



NEBRASKA  

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ENGLISH  
LEARNER  

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PROGRAMS

# RULE 15

A Guide for Implementation

Updated July 2024

It is our hope that educators across Nebraska use the information in this guide to improve learning programs and instruction for every EL student. A sincere “Thank You” is extended to the following individuals who shared their experiences and knowledge to create this guide.

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# TABLE OF CONTENTS

- Overview of Rule 15**.....4
- Purpose of the Implementation Guide.....4
- Where do I start?.....4
- Rule 15: Section-by-Section.....5
- Sections**
- 003: Identification of English Learners.....6
- 004: Language Instruction Educational Programs.....11
- 005: Staffing.....16
- 006: Standards, Assessments and Accommodations for English Learners.....19
- 007: Exit Requirements.....23
- 008: Language Instruction Program Review.....27
- Appendices**
- A: Common Terms and Acronyms.....31
- B: Tools and Templates.....33
- C: Nebraska Department of Education Resources.....49
- D: Implementation Checklists.....50
- E: Rule 15.....56

# OVERVIEW OF RULE 15

## PURPOSE OF THE IMPLEMENTATION GUIDE

In December 2010, former Commissioner of Education, Roger Breed, identified four service projects to accomplish in 2011, one of which was the development of a rule governing the provision of services to EL students. He recognized the growing EL population in Nebraska and wanted to ensure consistency among school districts in identifying, serving, and exiting English learners from high-quality language instruction educational programs.

Rule 15, Regulations and Procedures for the Education of Students with Limited English Proficiency in Public Schools was signed by the governor on June 18, 2012. *Rule 15: A Guide for Implementation* was developed as a companion document to the rule to clarify its provisions so districts can more easily implement the rule's provisions. Districts can use the guide when developing and reviewing services for EL students.

**With the reauthorization of Elementary and Secondary Act, Rule 15 was amended to reflect changes in federal laws and regulations as well as current best practices. The following are key milestones in the revision of Rule 15 and the Guide for Implementation:**

- Meeting with the Nebraska Department of Education (NDE) and external stakeholders was conducted – August 2017
- NDE staff met with the State Board of Education to provide updates on the revisions of the rule – Fall 2017
- A public hearing was held to receive oral and written testimony – November 2017
- The State Board of Education approved the revisions of Rule 15 – December 2017
- The Governor approved Rule 15 revisions – May 8, 2018
- A committee of EL educators was convened to revise the *Rule 15: A Guide for Implementation* – Spring 2018
- *Rule 15: A Guide for Implementation*, companion guidance to Rule 15, released – Summer 2018

We hope that districts will use this guide to establish, review, and improve services for English learners. The guide will be updated as needed by the Nebraska Department of Education.

Throughout this document, the phrases “English language learner” and “English learner” and their respective acronyms, “ELL” and “EL” are similar in meaning. Both terms are used interchangeably.

“English as a second language” or “ESL” may be used to reference programming or endorsements.

Using the term ML (multilingual learners) emphasizes the importance of respecting home language as students are simultaneously learning English in Nebraska schools. In addition to the term ML (multilingual learner), EL (English learner) is the term used in Federal and State policy.

Throughout the guide, there are references to the annual state English-language proficiency assessment and the state content assessments. Although the guide does not reference them by name, they respectively refer to the English Language Proficiency Assessment for the 21st Century (ELPA21) and the Nebraska Student-Centered Assessment System (NSCAS).

## WHERE DO I START?

It is important to thoroughly read Rule 15; then, use this guide as a resource.

EL students face the dual challenge of learning English and learning academic content at the same time—no easy task. Successful programs vary from urban to rural districts and from high- to low-incidence EL populations. Successful language instruction educational programs address the teaching of English in a systematic way and have a foundation in research for EL students. Districts must provide appropriate professional development, an avenue for reviewing the EL program, and capabilities for

making changes, as needed. *Rule 15: A Guide for Implementation* addresses the range of needs of districts across the state.

Implementing Rule 15 is a task shared by many district staff. Leadership from administrators is paramount to implementing the rule. In addition, other staff members have key roles in ensuring that English learners are identified and served as it relates to their language and academic needs.

In addition to this guide, districts can access a variety of resources for assistance in implementing Rule 15. For example, Educational Service Units have expertise in professional development, data analysis, and resource support. Many Nebraska schools have expertise to share with districts who are establishing a new language instruction educational program or who are in the process of reviewing an existing program. Not only is it helpful to consult with those districts, but the Nebraska Department of Education also provides consultation on how to carry out the provisions of Rule 15.

