

Writing a Lau Plan to  
Meet the Needs of  
English Learners:  
A Reference Guide for  
Districts

2013-2014

**Acknowledgements**  
**Writing an English Language Learner Plan:**

**A Reference Guide for Districts; 2009**

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# Plan for Serving English Learners

All school districts in Iowa are required to be “on alert” and ready for English Learners (*ELs*) who may enroll in their schools. As a result, each district is responsible for developing an authentic *Lau Plan*. The *Lau Plan* serves as guidance for addressing the linguistic needs of *ELs* and for implementing appropriate programming designed to reduce linguistic barriers to the Core instructional program.

The *Lau Plan* will help schools prepare required policy and plans, choose and implement an appropriate program model, ensure that *ELs* are included in the Core educational program, and assist parents of *ELs* to participate in their children’s education.

## **Lau Plan**

Federal legislation requires every school district to have a program plan in place to serve *ELs*, regardless of whether they have *ELs* yet enrolled. The plan must ensure that immediately upon enrollment, the *EL* has access to a specialized language instruction educational program (*LIEP*). The plan for meeting the linguistic needs of *ELs* must provide resources to support the *LIEP* and the academic achievement of *ELs*, using state and local funds.

## **Lau Plan Requirements for English Learners**

The Iowa Department of Education requires that all school districts report their plan to identify and serve *ELs* in accordance with Title VI of the Civil Rights Act to the Department of Education. This required plan is embedded in the annual C Plan submitted by districts. A *Lau Plan* will ensure that there is an approved process in place for the identification of *ELs*, as well as a plan to begin English language development services for such students immediately upon enrollment. In addition, the *Lau Plan* must include screening procedures and the plan for administering an annual assessment of the students’ English language development. Districts with *ELs* must also identify which *LIEP* models they have selected to implement.

## **Lau Plan**

The district plan to meet the instructional needs of English Learners is referred to as the *Lau Plan* (*Lau v. Nichols*, 1974). The *Lau* (*ELL*) plan must include the following elements:

- *LIEP* goals
- Identification of English Learners
- Placement of English learners in *LIEP* designed to meet linguistic needs
- Background on the *LIEP* models implemented in the district
- Ongoing professional development for staff targeting *EL* needs
- English language development assessment and administration
- *LIEP* transition exit criteria
- Monitoring procedures after students exit the program
- *LIEP* evaluation

Other information that districts often choose to describe in their *Lau Plans* to inform constituents includes basic district demographics, definitions and acronyms used in the plan, parent involvement opportunities, and other information relevant to the *LIEP*.

According to the Code of Iowa, **districts are required to have a plan to identify and serve the educational needs of Limited English Proficient students (Chapter 280—280.4 and 281-60.1-6)**. “No Child Left Behind” legislation added some additional requirements as well.

In order to meet the linguistic, academic, social, and emotional needs of ELs, districts are required to develop a service plan. The components in this guide include both required elements and others considered best practice. Optional supporting documents are included in the Appendices.

The following document was written as a guide for local planning teams.

- Text boxes with questions and prompts throughout the document should serve as guides for the type of information to be included in each section.
- Districts are encouraged to include details and specifics in the plan to facilitate consistent and smooth implementation across the district.

**Items in bold are required according to current interpretations of Iowa law (see Appendix A) and “No Child Left Behind” (see Appendix B). Location in the Code of Iowa and NCLB is referenced in parentheses ( ) following each bold item.**

## K-12 District LIEP Goals

What are the linguistic goals of the district's LIEP?

What are the academic goals of the district's LIEP?

Iowa educators are actively responding to the unique needs of ELs. The goals of our LIEP are aligned with Title III of the *No Child Left Behind Act of 2001*, the Iowa Department of Education publication, *Educating Iowa's ELs: A Handbook for Administrators and Teachers*, and the *Iowa Teaching Standards and Criteria*. Since the number of ELs in our classrooms is increasing, **ALL** teachers have a crucial opportunity and responsibility to address their instructional needs.

### **Samples:**

\*Educating ELs to meet the same challenging academic content and student academic achievement that all children are expected to meet

\*Teaching English language comprehension through listening, speaking, reading and writing skills to attain English proficiency and academic competence

\*Providing students the opportunity to progress academically with their peer group by using tutor assistance in their first language

\*Fostering positive self-concepts and attitudes toward school

\*Assisting students in understanding and functioning within American society

\*Promoting pride in the students' cultural and linguistic backgrounds

\*Involving families and community leaders in the educational process in order to make education a cooperative effort between home and school

\*Communicating with parents in their first language when needed

\*Encouraging parental involvement in schools and childrens' education

## Identification of ELs

Chapter 280, Section 280.4 of the Iowa Code defines a *Limited English Proficient* student as follows, “A student’s background is in a language other than English, and the student’s proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English background.”

To identify and serve limited English proficient students, districts are required to do the following:

### **Home Language Survey**

**All families are asked to complete a Home Language Survey (281—60.3(1)a) during registration.**

**The district is prepared to conduct oral or native language interviews in the student’s home language with those adults who may not have sufficient English or literacy skills to complete a survey written in English (281—60.3(1)).**

**Families registering children will be assisted in completing documents and registration materials on-site as needed.** If home language assistance is necessary in order to secure accurate data, **every reasonable attempt will be made to provide this support.** Districts should describe examples of how they have created a welcoming environment, particularly inclusive of culturally and linguistically diverse families, e.g.: artifacts, posters, alphabet, words or pictures from the cultures represented by students.

