instruction Educational Program

Students identified as ELs must be placed in a research- or evidence-based Language Instruction Educational Program (LIEP). A variety of program models can be successfully implemented depending on the quality of instruction. The range and nature of different program types are defined by the US Department of Education in the following table:

Program Option	Program Description
Transitional Bilingual Education or Early-Exit Bilingual Education	Program that maintains and develops skills in the primary language while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the ELs’ transition to an all-English instructional program, while the students receive academic subject instruction in the primary language to the extent necessary. Bilingual programs are permitted with prior approval from the NH State Board of Education and local school district.
Dual Language or Two-way Immersion	Bilingual program with goal to support students as they develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually half primary-English speakers and half primary speakers of the other target language. Bilingual programs are permitted with prior approval from the NH State Board of Education and local school district.
ESL or ELD	Program of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (i.e., speaking, listening, reading, and writing)
Content Classes with integrated ESL support	Instruction simultaneously introduces both language and content, using specialized techniques to accommodate ELs’ linguistic needs. Instruction focuses on the teaching of academic content rather than the English language itself, although English development may be one of the instructional goals.
Structured English Immersion or Newcomer programs	Separate, relatively self-contained programs designed to meet the academic and transitional needs of newly arrived immigrants. Typically, students attend these programs before they enter other types of EL programs. Often build foundational skills in content areas, as well as instruction to familiarize newcomers with American culture and educational settings.
Other/Missing	A language instructional program model designed to develop English that does not match the provided options.
Parent Refusal	Parents/Guardians have refused or “opted-out of language instruction services.

The US Department of Education requires the NHDOE to identify and report the LIEP type for all English learners using these program options. Per federal statute, *“at a minimum, LIEPs should be outcome-driven; an LIEP should demonstrably result in improved English language proficiency and academic achievement for ELs to be considered “effective” for purposes of the Title III requirements.”*⁹

In addition, LEAs should follow the guidelines below when scheduling active EL students to ensure that **all eligible students are provided with at least one daily period**¹⁰ of EL instruction taught by an NH Certified ESOL teacher unless parents/guardians make a voluntary and informed decision to opt-out of services.

Direct EL instruction should be provided using the following guidelines:

WIDA ELP Level	Daily EL Instruction
1.0-2.9	2 periods of instruction
3.0-3.9	1 period of instruction
4.0 or greater	1 period of instruction Students may receive EL services through core literacy class if (1) the class is taught by a teachers who holds dual NH Certification in ESOL and English or co-taught by a NH Certified ESOL certified teacher and a NH Certified English teacher, who have co-planning time together; and (2) the ESOL certified teacher provides EL students explicit EL instruction.

For dually identified EL students with disabilities in self-contained settings, EL instruction must be provided by either a NH Certified ESOL teacher who pushes into the self-contained classroom and provides explicit EL instruction, or be provided by a self-contained classroom teacher who is dually certified in NH in Special Education and ESOL.

Daily EL instruction should not replace any form of additional intervention or support the student may qualify for or need.

⁹ U.S. Department of Education, Office of Elementary and Secondary Education, Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), Washington, D.C., 2016

¹⁰ Per agreements with U.S. Department of Justice and multiple State Education Agencies, a “period” is defined as at least equivalent to the time allocated for core content subjects. Schools served by itinerant ESOL teachers should ensure that EL students receive weekly equivalent services.

Guidance for Unusual Circumstances

International Exchange Students:

Exchange students are citizens of another country who have traveled to the U.S. temporarily as part of a cultural exchange program. They are viewed as immigrants while attending school in the U.S. There are many different types of student travel visas available. Districts should be clear on the rights of exchange students as they vary for the different types of visas before they accept a student.

For example, when districts apply to host an exchange student, districts can specify whether or not the student must be proficient in English, as well as the test used to determine ELP. Students required to be proficient in English are not considered ELs. If the district opts to allow students who are not required to be fully proficient in English, districts should use the procedures outlined above for initial identification.

Exchange students not required to be proficient in English should be treated like any other student upon enrollment.

Re-screening:

Typically, a student should only be given the initial ELP screener once; however, under the following circumstances, re-screening is permitted:

1. There was a test abnormality when administering the initial screener.
2. A student was screened and identified as an EL, but withdrew from the district before the annual ACCESS test window. If the student returns after 12 consecutive months, they should be re-screened.
3. An EL who has previously take the ACCESS test returns to your district, but has not taken the ACCESS test for at least 12 consecutive months.
4. If an exited EL student is not progressing academically as expected and monitoring suggests that language may still be a barrier, EL educators should follow the state procedures to request reclassification of that student, which may include re-screening (reference NHDOE program resource: [Request of Reclassification for EL Students](#)).