Reminder: School districts receiving federal funds must comply with Title VI of the Civil Rights Act of 1964, the Elementary and Secondary Education Act and all other applicable laws, regulations and guidance.

## **RULE 15: SECTION-BY-SECTION**

**Rule 15 consists of the following nine sections:**

- Section 001 – General Provisions
- Section 002 – Definitions
- Section 003 – Identification of English Learners
- Section 004 – Language Instruction Educational Programs
- Section 005 – Staffing
- Section 006 – Standards, Assessments and Accommodations for English Learners
- Section 007 – Exit Requirements
- Section 008 – Language Instruction Program Review
- Section 009 – Compliance as a Condition for School Accreditation

Section 002 of Rule 15 defines three terms – Language instruction educational program (LIEP), English Learner (EL), and native language. Appendix A provides these definitions plus additional common terms and acronyms that will help in understanding any unfamiliar language used in this guide.

**At the heart of implementation are sections 003 through 008. These features are contained in the section-by-section descriptions that follow:**

1. Quality Indicators appear in Rule 15 but are not a requirement of school districts; they may be used to help design local programs for English Learners
2. Scenario(s) to start thinking about implementation
3. Narrative text to explain “What Rule 15 Says”
4. Recommendations for Implementation
5. Checklists to review implementation of each section
6. Frequently Asked Questions and Answers (FAQs)

**Several appendices are also included in this guide:**

- Appendix A includes definitions for common terms and acronyms.
- Appendix B includes the tools and templates referenced at the end of each section. These tools and templates can be customized to meet the needs of the school district.
- Appendix C lists Nebraska Department of Education websites and resource links, as well as additional websites that can be used to implement Rule 15.
- Appendix D combines each section’s implementation checklist into one document for easy use and tracking.
- Appendix E is the final language of *Rule 15, Regulations and Procedures for English Learner Programs in Nebraska Public Schools*.

# SECTION 003: IDENTIFICATION OF ENGLISH LEARNERS

## QUALITY INDICATOR

A home language survey and a valid and reliable English language proficiency assessment are administered by school district personnel. As a result, districts can appropriately identify and place students in a language instruction educational program so that all students have an equal opportunity to achieve academically, regardless of the student's native language. Timely parental notification allows parents to make an informed decision regarding student program placement.

## SCENARIOS

**Scenario 1** – In November, Juanito and his family come to Capital View Elementary to enroll him in 4th grade. The building registrar, Mrs. Smith, gives the parents the Home Language Survey (HLS) to complete. On the Home Language Survey, Juanito's parents indicate that he speaks Spanish at home. Mrs. Smith then contacts the English Learner (EL) teacher so a language proficiency assessment can be given to Juanito to see if he qualifies as an English learner. The teacher administers the ELPA21 Screener. Juanito scores Advanced on the speaking and listening domains but scores Intermediate on the reading and writing domains, resulting in a proficiency determination of Progressing. The district provides a translated written notification to parents within two weeks telling them that Juanito qualifies for services in the EL program.

**Scenario 2** – Vladimir and his family come to Platte River High to enroll him in the 9th grade in January. Vladimir attended another Nebraska school district for the first semester. Vladimir's mother shares with the counselor that he received EL services at his last school. The counselor is not required to administer a language proficiency assessment but acknowledges that he is eligible for EL services. The counselor then requests EL records from the previous Nebraska district to confirm his language level and set up programming.

**Scenario 3** – Aurelia's parents enroll her in Somerville Public Schools. On the Home Language Survey (HLS), they answer one of the questions with a language other than English. Aurelia is given the ELP screener, which indicates she is EL-eligible. Upon receiving the parent notification form, Aurelia's mother calls the district with concerns about her being placed in the EL program and indicates she does not want Aurelia to be in the language instruction educational program (LIEP). The district sets up a meeting to explain the benefits of the program and offers to have an interpreter present at the meeting. After considering the options, her mother decides to opt Aurelia out of the EL program with the understanding that if Aurelia begins to struggle the district staff and parents may reconsider EL program services. The mother is also informed that Aurelia will still be tested in the spring on the ELP assessment. The district will make sure that within the general education classroom, Aurelia's English language needs are being met. The entire process is documented and kept in the cumulative folder.

**Scenario 4** – A family enters Edison High School to register their son, Ivan. They put a language other than English for the question about what language is primarily used in the student's home regardless of the language spoken by the student. Ivan is given the screener and qualifies for the EL program. The family then wants to change the HLS. If the family misunderstood the question and answered it incorrectly, the school can document this situation and accept the updated HLS. If the family really does have another language used in the home, they have the option to waive the EL services for Ivan but Ivan will still need to take the annual ELPA21 Summative assessment until he meets proficiency.

