Washington Office of Superintendent of
PUBLIC INSTRUCTION

Washington State Multilingual Learners: Policies and Practice Guide

2023

CHAPTER 5: ENGLISH LANGUAGE DEVELOPMENT SERVICES

Dual Civil Rights Obligation

Districts must meet the dual obligation of providing designated English language development services as well as providing meaningful access to rigorous, grade-level content. OSPI's Multilingual Education Program supports and guides districts in designing and implementing programs which draw upon the assets of multilingual learners and utilize culturally responsive practices.

Civil Rights Guidance-Staffing

School districts have an obligation to provide the personnel and resources necessary to effectively implement their chosen TBIP program models. This obligation includes having highly qualified teachers to provide English language development services, trained and supported core content teachers who provide meaningful access to rigorous, grade-level content, administrators trained in second language acquisition who can evaluate these teachers, and adequate and appropriate materials for the TBIP program.

Paraprofessionals, aides, or tutors may not take the place of qualified teachers and may be used only as an interim measure while the school district hires, trains, or otherwise secures enough qualified teachers to serve its multilingual learners. If a school district uses paraprofessionals to provide language assistance services to multilingual learners that supplement those provided by qualified teachers, it may do so only if the paraprofessional is trained to provide services to multilingual learners and instructs under the direct supervision of a qualified teacher. Read more in the 2015 Dear Colleague Letter on meaningful participation for English learners. Learn more about compliance monitoring for qualifications for staff who instruct multilingual learners in section 7 of the Program Review checklist.

Equitable Access to School and District Programs

State and federal civil rights laws, including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, require school districts to allow multilingual learners the opportunity to participate in all programs, services, and activities offered by the district.

Districts may not categorically deny multilingual learners from participating in any program, service, or activity solely based on students' English proficiency. This includes honors and advanced courses, Career and Technical Education, Highly Capable Programs, online programs, Title I services, special education, Advanced Placement, extracurricular activities, and athletic programs. If, for example, a school district has a process for locating and identifying students for

a particular program or activity, it must also locate and identify multilingual learners who could benefit from the program.

Tests used to place students in specialized programs should not prevent a student from qualifying simply based on a student's English proficiency. For programs with entrance exams, testing multilingual learners in English may not effectively demonstrate their ability or skills. Testing in the student's primary language may be necessary to provide multilingual learners an equal opportunity to participate.

For more information, refer to Prohibiting Discrimination in Washington Public Schools: Guidelines for school districts to implement Chapters 28A.640 and 28A.642 RCW and Chapter 392-190 WAC.

Services for Multilingual Learners

Multilingual learners vary in their needs, their trajectories toward proficiency, and their self-efficacy in acquiring academic English. Program models have an impact on how students make progress. Yet all students must experience robust, effective English language development instruction as well as meaningful access to content.

It may be beneficial to utilize an individualized learning plan to target students' specific and unique needs, which can guide all teachers and support collaboration among teachers and with the student to reach the student's goals.

The unique differences in services for newcomer students, students progressing towards proficiency, Long-Term English Learners (LTELs), and students served in alternative learning environments are outlined in the following sections.

Services for Beginning-Level Students (typically less than 2 years in program)

Beginning level students at any grade level arrive with varying levels of English proficiency. Some have limited conversational or academic English, while others have been simultaneously acquiring their primary language as well as English. In general, these students need:

- An emphasis on oral language development which is foundational to literacy in English,
- Support in forming friendships and connections with English monolingual classmates and multilingual students who do not share the newcomer's language, and
- Access to dual language programs, where available.

Please refer to Chapter 8: Newcomer Students of this Policies and Practices Guide for more information on newcomers, including information on transcript review, pathways to graduation, and other topics specific to newcomers.

Services for Intermediate-Level Students (typically 2 to 5 years in program)

As students progress through the grades, their language development (which is NOT a linear trajectory) will typically show overall continued growth, with some plateaus, based on the program model. Some years may show little growth and others greater. The needs of students who are continuing to develop language proficiency include:

- Ongoing, robust, targeted English language development instruction related to their specific language proficiency and needs (requirement of the Civil Rights dual obligation),

- Continued emphasis on oral language development and academic discourse with extensive opportunities for discussion and verbal interactions with more proficient peers and adults,

- Meaningful access to rigorous, grade-level content throughout the day in all classes (requirement of the Civil Rights dual obligation), and

- Ongoing progress monitoring of language development with targeted English language development instruction based on formative assessment data.