What process is utilized to ensure that each student has a completed Home Language Survey on file? Is this survey included in the district’s Registration Materials Packet?

Which Home Language Survey is used by the district? (Surveys are available at no cost to the district from [www.TransACT.com](http://www.TransACT.com) . Current state guidance is that districts must use the longer Home Language Survey [Form A] found on the TransACT site. Districts must include a copy of this survey within their District Lau Plan.)

Is the Home Language Survey provided to parents in a language they can understand (to the extent practicable)? Translated forms are available at the TransACT website listed above.

Who screens the completed Home Language Surveys to verify if a language other than English is represented?

What is the process for getting the Home Language Survey information to the ELL teacher (or designated screener) for assessing potential ELs with the identification/placement screener?

Where are the completed Home Language Surveys kept? (This document should be filed in the student’s cumulative folder. Upon a site visit, the team will be checking for these documents.

## TAG or Special Education Considerations

Describe the process and data that the district uses to identify ELs who are gifted and talented?

- See also: Identifying Gifted and Talented English Language Learners: Grades K-12. This guide was developed and distributed by the Iowa Department of Education & The Connie Belin & Jacqueline N. Blank International Center for Gifted Education & Talent Development

Describe the process that is used to determine if learning struggles are due to a language difference or a disability. Does this process consider and account for culture, language proficiency and development in first and second languages, prior schooling, parent interview, etc...?

- *“Educating Iowa’s English Language Learners”*  
[http://educateiowa.gov/index.php?option=com\\_content&task=view&id=683&Itemid=1391](http://educateiowa.gov/index.php?option=com_content&task=view&id=683&Itemid=1391); pp. 26, 66, 78

## Program Placement of ELs in appropriate programming designed to meet developmental linguistic needs

**Step #1:** Assessment of English Language Proficiency within the first thirty days of the student’s arrival (NCLB, Sec. 3302[a]) or, if the child enters after the beginning of the school year, within two weeks (NCLB, Sec. 3302.[d]).

Which identification/placement screener does the district use?

Who is the designated staff member trained to administer and score the assessment?

How does the district ensure that assessment is completed within the mandated timelines?

Where are the completed assessments kept? (Assessments should be located in the Student’s cumulative folder).

**Step #2: Assessment of academic skills, in relation to the student's grade or age level (281-60.3(1) b).** See "Educating Iowa's English Language Learners," available at: [http://educateiowa.gov/index.php?option=com\\_content&task=view&id=683&Itemid=1391](http://educateiowa.gov/index.php?option=com_content&task=view&id=683&Itemid=1391)

Who is the designated staff member to administer assessments of academic skills?

Which assessments will be used?

- Districts could choose to insert a brief table to outline different assessments used for academic testing at different grade levels.

Are the students' academic skills in their native language when possible?

- Knowing the student's academic skills in his/her native language is vital. The use of formal and informal assessments will assist the district staff in knowing the existing literacy and instructional levels of the student in order to design appropriate instruction.

**Step #3:** Data will be collected and reviewed for new ELs, including the results from the English language proficiency assessment, assessment of academic skills and other pertinent data.

Who leads the review of this data?

Who is involved in the data review? (Lau Leadership Team).

What other pertinent data is routinely sought for review?

- The district may want to include: prior student records, teacher interview, parent information, teacher observation, referral, student grades, or informal assessment.

Describe how the district determines if a student qualifies for the LIEP.

- Current guidance: If the student is non-English proficient or limited English proficient in any of the English language development subtests (speaking, listening, reading, and writing) or there is evidence that he/she will not be successful in the regular classroom because of language background, the student is identified for the LIEP.

#### **Step #4: Preliminary LIEP Placement**

Based on assessment results, the EL should be assigned to mainstream classrooms with students the same chronological age, with no more than two years differential (60.3(3)a).

LIEP services begin upon identification.

## **Step #5: Parental Notification (NCLB, Sec. 3302) (see Appendix B)**

When a student is identified for the LIEP:

- A. Parents must be notified every year**
  - 1. Parents are notified no later than 30 calendar days after the beginning of the school year**
  - 2. Within two weeks of a child being placed in a language instruction program (if a student enrolls after the beginning of the year)**
  
- B. Parental Notification must include:**
  - 1. Reasons for identification**
  - 2. Child's level of English language development**
  - 3. Method of instruction**
  - 4. How the program will meet the educational strength and needs of the student**
  - 5. How the program will help the student learn English**
  - 6. The program's specific exit requirements**
  - 7. How the program meets the objective of the IEP of a student with a disability**
  
- C. Parental information must be provided in "an understandable and uniform format, to the extent practicable," in a language that the parents can understand.**

What procedures does the district follow to ensure required parent notification takes place?

- Which forms are used in the district? (Multiple forms for communicating to parents are available at [www.transact.com](http://www.transact.com). These could be included in the appendix).
- Who is designated to complete this work?
- What evidence is collected to document parent notification?
- Where is this evidence stored?

Parents do have the right to waive enrollment in the LIEP. What procedure is utilized?

- Is a meeting held to discuss recommendations, concerns, and potential outcomes with parent(s)?
- What form is used to document the parents' decision?
- How does the district provide support to ensure mastery of English and academic achievement as required by law without enrollment in the LIEP?

## Language Instruction Educational Program (LIEP)

### **LIEP Services**

State the program model(s) for LIEP services provided in the district.

If multiple program models are offered, identify where each program model is available (different grades, buildings).

See Program Model list and descriptors in the “Student Reporting in Iowa” Data Dictionary.