## WHAT RULE 15 SAYS

When new students enter Nebraska schools, a Home Language Survey must be administered to determine if the student is a potential English Learner. If the student is coming from a Nebraska school district, the district must obtain documentation from the previous district of the student's EL status in order to provide timely notification consistent with provisions in this Chapter.

### **Administer a Home Language Survey as part of the admission process to:**

- All incoming kindergarten students
- All students new to the district

The Home Language Survey must be completed by a parent/guardian or can be completed by a student who is emancipated or has reached the age of majority.

**The three questions required by Rule 15 for the Home Language Survey include:**

- What language did the student first learn to speak?
- What language is spoken most often by the student?
- What language is primarily used in the student's home regardless of the language spoken by the student?

If a response to one of more of the three required questions in the Home Language Survey is a language other than English, a language proficiency assessment must be administered to determine if the student qualifies as an English Learner. If the student is coming from a Nebraska school district and is currently identified as EL, then the school district does not have to administer a language proficiency assessment. The district must obtain documentation from the previous district in order to provide timely notification of the student's EL status.

**Select a language proficiency assessment that meets the following requirements:**

- The instrument must assess English proficiency in listening, speaking, reading, and writing
- The instrument is determined by the district to be valid and reliable in measuring English-language acquisition
- The instrument must yield composite scores or levels that indicate whether a student is proficient in English

**The student will be identified as EL if both of these indicators are met:**

- The HLS indicates the student has a home language other than English
- The student performance on the assessment instrument indicates the student is not proficient in English

If both indicators are met, the student qualifies for EL services. The school district must notify the parent, guardian, or other person enrolling the student of the student's EL status within (30) calendar days after the beginning of the fall term or within the first two (2) weeks of enrollment if the student was not enrolled at the beginning of the fall term. Notification of EL services must be done on an annual basis until such student exits the English learner status.

## **RECOMMENDATIONS FOR IMPLEMENTATION**

### **Administering the Home Language Survey (HLS)**

1. Design a HLS that includes the three questions required in Rule 15
2. Include the HLS in the district's registration materials
3. Train designated personnel (at the building level or district office registrar) in the process of survey administration
4. Explore options for interpreting and translating enrollment forms including the HLS
5. Administer the English-language proficiency assessment (screener) if any of the three questions indicate a language other than English
6. File the original HLS in the cumulative folder and/or document the student's EL status in the district's online student record system

### **Administering the initial English-Language Proficiency (ELP) assessment (ELP screener)**

1. Request technical assistance from the ESU, NDE, or other school districts if the district does not yet have an ELP screener
2. Use a valid and reliable ELP screener designed to measure English language acquisition
3. Follow the testing protocol as outlined in the testing administration manual of the chosen assessment
4. Provide professional development for school district personnel in administering the ELP screener
5. Train the assessment personnel to interpret the results of the ELP screener
6. Communicate the results of the assessment to teachers and others who are implementing the language instruction educational program (LIEP)
7. Designate the student as EL eligible in the school district database (e.g., Infinite Campus, PowerSchool) if the assessment results indicate that the student is an English learner
8. Notify the parent, or guardian, or other person enrolling the student within the required time frame that the student qualifies for EL services. Be sure to include all elements in the parent notification as required by Title I § 1112(e)(3). The parent notification letter in TransACT ParentNotices meets all requirements.

## Maintaining Documentation

1. Maintain documentation that can be made available to other districts when a student transfers within Nebraska. Such documentation includes:
  - Home Language Survey
  - English-language assessment results
  - Parent notification of EL eligibility
  - Documentation of the district's request of records from a previous Nebraska district

## CHECKLIST

	Indicator of Section 003 Implementation	Process in Place	Notes
1	Design an HLS that includes the three questions required in Rule 15.		
2	Include the Home Language Survey in the district's registration materials.		
3	Train designated personnel (at the building level or district office registrar) in the process of survey administration.		
4	Explore options for interpreting and translating enrollment forms including the HLS.		
5	Administer the English-language proficiency assessment (screener) if any of the three questions indicate a language other than English.		
6	File the original HLS in the cumulative folder or document in the online student record system.		
7	Request technical assistance from the ESU, NDE, or other school districts if the district does not yet have an ELP screener.		
8	Use a valid and reliable ELP Screener designed to measure English language acquisition.		
9	Follow the testing protocol as outlined in the testing administration manual of the chosen assessment.		
10	Provide professional development for school district personnel in administering the ELP screener.		
11	Train the assessment personnel to interpret the results of the ELP screener.		
12	Communicate the results of the assessment to teachers and others who are implementing the language instruction educational program (LIEP).		
13	Designate the student as EL eligible in the school district database (e.g., Infinite Campus, PowerSchool) if the assessment results indicate that the student is an English learner.		
14	Send the notification letter informing families or guardians of EL status and services.		
15	Maintain documentation that can be available for other districts when a student transfers within Nebraska.		