Services for Long-Term English Learners (typically 5+ years in program)

Characteristics of LTELS

Long-term English Learners or LTELs are students who have been receiving English language services for more than 5 years **and** whose English development has plateaued. Typical characteristics of LTELs include:

- Significant needs in reading and/or writing.

- Gaps in academic background knowledge.

- Disengagement, learned passivity, or even invisibility in school.

- Lack of awareness that their academic skills, courses, and/or academic record may not be preparing them for college.

The majority of LTELs have lived most, if not their entire lives, in the United States, and much of their English exposure is from non-native speakers. Most LTELs express a desire to attend college but have often internalized a sense of failure that they may believe is their responsibility.

Needs of LTELS

Long-term English Learners need a safe learning community with a growth mindset that affirms their language, culture, and life experiences. They also benefit from instruction on cognitive and metacognitive strategies, ample use of graphic organizers and non-linguistic representations, and explicit instruction on study skills and the behaviors associated with academic engagement and success. **Long-term English Learners need us to identify and know them!**

Educators can support LTELs by identifying them and assessing their skills to pinpoint specific language needs. Schools should also monitor their progress by analyzing student work samples, observing their participation and expressive oral language development, and adjusting instruction and support as needed.

2019 WA State Data								
Number of LTELs/Percent out of ML population per grade level								
4th	5th	6th	7th	8th	9th	10th	11th	12th
4815	4596	4340	4525	4125	3730	2927	2497	2036
66.2%	68.4%	68.9%	70.1%	67%	61.3%	55.7%	51.4%	47.6%

Strategies for Supporting LTELS

The following are strategies for supporting long-term English Learners with a focus on developing academic language, oracy, and literacy, addressing academic gaps, and engaging students actively with rigor and relevance. It may be beneficial to utilize an individualized learning plan to target the specific and unique needs of students, which can guide all teachers and support collaboration among teachers and with the student to reach the student's goals.

Academic Language Development

- Utilize the WIDA ELD Standards Framework to identify language expectations and goals for content units.
- Provide specific, targeted instruction on language functions and features needed to complete expressive tasks and assessments in content units.
- Provide ample opportunities to use and practice the language functions and features that are targeted in the language expectations for the unit.
- Engage students frequently in oral academic discourse integrated with content with specific instruction on academic language functions and features.

Oracy and Literacy Development

- Connect oracy and literacy with an intentional emphasis on expressive oral language development. "If we can't say it, we can't write it."
- Provide regular, structured opportunities for peer interaction and discussions (beyond turn-and-talks) with ample opportunities to express ideas about grade-level content topics and tasks.
- Engage students in close reading across content areas, focusing on language expectations, functions, and features from the WIDA ELD Standards Framework.
- Engage with relevant, real-world informational texts that are high quality, of high interest, and are not watered down.
- Write across a variety of topics and in a variety of formats to both express thoughts and support the learning process.
- Utilize frequent quick writes and opportunities to practice the targeted language functions and features.

Addressing Academic Gaps

- Build background knowledge related to key unit concepts by connecting it to and building on familiar prior knowledge, then applying it to new content.

- Teach vocabulary in word families, emphasizing cognates and false cognates and building meaning around words.

- Provide ample opportunities to use new words in discussion and in writing with scaffolds and graphic organizers, as necessary.

Active Engagement, Rigor, and Relevance

- Invite and expect (warmly demand) engagement.

- Provide support to take risks and extend and build language use.

- Maintain and communicate high expectations and academic rigor.

- Acknowledge the challenge of learning a new language and support students' efforts.

- Provide explicit instructions, models, mentor texts, rubrics, examples and non-examples of tasks, assignments, and expressive language expectations.

- Incorporate relevant grade-level content, issues, and materials.

Preventing LTEL Status

To prevent multilingual learners from slipping into long-term English Learner status:

- Monitor their language development closely and often. For example, the WIDA rubrics for speaking and writing can be used to analyze student expressive language associated with classroom assignments, tasks, projects, and assessments on a quarterly basis.

- Emphasize oral language development as an intentional foundation for literacy.