- Bilingual Dual Language Program
- English as a Second Language Sheltered Instruction
- Intensive English for Newcomers
- Other English as a Second Language Program
- Other Bilingual Program

### **LIEP Services Available**

Describe the type of services that are provided.

In what setting(s) are services provided (push in, pull out, co-teaching)?

Describe the frequency and intensity of services.

How does the district provide equal access to the core?

How does the district ensure collaboration between mainstream and ELL teachers? (Time to align instructional materials, curriculum, appropriate strategies given the student’s level of English proficiency, etc...)

## Staffing

What qualifications does the district require of ELL staff?

- ESL endorsement (281—60.3(2))
- Content-area certification if staff serves as teacher of record?

How does the district ensure adequate and appropriate language instruction and support?

Who is the designated person responsible for LIEP?

## Standards

What are the English language proficiency standards used by the district?

For additional information, please see:

- TESOL Standards: <http://www.tesol.org/advance-the-field/standards/prek-12-english-language-proficiency-standards>
- Iowa Department of Education, ELL webpage, Guidelines for Implementing English Language Proficiency Standards in Iowa:  
[http://educateiowa.gov/index.php?option=com\\_content&task=view&id=683&Itemid=1391](http://educateiowa.gov/index.php?option=com_content&task=view&id=683&Itemid=1391)
- WIDA Standards: <http://www.wida.us/standards/>

\*\*Note that new English Language Development Standards aligned with the Common Core State Standards have been developed. A draft can be found at the following link:

<http://www.cde.ca.gov/sp/el/er/eldstandards.asp>

## Curriculum & Supplemental Resources

**Instructional Resources:** Districts will **purchase and modify instructional materials that are appropriate to the needs of the learner and goals of instructional programs (280—180.4). State funding is provided for the “excess costs of instruction of ELL students.”(281—60.4 and 60.6 (280)).** This weighted funding (.22) is currently available for four years. For assistance with reviewing and selecting supplemental instructional resources designed to engage ELs in the Common Core while simultaneously promoting language development, contact your local Title III Consultant.

What curricular materials is the district using?

How will instructional and supplemental resources be selected, purchased and updated?

## Professional Development

**In-service training is provided for all staff involved in the educational process of ELs (281—12.5(8), 12.8(1), and 60.3(3)b5).** All educational and appropriate school personnel receive in-service training regarding instructional techniques and modifications for EL students, **with continuing training provided according to district’s Comprehensive School Improvement Plan (281—12.7(256) and 281—60.3(3)b5).** A record of professional development activities will be maintained.

How does the district build capacity in all staff to serve ELs across settings?

What professional development opportunities are provided? What is the focus of these sessions?

Describe the support provided to classroom teachers with regard to designing, modifying and adapting lessons and providing accommodations in the general education classroom?

Describe how administrator capacity is built and further developed to equip them to lead their buildings in serving ELs.

## **Parental Participation (NCLB, Sec. 3302 [e] [1] [A and B])**

Districts are to implement an effective means of outreach to parents of ELs. Outreach to parents must include:

- 1. Information on how parents can become involved in the education of their children.**
- 2. Information about how parents can actively participate in helping their children learn English and achieve at high levels in the core academic subjects.**
- 3. Regular meetings for parents and notices of such meetings so that parents have the opportunity to provide suggestions and recommendations regarding their child's education.**

How does the district engage in each of the above activities?

How are district efforts in this regard documented?

## **Annual Language Development Assessment**

### **English Language Proficiency (NCLB, Sec. 3113(b)(3)(D))**

**English Learners will be evaluated annually with a standardized English language development instrument recommended by the state of Iowa. (see Appendix G)**

The state is currently using the Iowa-ELDA (Iowa English Language Development Assessment) to measure growth.

Consider the state testing window (Feb 1 – April 30) and other spring assessments, when will the district administer the test? Is this date on your district-wide assessment calendar?

Which teacher(s) are trained to administer and score the assessment?

Are *all* students that have been identified as ELs (including those students whose parents have waived/refused services) being assessed?

How are the results data disseminated and used for instructional and programmatic decision making?

## Classroom Assessments (NCLB, Sec. 1111(b)(3)(c) (xi)I)

Mainstream teachers will **report the student's achievement and growth (60.3(1)b)** through authentic assessments and content area tests (modified as necessary) in the regular classroom. Accommodations will be made to support students until the student is able to achieve academically in the classroom with age and grade level peers.

Describe the process the district uses to ensure appropriate accommodations are provided to ELs.

How is this accommodations information documented and shared with pertinent staff?

Describe how classroom and ELL teachers collaborate and share data to ensure achievement and growth?

## District-Wide Assessments (NCLB, Sec. 1111(b)(3)(c) (xi)I)

**ELs must be tested on the district-wide assessments with or without accommodations for reading and math and science.**

Identify the district-wide assessments the district uses.

How does the district ensure that all ELs have the opportunity to participate in district-wide assessments?

How are appropriate accommodations identified, documented, and shared with pertinent staff?

**Please refer to "Iowa Guidelines for K-12 English Language Learners Participation in District-wide Assessments" for further clarification, including allowable and appropriate accommodations. This document is available at:**

[http://educateiowa.gov/index.php?option=com\\_content&task=view&id=683&Itemid=1391](http://educateiowa.gov/index.php?option=com_content&task=view&id=683&Itemid=1391)

**\*\*Committee is not sure if this is the most recent link\*\***

## Annual Measurable Achievement Objectives (AMAOs)

AMAOs are targets that have been established by the state in compliance with NCLB mandates to measure the effectiveness of language instruction educational programs. These objectives are based on the English language proficiency standards and relate to ELs' development and attainment of English language development while also meeting challenging state academic achievement standards.

These targets have also been approved by the federal government. Each district is held accountable for meeting these targets. The objectives and targets are shown in the following table.

Annual Measurable Achievement Objective	2012 Targets	2013 Targets	2014 Targets
#1: Progressing in English language acquisition (Iowa-ELDA)	59.5%	60.8%	62.1%
#2: Attaining or reaching English proficiency (Iowa-ELDA)	22.3%	23.2%	24.2%
#3: Making Adequate Yearly Progress (Iowa Assessment)	District AYP Data		

**There are specific actions districts must take when an AMAO is missed:**

- Year 1 – Work with AEA consortium to notify parents
- Year 2 – Work with AEA consortium to notify parents, write and implement a CAP
- Year 3 – Work with AEA consortium to notify parents, review, revisit, and update CAP
- Year 4 – Work with AEA consortium to notify parents, write and implement CAP (with DE support/involvement)

\*\*Please check with your Title III Consultant as these required actions have been revised frequently over the past few years.

**Parent Notification**

**If the school fails to make progress in meeting the state’s annual measurable achievement objectives, then the school must separately inform parents of an EL about the school’s failure within 30 days. (NCLB, Sec. 3302[b])**

Describe the process the district uses to review annual AMAO data.

How is this information shared with district administration and staff?

How are parents notified of failure to meet AMAOs?

Describe how AMAO data is used to improve programming and services for ELs?

## Transition and Exit

ELs achieving proficiency in English speaking, listening, reading, and writing at a level commensurate with their grade and/or age peers will be transitioned into the mainstream classroom or exited from programs and services (60.3(3)b4).

### Definitions of EL progress

I. **Transition:** A student can enter a transition period upon

- achieving proficiency in English, while
- receiving minimal LIEP support, and
- sustaining academic progress for a period of up to 2 years.

Transition is a trial period when an EL demonstrates sustained progress in the mainstream classroom setting, independently. After a successful transition period, the student is eligible for exit from the LIEP.

A. Students in transition must take the I-ELDA. *Note:* Districts should exercise caution when exiting students who are at a key transition point related to the assessment's grade span, e.g., an EL who takes a grade K-2 assessment must be carefully considered before exiting from LIEP services just as he/she enters grade 3. Grades 3, 6 and 9 are due great consideration as exit points since ELs could be more likely to need language support at these points. Ensuring an adequate transition period will help to prevent a premature exit. The current assessment grade spans are K-2, 3-5, 6-8 and 9-12. District teams are advised to use their informed discretion when making such decisions.

II. **Proficiency:** A student will be considered proficient when he/she achieves a composite I-ELDA level of 5 or 6. Such a score signals that an EL could be ready to enter the transition period.

III. **Exit:** A student will be able to exit the LIEP by meeting the following criteria:  
The EL:

A. Scores level 6 on the I-ELDA, **(REQUIRED)**

B. In addition to scoring a composite 6 on the IELDA, positive recommendations for exit from teachers, parents, and other staff, the exiting EL must meet 3 out of the 4 additional criteria:

- a. Experiences success in a regular classroom
- b. Does not require LIEP support
- c. Sustains success
- d. Scores proficient on district-wide assessments

## Transition

When a student is considered ready to receive minimal language support [scores proficient in English (I-ELDA composite score of 6) and performance in classroom is comparable to his/her peers], the student moves to a “transitional” stage during which the district regularly and routinely monitors language proficiency, academic achievement and overall progress for up to two years.

During the transitional period, this student is still considered an EL and must be assessed with the I-ELDA each year.

Should the student begin to experience difficulty and be in need of linguistic support, the student is moved back to actively participating in the LIEP to receive services.

How does the district determine when an EL should be moved to transitional status? (Criteria and process)

What data is used to make this determination?

How does the district regularly and routinely monitor language proficiency, academic achievement, and progress of transitional students?

How is the monitoring process and data documented?

How is this change in program status communicated to parents and the student?

## Exit

Districts must identify and establish 'Exit Criteria'. These criteria must include the State Exit Criteria (listed below). However, a district may choose to add additional components to the exit criteria.

- State Exit Criteria:

A student may be able to be exited after sufficient input from teachers, parents, and other staff and a composite 6 on the I-ELDA, and meet 3 of the 4 of the following criteria:

- Success in the regular classroom
- LIEP support not required
- Sustainability of success
- Score proficient on district-wide and state-wide assessments such as Iowa Assessments

What are the district exit criteria?

What process and data is used to determine when ELs should be exited?

Who is involved in making this decision?

How is the process and decision documented?

How is this change in status communicated to parents and the student?

## Monitoring Exited Students

Once students have formally exited the program, the state, through the Student Reporting System, still "monitors" the student for AYP purposes for two more years.

Current state guidance instructs districts to monitor exited ELs.

How does the district systematically monitor student progress?

How is this documented?

## Program Evaluation

Regular program evaluation is recommended by the Iowa Department of Education. One way to gauge program effectiveness is through careful monitoring of the students' progress.

Districts may also perform program evaluations in light of the following questions (Castenada & Pickard, 1981, as cited in Office of Civil Rights, 1999, p. 35):

1. Is the program based on an educational theory recognized as sound by some experts in the field or is considered by experts as a legitimate experimental strategy;
2. Are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively; and
3. Does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome?

**Based on these questions, English language development, achievement-test data, and exit criteria could be used as indicators of program effectiveness.**

How does the district evaluate the effectiveness of the LIEP? Describe the process, data and who is involved.

How often is a program evaluation completed?

How are the results used to design and implement program improvement?

How is this communicated to stakeholders?

Tools available to assist districts with program evaluations include:

- *"District Self-Study Guide,"* pp. 73-79 of *Educating Iowa's English Language Learners; A Handbook for Administrators and Teachers* available at:  
[http://educateiowa.gov/index.php?option=com\\_content&task=view&id=683&Itemid=1391](http://educateiowa.gov/index.php?option=com_content&task=view&id=683&Itemid=1391)

# Appendix A

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## LIMITED ENGLISH PROFICIENCY LEGISLATION

Code of Iowa

CHAPTER 280, SECTION 280.4  
As amended by House File 457  
of the Seventy-Fifth General Assembly,  
1993 Session

### 280.4 LIMITED ENGLISH PROFICIENCY---WEIGHTING.

The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a foreign language is deemed appropriate in the teaching of any subject or when the student is limited English proficient. When the student is limited English proficient, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language.

As used in this section, the following definitions apply:

**Limited English proficient:** means a student's language background is in a language other than English, and the student's proficiency in English is such that the probability of the student's academic success in an English-only classroom is below that of an academically successful peer with an English language background.

**Fully English proficient:** means a student who is able to read, understand, write, and speak the English language and to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom.

The Department of Education shall adopt rules relating to the identification of limited English proficient students who require special instruction under this section and to application procedures for funds available under this section.

In order to provide funds for the excess costs of instruction of limited English proficient students above the costs of instruction of pupils in a regular curriculum, students identified as limited English proficient shall be assigned an additional weighting of twenty-two hundredths, and that weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding four years. However, the school budget review committee may grant supplemental aid or modified allowable growth to a school district to continue funding a program for students after the expiration of the four-year period.

## CHAPTER 60

### PROGRAMS FOR STUDENTS OF LIMITED ENGLISH PROFICIENCY

**281—60.1(280) Scope.** These rules apply to the identification of students and provision of programs for limited English proficient students and to the application procedures for securing fiscal support.

**281—60.2(280) Definitions.** As used in these rules, the following definitions will apply:

*“English as a second language”* refers to a structured language acquisition program designed to teach English to students whose native language is other than English, until the student demonstrates a functional ability to speak, read, write, and listen to English language at the age- and grade-appropriate level.

*“Fully English proficient”* refers to a student who is able to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom. The four language skills contributing to proficiency include reading, listening, writing, and speaking.

*“Limited English proficient”* refers to a student who has a language background other than English, and the proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background.

*“Transitional bilingual instruction”* refers to a program of instruction in English and the native language of the student until the student demonstrates a functional ability to speak, read, write, and listen to the English language at the age- and grade-appropriate level.

**281—60.3(280) School district responsibilities.**

**60.3(1) Student identification and assessment.** A school district shall use the following criteria in determining a student’s eligibility:

*a.* In order to determine the necessity of conducting an English language assessment of any student, the district shall, at the time of registration, ascertain the place of birth of each student and whether there is a prominent use of any language(s) other than English in the home. In addition, for those students whose registration forms indicate the prominent use of another language in their lives, the district shall conduct a Home Language Survey on forms developed by the Department of Education to determine the first language acquired by the student, the languages spoken by the student and by others in the student’s home. School district personnel shall be prepared to conduct oral or native language interviews with those adults in the student’s home who may not have sufficient English or literacy skills to complete a survey written in English.

*b.* Students identified as prominently using a language other than English in the home shall be assessed by the district. The assessment shall include (1) an assessment of the student’s English proficiency in the areas of speaking, listening, reading, and writing; and (2) an assessment of the student’s academic skills in relation to their grade or age level. A consistent plan of evaluation, which includes ongoing evaluation of student progress, shall be developed and implemented by the district for the above areas for each student so identified.

**60.3(2) Staffing.** Teachers in an English as a Second Language (ESL) program must possess a valid Iowa teaching license. All teachers licensed after October 1, 1988, shall have endorsement 104 (K-12 ESL) if they are teaching ESL.

All teachers licensed before October 1, 1988, have the authority to teach ESL at the level of their teaching endorsements.

Teachers in a transitional bilingual program shall possess a valid Iowa teaching license with endorsements for the area and level of their teaching assignments.

**60.3(3) Limited English proficient student placement.** Placement of students identified as limited English proficient shall be in accordance with the following:

*a.* Mainstream classes. Students will be placed in classes with chronological peers or, when absolutely necessary, within two years of the student's age.

*b.* Limited English proficient program placement.

(1) Students enrolled in a program for limited English proficient students shall receive language instruction with other limited English proficient students with similar language needs.

(2) When students of different age groups or educational levels are combined in the same class, the school shall ensure that the instruction given is appropriate to each student's level of educational attainment.

(3) A program of transitional bilingual instruction may include the participation of students whose native language is English.

(4) Exit from program. An individual student may exit from an ESL or Transitional Bilingual Education (TBE) program after an assessment has shown both that the student can function in English (in speaking, listening, reading, and writing) at a level commensurate with the student's grade or age peers and that the student can function academically at the same level as the English speaking grade level peers. These assessments shall be conducted by utilizing state, local, or nationally recognized tests as well as teacher observations and recommendations.

(5) Staff in-service. The district shall develop a program of in-service activities for all staff involved in the educational process of the limited English proficient student.

**281—60.4(280) Department responsibility.** The Department of Education shall provide technical assistance to school districts, including advising and assisting schools in planning, implementation, and evaluation of programs for limited English proficient students.

**60.4(1) to 60.4(3)** Rescinded IAB 2/2/94, effective 3/9/94.

**281—60.5(280) Nonpublic school participation.** English as a second language and transitional bilingual programs offered by a public school district shall be made available to nonpublic school students residing in the district.

**281—60.6(280) Funding.** Additional weighting for students in programs provided under this chapter is available in accordance with Iowa Code section 280.4.

These rules are intended to implement Iowa code section 280.4.

# Appendix B

## No Child Left Behind

Note that an official glossary of terms related to the education of ELL can be found at the following web site: <http://www.ncela.gwu.edu/expert/glossary.html>

### SEC. 3302. PARENTAL NOTIFICATION.

- (a) IN GENERAL—Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—
- the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;
  - the 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, instruction 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 such 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 such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;
  - in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
  - information pertaining to parental rights that includes written guidance—
    - (A) detailing—
      - the right that parents have to have their child immediately removed from such program upon their request; and
      - the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
    - (B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.
- (b) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

- (c) RECEIPT OF INFORMATION -- The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.
- (d) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—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 eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

**LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM-** an instruction course--

in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards, as required by section 1111(b)(1); and that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

**NCLB PL 107-110 Sec. 3301(8)**

**TITLE IX – GENERAL PROVISIONS PART A – DEFINITIONS SEC. 9101.DEFINITIONS.**

**(25) LIMITED ENGLISH PROFICIENT-** The term 'limited English proficient', when used with respect to an individual, means an individual—

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C) (i) who was not born in the United States or whose native language is a language other than English;
  - (ii) (I)who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II)who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
  - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual--
  - (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
  - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
  - (iii) the opportunity to participate fully in society

**(34) PROFESSIONAL DEVELOPMENT-** The term `professional development'--

(A) includes activities that--

- (i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;
- (ii) are an integral part of broad schoolwide and districtwide educational improvement plans;
- (iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;
- (iv) improve classroom management skills;
- (v) (I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and  
(II) are not 1-day or short-term workshops or conferences;
- (vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;
- (vii) advance teacher understanding of effective instructional strategies that are--
  - (I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and
  - (II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and
- (viii) are aligned with and directly related to--
  - (I) district academic content standards, student academic achievement standards, and assessments; and
  - (II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);
- (ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;
- (x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- (xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;
- (xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
- (xiii) provide instruction in methods of teaching children with special needs;
- (xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and
- (xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and

may include activities that—

- (i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
- (ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and
- (iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

**(37) SCIENTIFICALLY BASED RESEARCH-** The term 'scientifically based research'—

means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and includes research that—

- (i) employs systematic, empirical methods that draw on observation or experiment;
- (ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- (iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
- (iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- (v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
- (vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

## TITLE IX – GENERAL PROVISIONS *PART A—DEFINITIONS* SEC. 9101.DEFINITIONS.

### PRIVATE SCHOOL PARTICIPATION IN TITLE III PROGRAMS

#### Authorities

No Child Left Behind Act of 2001, Title IX, Part E, Sections 9501-9506

Education Department General Administrative Regulations (EDGAR), Part 76, Sections 76.650-76.662

#### Statutory/Regulatory Requirements

After timely and meaningful consultation with appropriate private school officials, local educational agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by the LEA.

To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the Title III program on issues such as:

- how the LEP children's needs will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;
- how the services will be assessed and how the results of the assessment will be used to improve those services;
- the size and scope of the services to be provided to the private school children and educational personnel;
- the amount of funds available for those services;
- how and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.

- Title III services provided to children and educational personnel in private schools must be equitable and timely and address their educational needs.
- Funds provided for educational services for private school children and educational personnel must be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children.
- Title III services provided to private school children and educational personnel must be secular, neutral, and non-ideological.
- LEAs may serve private school LEP children and educational personnel either directly or through contracts with public and private agencies, organizations, and institutions.
- The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA.
- Services for private school children and educational personnel must be provided by employees of the LEA or through a contract made by the LEA with a third party.

- Providers of services to private school children and educational personnel must be independent of the private school and of any religious organization, and the providers' employment or contract must be under the control and supervision of the LEA.
- Funds used to provide services to private school children and educational personnel must not be commingled with non-Federal funds.

## **Frequently Asked Questions**

### **What is meant by "equitable" participation by public and private school students and educational personnel in a Title III program?**

Participation is considered to be equitable if the LEA (1) assesses, addresses, and evaluates the needs and progress of public and private school students and educational personnel in the same manner; (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs; (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

### **Do State English language proficiency standards and annual measurable achievement objectives apply to participating private school students?**

No. A State's English language proficiency standards and annual measurable achievement objectives do not apply to private schools or their students. However, they apply to all public schools and public school students served under Title III.

### **Must private schools report the results of English language proficiency assessments to the LEA?**

Although federal interpretation indicates that private schools with children participating in programs funded under Title III are not required to report assessment results, officials from the LEA and the private school must reach an agreement about how the results of the assessments will be used to improve services to the participating private school students. Therefore, the results of the English language proficiency assessment need to be reported to the state.

### **Is a private school required to monitor and report on the academic progress of private school students for two years after the students are no longer receiving services under Title III?**

No. Officials from a private school are not required to monitor or report on the academic progress of private school students who are no longer receiving services under Title III.

### **Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?**

Yes. Like teachers serving public school LEP students, teachers providing Title III services to private school students, whether LEA employees or third-party contract employees, are subject to the requirement that teachers in a Title III program must be fluent in English and any other language used for instruction.

## Appendix C

For forms in English and in other languages, check the TransAct website:

[www.transact.com](http://www.transact.com)

Forms to Consider Including:

- Home Language Survey
- Determination of Student Eligibility
- Notification of ELL Program Placement
- Request for ELL Program Withdrawal
- Waiver/Refusal of ELL Program
- Notice of Annual Assessment
- Exit Letter
- Continuation of ELL Services: Annual Notification & Test Results
- Monitoring form for Students on Transitional Status
- Monitoring form for Reclassified EL Students

## **Appendix D**

Districts may elect to include a copy of “Educating Iowa’s English Language Learners: A Handbook for Administrators and Teachers” distributed by the Iowa Department of Education available at:

[http://educateiowa.gov/index.php?option=com\\_content&task=view&id=683&Itemid=1391](http://educateiowa.gov/index.php?option=com_content&task=view&id=683&Itemid=1391)

Please note: this document is currently being revised.

## **Appendix E**

Districts may elect to include a copy of “Iowa Guidelines for K-12 ELL Participation in Districtwide Assessments” distributed by the Iowa Department of Education available at: [http://educateiowa.gov/index.php?option=com\\_content&task=view&id=683&Itemid=1391](http://educateiowa.gov/index.php?option=com_content&task=view&id=683&Itemid=1391)

Districts are encouraged to contact their Title III Consultant for training opportunities and technical assistance with these guidelines.

## **Appendix F**

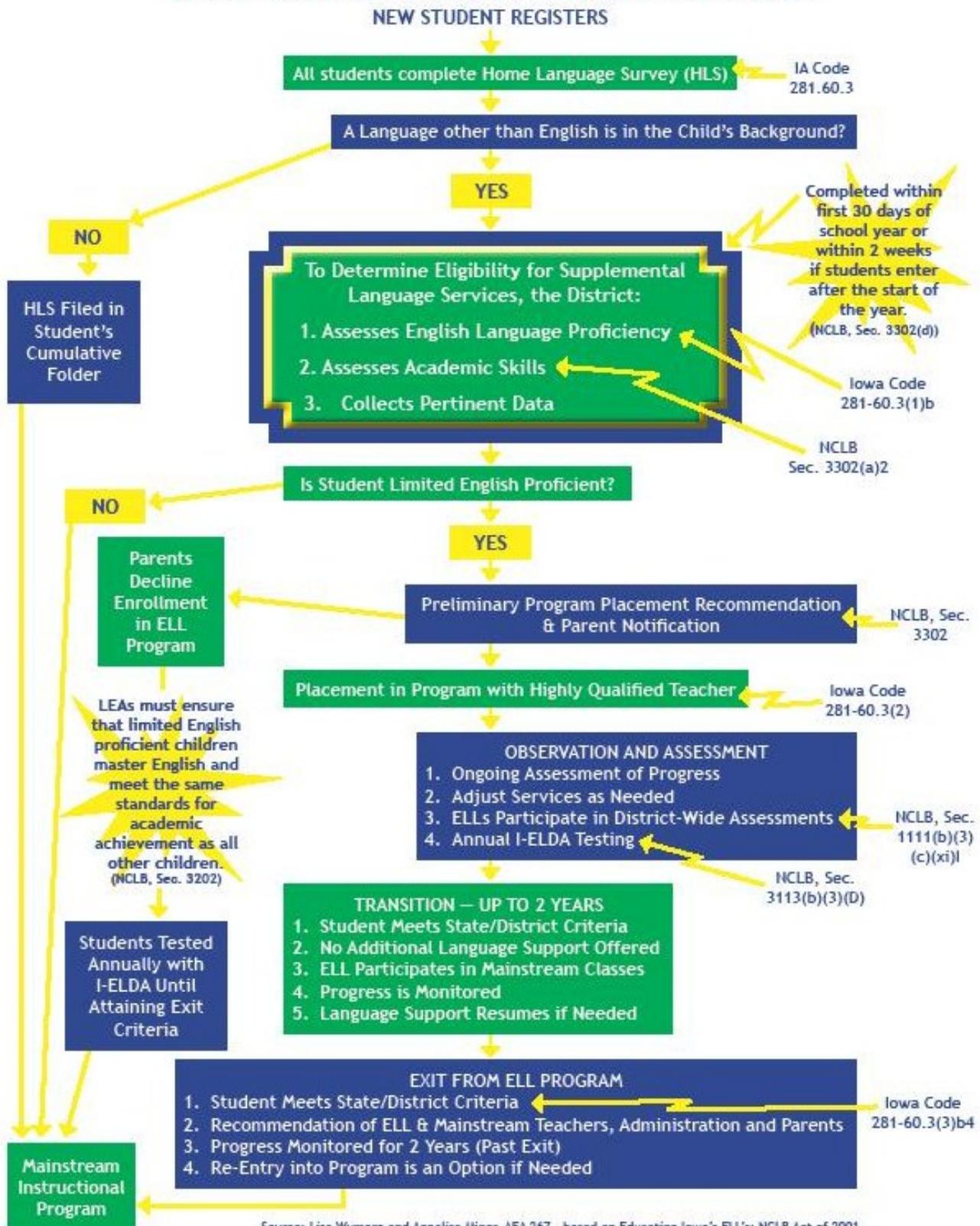
Districts may elect to include the following visuals as reference documents for staff:

- ELL Process & Procedures Flowchart (page 33 of this guide)
- ELL Assessment Timeline (page 34 of this guide)

These are distributed by the AEA 267 ELL Consultants and are available for download in pdf format at:

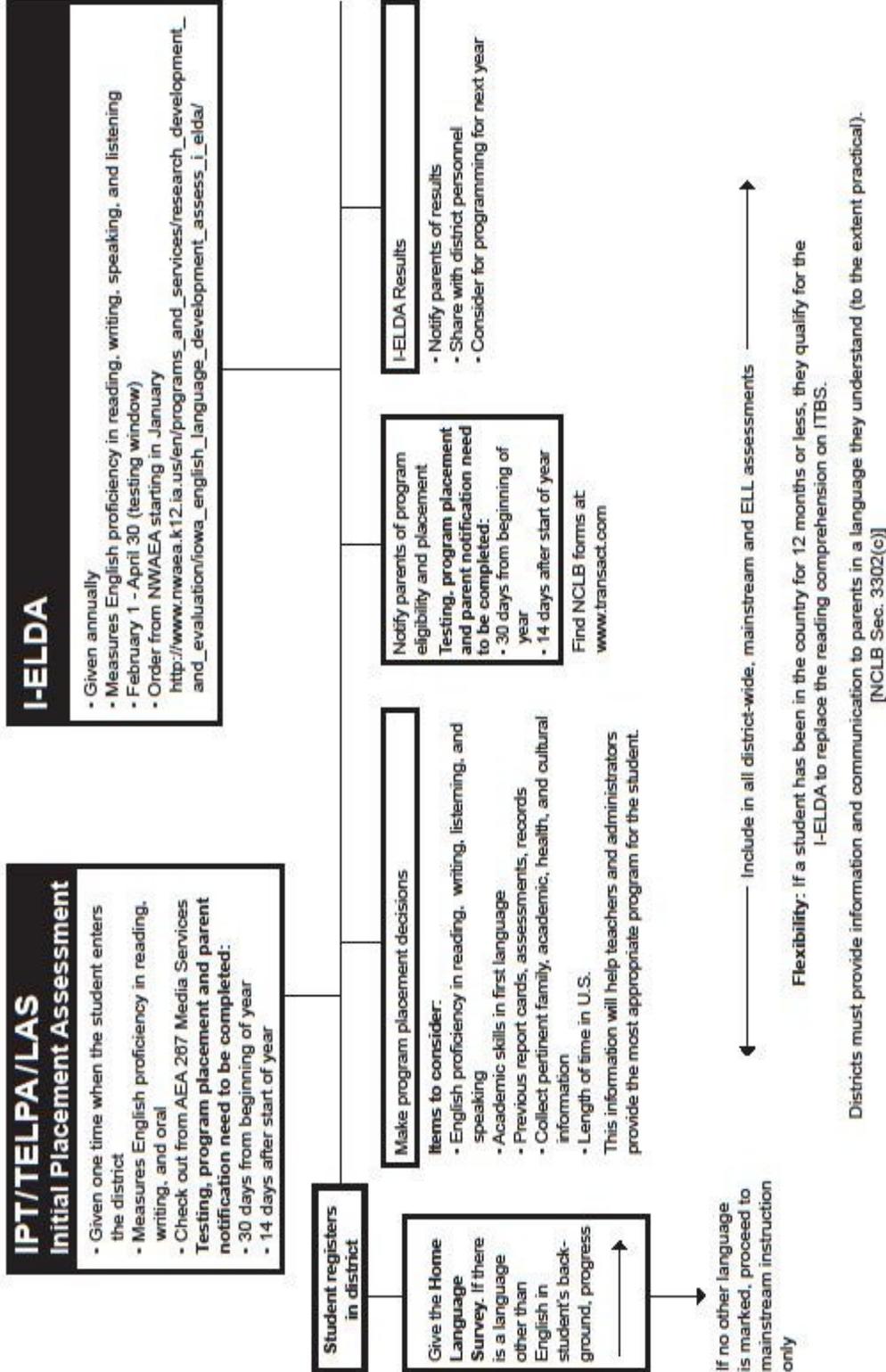
<http://www.aea267.k12.ia.us/ell/assessment-resources/initial-placement-assessments/>

## Process and Procedures for Delivery of ELL Services



Source: Lisa Wymore and Annalisa Illiner, AEA 267 - based on Educating Iowa's ELL's; NCLB Act of 2001.

# ELL Assessment Timeline



## Appendix G

Districts may elect to include information and tools on the Iowa-ELDA as reference for staff. Some recommended documents are listed below.

All documents are available on the Northwest AEA I-ELDA website:

[http://www.nwaea.k12.ia.us/en/programs\\_and\\_services/research\\_development\\_and\\_evaluation/iowa\\_english\\_language\\_development\\_assess\\_i\\_elda/](http://www.nwaea.k12.ia.us/en/programs_and_services/research_development_and_evaluation/iowa_english_language_development_assess_i_elda/)

- Who Should be Assessed with the Iowa-ELDA
- Enrollment Descriptors: ELL Participation in District Wide Assessments
- Iowa-ELDA Standards Record Sheets for K & Grades 1-2
- Proficiency Level Descriptors (Listening, Speaking, Reading & Writing)
- Composite Proficiency Level Descriptors

Additional training modules and information are available at the AEA 267 ELL website:

<http://www.aea267.k12.ia.us/ell/i-elda-information-and-training/>