## FREQUENTLY ASKED QUESTIONS

**1. Is a district required to administer a Home Language Survey if there are no English Learners?**

Yes. Without administering the Home Language Survey, district staff do not know if a language other than English is spoken by the student. The HLS should be completed by all students new to the district. Only an English-language proficiency assessment will determine if the student is EL.

**2. When a new student enrolls and has previously attended another Nebraska district, is it possible to check his or her EL status on the state record system?**

EL status is included in the state student record system, however, it cannot be viewed by a district for students who are transferring from another Nebraska district. That information must be obtained from the previous district.

**3. If a new student enrolls from another Nebraska school district and the student hasn't exited from EL services, must the district administer an ELP screener?**

No. If the student is coming from another Nebraska school district and is currently identified as EL, then the school district does not have to administer an ELP screener. The district must obtain documentation from the previous district in order to provide timely notification of the student's EL status and determine appropriate programming.

**4. If a student enters from another state, must the district administer an ELP screener?**

Yes, if the Home Language Survey indicates that the student speaks a language other than English. However, if a student enters from a state that uses the ELPA21 assessment, and has a recent ELPA21 Score Report, the district may use that score report and does not need to screen the student.

**5. Can a district add additional questions to the HLS?**

No. Rule 15 requires three specific questions. A district may develop other survey/questions to gather background information but these may not be used in the process of identification. Districts may not ask questions regarding a student's legal immigration status, however; districts should ask questions for the purpose of identifying immigrant students (see Appendix A for definition of immigrant).

**6. Where can the Home Language Survey be found in other languages?**

An HLS that has been translated into multiple languages is available on the Title III Website at <https://www.education.ne.gov/natlorigin>.

**7. Does Rule 15 mandate that all districts use a particular screener?**

No. Districts do not need to use one particular screener. However, the ELP screener must assess listening, speaking, reading, and writing. It must be valid and reliable in measuring English language acquisition. And the ELP screener must yield composite scores or levels that indicate whether or not the student is proficient.

**8. What if on the HLS a parent answers English for each question even though other information indicates another language is spoken in the home?**

In this case, the student would not initially be given the ELP screener and will not be labeled as EL. The student's progress should be carefully monitored.

**9. If a student has not previously been identified as an English Learner and it is suspected that language acquisition may be playing a role in the student's difficulties, what steps are appropriate for this student?**

First, a student assistance team should meet to examine student background information and individual performance data. If it is determined that language acquisition is likely the issue, the team should test the student with a valid and reliable, grade-appropriate ELP assessment. Then, if the results indicate the student is not English proficient, the team should identify the student as EL-eligible, determine the language instruction educational program and communicate with parents about EL placement and programming.

**10. What if a parent refuses to have his or her child placed in a language instruction educational program?**

It is incumbent on the district to ensure the parent's decision is knowing and voluntary. Thus, school districts must provide guidance in a language parents can understand to ensure parents understand their child's rights, the ranges of EL services that their child could receive and the benefits of such services before voluntarily waiving them (Dear Colleague Letter, January 2015, p. 30). It is recommended that district personnel set up a face-to-face meeting with parents, including interpreters if appropriate, to ensure parents have a full understanding of the services they are waiving. Districts should document this process.

While the parent has the right to refuse language instruction educational services, the school must provide appropriate educational services that address the child's language needs. The child remains designated as an English learner on the state's student record system until Rule 15 exit requirements are met.

**11. Do I still have to administer the annual ELP assessment to a student whose family has waived English Learner services?**

Yes. All students designated as English learners must take the annual summative ELP assessment until they score Proficient regardless of their participation in the district's designated EL Program.

**12. Is there an age limit to participate in EL services?**

ALL students are eligible to participate in public school programs until age 21. Students are eligible for EL services through the school year when they turn 21, when they meet the district's high school graduation requirements or when they meet the program exit criteria (see Section 007).

**13. What information should be used to determine grade level placement for students entering without previous school records?**

Students should always be placed in an age-appropriate grade. Students at the high school level may be placed in a grade based on their high school credits. All students should have the opportunity to meet grade-level standards and graduation requirements within a reasonable amount of time (see DOJ/OCR Dear Colleague Letter, January 2015, Section D).

**14. What information must be included in the parent notification?**

The parent notification must be communicated in a language understandable to the parent and should include the required elements as outlined in ESEA Title I §1112(e)(3).

## **TOOLS AND TEMPLATES (APPENDIX B)**

- [Sample Home Language Survey](#)
- [Flow Chart for Identifying Students New to the District](#)
- [TransACT ParentNotices](#)

# SECTION 004: LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS

## QUALITY INDICATOR

Language instruction educational programs assist all English learners in acquiring the English language to successfully participate in classrooms where the language of instruction is English. The language instruction educational program is effective and values the cultural and linguistic diversity of the student.

## SCENARIOS

**Scenario 1** – Smith School District has never enrolled EL students. With the implementation of Rule 15, the district decided to develop a plan in case EL students would enroll in the district. In the plan, the district identified the key staff at each level—elementary and secondary— that would work with any newly enrolled EL students. The identified staff formed an ELL team that looked into program models, resources and various language development strategies. The team made sure that they had selected a program model that was systematic, effective and would enable students to meet academic standards in English. The team knew that this plan would need to be modified based on the specific needs of the EL students. This pre-planning served the district well because in the following school year, the district enrolled six EL students. The team was ready to implement the program.

**Scenario 2** – Duncan Community Schools enrolled three new EL students in the high school, a first for this district. A team of core content teachers and administrators met to discuss how they could best meet the language and content needs of these newcomers. As a result of the meeting, it was decided that the language arts teacher will devote one of her periods to bring the three students together for EL instruction. They will utilize a paraprofessional to provide support for the students in designated content classrooms. Because the language arts teacher does not have an ESL endorsement, she will attend a workshop provided by the Educational Service Unit (ESU) on appropriate EL methods and second-language acquisition. Although not required under Rule 15, but as part of best practice, the language arts teacher will meet with the other content teachers to share what she has learned.

**Scenario 3** – The Bingham School District enrolled its first EL student. The student is in 3rd grade and is a non-English speaker. The district administrator has decided that the 3rd grade teacher will provide the EL program for the student. The teacher has not had specialized EL training in the past. The district staff contacted the ESU and received guidance on EL strategies including the use of comprehensible language, visuals, specific vocabulary instruction, and the inclusion of language objectives as part of content instruction. The teacher participates in webinars focusing on EL methods and strategies during school hours. Additionally, the district purchases materials such as a bilingual dictionary, picture vocabulary cards, and leveled readers. The district staff meets regularly to review the language instruction educational services and discuss the professional development that may still be needed.

**Scenario 4** – Deer Park Public Schools has chosen to provide for EL student needs through a variety of program models. One elementary school has a significant EL student population. For that building, the district has hired an endorsed EL teacher who provides services for students in a variety of ways, including co-teaching language arts with some grades and in some cases, pulling students out of the general education classroom for additional instruction. Another elementary building has only a few EL students. The district provides support through teacher training and materials so that the students can have their language needs met by the classroom teachers. At the middle and high school levels, the district places EL students in EL and content classes appropriate for their language levels. The EL classes consist of English language development in the areas of speaking, listening, reading and writing instruction from teachers who have received specialized training.

## WHAT RULE 15 SAYS

Section 004 describes the requirements for a language instruction educational program (LIEP). This program, which is designed to support the EL student in English-language acquisition, must be:

- A systematic approach to teaching English
- Educationally sound in theory and effective in practice as recognized by experts in the field of language acquisition
- Designed to help English learners increase English proficiency and meet academic standards
- Designed to allow for meaningful access to programs and activities that are available to all students including, if appropriate, special education

## RECOMMENDATIONS FOR IMPLEMENTATION

**In order to choose and implement the program model, the following will help guide the planning process:**

1. Determine the language and academic needs of the EL students using language and content assessments, as well as other available data.
2. Analyze available resources (i.e., staffing, training, community resources).
3. Research and plan the LIEP to meet the language and academic needs of the students identified.
4. Choose and implement a program model that is systematic, educationally sound in theory and effective in practice, enables students to increase English proficiency and meet academic standards, and allows for meaningful access to programs/activities available to all students. (See the chart below).
5. Develop or adopt a curriculum that supports the Nebraska English Language Proficiency (ELP) Standards and is appropriate for the program model selected.
6. Plan for professional development designed for implementation of the program model selected.

### Program Model/Description

#### » **Newcomer Program**

##### Characteristics

- Students acquire beginning English-language skills in addition to core academic skills
- Helps students acculturate to the U.S. school system and community
- May utilize native language
- Designed to meet the needs of recent immigrants
- Designed to meet the needs of students with limited and/or interrupted formal education (SLIFE)
- Intended as a short-term program

##### Student Profile & Class Make-up

- Classes are composed of only EL students
- