

AFFIRMATIVE OBLIGATIONS FOR EDUCATING EL STUDENTS

IDENTIFICATION AND ASSESSMENT

One of the affirmative obligations placed on schools is having a process in place to identify and assess potential EL students. This process must ensure that all potential EL students are identified and assessed within 30 days of the start of the school year. As noted previously, under ESSA, each state will develop a standardized entrance and exit process for identification of EL students. Authorizers need to ensure its charter schools are aware of and abiding by the statewide uniform policy.

Generally speaking, the process for identifying potential EL students begins with the administration of a Home Language Survey (HLS). Most, if not all, states have a standard version of the Home Language Survey to be administered by schools. The Home Language Survey asks whether a language other than English is used in the home, whether the student's first language was a language other than English, and whether the student frequently speaks a language other than English.

If the answer to any of these questions is yes, the student must be assessed to determine his/her English proficiency and need for placement in the EL program. The Home Language Survey should be translated into high-incidence languages, and qualified interpreters should be available when needed to help families complete the Home Language Survey in a language that they understand.

OCR also recommends that schools clearly communicate the purpose of the Home Language Survey to applicants, letting them know that the HLS will only be used to offer appropriate educational services, not for determining legal status, not for immigration purposes, or to otherwise discriminate against them. OCR further recommends that schools inform families that if their child is identified as needing EL services, they may decline those services.

A school's identification and assessment process should comply with the statewide uniform identification policy in accordance with ESSA and should include standard and uniform procedures for administering and interpreting the Home Language Survey results. This procedure should describe who is responsible for administering the HLS, how it is to be done, and in what forms it should be administered (i.e., orally, written, in English, or in a home language translation). The procedure also should describe how staff are trained to administer the HLS and how often refresher trainings will occur. The procedures should further provide specific guidelines for interpreting HLS responses (for example, what responses trigger an assessment, what happens if responses are unclear or contradictory, etc.). Finally, the procedures should include methods to record results in the student's records and to record translation/interpretation needs of the parents in the student information system.

Once the Home Language Survey is administered, schools must administer a valid and reliable assessment of proficiency in all four domains of English (i.e., speaking, listening, reading, and writing), consistent with the state’s uniform EL identification policy and process, to determine if placement in the EL program is necessary. Many states rely on a standard assessment (and more states may do so in order to comply with ESSA’s requirements), but in the event that a charter school is permitted to choose its own assessment, it must be considered valid and reliable and test in all four domains of English. Individuals administering this assessment should be trained and qualified to administer such assessment. Additionally, a school’s procedure for assessing potential EL students should describe who will administer and score assessments, what training is required to ensure valid and reliable results, and how records of results are maintained.

In addition to the assessment of English proficiency, schools should solicit teacher input to determine if teachers have identified any students in their classes who may have limited English proficiency but who have not yet been identified.

Once a student is identified for placement in the EL program, schools must provide written notice to parents in a language they understand of the student’s EL program placement. This notice must be provided within the first thirty days of the school year. Further requirements for this notice are discussed in more detail on page 36.

Authorizers should require charter applicants to provide an “EL Identification and Assessment” plan during the petition phase, and authorizers should annually review both the school-level policies/practices and data collected by the school about students who have been identified and assessed as potential English learners. Moreover, authorizers must ensure the school’s policies and practices align with the statewide uniform EL identification policy and process.