- If multilingual learners are in the 4th or 5th year of services and are not showing progress, create individual short-term language goals that all teachers can focus on across content areas.

- Monitor students' socio-emotional identity development and sense of belonging. These can have a significant impact on their linguistic and academic growth.

With systematic support and intentional strategies, educators can reduce the number of multilingual learners who become long-term English learners and increase their success and opportunities for the future.

Services for MLs in Alternative Learning Environments

Civil Rights Obligations

Public schools must take affirmative steps to ensure that multilingual learners can participate meaningfully in their educational programs and services. Open Doors programs, non-traditional school settings, and online/virtual learning environments must take the same rigorous steps as traditional schools to meet these requirements. To comply with state and federal laws, the following civil rights obligations must be met for multilingual learners enrolled in Open Doors programs, non-traditional school settings, or online/virtual schools regardless of whether the school district receives Transitional Bilingual Instruction Program (TBIP) or Title III funding:

- Identify all eligible multilingual learners, including those with disabilities, using a home language survey and English language proficiency screening.

- Provide all multilingual learners with appropriate and effective English language development services and accessible content instruction.

- Ensure that qualified staff provide English language development services.

- Communicate with students and their families in a language they can understand.

- Send family notifications regarding program eligibility (or student notifications for students 18 and older).

- Avoid unnecessary segregation of multilingual learners from general education programs and services.

- Assess and progress monitor English language development for all eligible multilingual learners.

Funding and Providing English Language Support

Multilingual learners in alternative learning environments are entitled to Transitional Bilingual Instruction Program (TBIP) services. The school district receives additional TBIP funding for their TBIP-eligible students.

The District Assessment Coordinator (DAC) is responsible for oversight of TBIP eligibility testing using the state-approved English Language Proficiency (ELP) screener, as well as administering the WIDA ACCESS annual assessment to all eligible multilingual learners each spring. Following state procedures, the District Assessment Coordinator could also train staff from the alternative learning environments to administer ELP assessments. The school district retains records of student eligibility in the student's cumulative file.

The school district must ensure that all eligible multilingual learners receive English language development services within 10 school days of enrollment. The school district can send qualified staff to provide English language development services through the ALE or contract with the ALE program provider to deliver services. If the ALE program provider delivers TBIP services, the school district retains the responsibility of oversight. The agreement between the provider and the school district should include the percentage of funding that will flow through to the

provider and the percentage of funding the district will retain for oversight, testing, and professional development.

Exited ML students continue to receive TBIP monitoring, and the school district can claim Exited TBIP funding for the two years after the student tests out of English learner status. For guidance, see the Services for Exited Students section below.

Students who are TBIP-eligible and enrolled in an ALE program are claimed monthly on the P223 as one headcount in the TBIP field. The student's TBIP program would be reported at the ALE school. If the TBIP services are provided outside of the ALE program, the hours can be reported as partial FTE at the school where the TBIP services are provided, and the FTE claimed at the ALE program would be reduced so that no student's total FTE exceeds 1.0. Exited ELs are reported monthly on the P223 as one headcount in the Exited TBIP field at the Open Doors school or other ALE program.

District TBIP Grant Application

In order for a school district to receive TBIP funding for the ALE program, the district's program must be approved through an annual grant application. In the grant application, school districts will submit a description of TBIP services delivered through the ALE, including the following:

- Who will deliver services,
- Qualifications for providing English language development services,
- A description of the services and the district's oversight of these services,
- Professional development to staff delivering services,
- Who will be responsible for identification and annual testing, and
- How these services will be evaluated on an annual basis.

The program narrative submitted for approval of a multilingual learner pathway in the ALE can be used in the TBIP grant application.

Technology Supports for Eligible Students

Many districts recognize the potential of software applications to support the development of academic English. Districts may choose to use technology supports for MLs provided:

- Software was specifically designed for English language development for MLs
- Technology supports are NOT the sole designated ELD provided to the student
- Technology may ONLY be used to supplement (never to replace) ELD planned and provided by a teacher with the appropriate endorsement and knowledge of language acquisition (paraeducators may provide supplementary instruction and must be supervised by an endorsed teacher)

TBIP funds may be used to purchase supplementary technology support tools ONLY if the above conditions have been met.

Services for Exited (Former)TBIP Students

RCW 28A.180.030 defines an "exited pupil" as a student previously enrolled in the transitional bilingual instruction program (TBIP) who is no longer eligible for the program based on their performance on an annual English language proficiency assessment approved by the Superintendent of Public Instruction. RCW 28A.180.040 requires school boards to provide instructional support for exited pupils who need assistance in reaching grade-level performance in academic subjects.

The only means by which a student served under TBIP and/or Title III may demonstrate proficiency in academic English and, thereby, exit services is through the annual language assessment approved by the state. Beginning in spring 2022, this is the WIDA ACCESS Assessment.

After students have exited a TBIP program, school districts must monitor the academic progress of former MLs for at least two years to ensure that:

- Students have not been prematurely exited.

- Students are meeting challenging state standards.

- Students are meaningfully participating in the standard instructional program comparable to their never-EL peers.

Although funds are allocated based on the headcount of eligible exited TBIP students who are enrolled in each district, districts will make the determination of the amount and type of supplemental instructional support based on eligible students' needs in the academic subjects in which they are not at grade level. Academic subjects are not limited to those that fall within state testing requirements.

Districts should use more than one measure to determine when a student needs assistance in reaching grade-level performance. Such review of exited students' academic needs should occur throughout the school year and not be limited to annual assessment results. Measurements can include but are not limited to grades, teacher recommendations, and state, district, and classroom assessments.

Academic support could be provided by a member of the district's ELD staff or other district staff best able to meet the specific individual academic needs of the exited students. This support may be provided before, during, or after school. The following items are examples of ways a district may use TBIP funds for exited students:

- Expanded access to homework supports to increase academic achievement

- In-class support

- Extended day, extended year, and/or Saturday support services

- Heritage language programs

- Other innovative district programs designed to assist students in reaching grade-level standards in academic subjects

Services provided will depend on the individual academic needs of exited students identified as needing support. The district should provide support based on specific students' needs rather than developing a program in which all recently exited English learners participate.

The exit criteria on the annual language proficiency assessment are set with the anticipation that exited multilingual learners will be proficient enough in English to participate meaningfully in the regular educational program. Districts should provide language development services only as long as necessary for the eligible multilingual learner to transition out of the program.

While the focus of TBIP services to exited students is academic support, language development support should also be provided if this need is identified through monitoring.

Program Evaluation of Exited Multilingual Learners

Both TBIP and Title III require evaluation of the effectiveness of services and the academic performance of students after they exit a district's English language development program.

ESEA Title III, Section 3121(4) indicates districts' program evaluations must include "a description of the progress made by children in meeting challenging state academic content and student academic achievement standards for each of the two years after such children are no longer receiving services" to support English language development.

Reclassification of Exited Multilingual Learners

A school district's monitoring of an exited ML student may indicate that a persistent language barrier is the cause of academic difficulty. In such instances, first, examine the student's general education and intervention services and determine whether they are adequate. After a thorough examination of data and an in-person consultation with the family, school districts should retest the student with the state's English language proficiency screener to determine if there is a persistent language barrier. Prior to reassessing the student, school districts should document the bases for rescreening and the parents' consent to rescreening. In order to rescreen a student for reclassification, the parent must consent to having their child rescreened.

If the results of the rescreening qualify the student as an English learner, the school district must re-enter the student into English learner status, offer English language development services, and send home the parent notification of student placement into the program. The district may claim the reclassified student for funding. Students who test but do not qualify on their initial screener, and who later demonstrate a need to be reassessed, should also follow the reclassification process. Exited English learners may be considered for reclassification during or after the two-year monitoring period.

References

Olsen, Laurie. *Meeting the Unique Needs of Long-Term English Learners.*

Olsen, Laurie. *Secondary School Courses Designed to Address the Language Needs and Academic Gaps of Long-Term English Learners*. Available from Californians Together.

O'Hara, Pritchard, & Zwiers. *Common Core Standards in Diverse Classrooms.*

WIDA. *The WIDA ELD Standards Framework* and *WIDA MODEL Rubrics.* WIDA Resource Library.

For more information on providing multilingual learners with English language development services, see the U.S. Department of Education's EL Toolkit Chapter 2, and for providing meaningful access to curricular and extracurricular programs, see EL Toolkit Chapter 4.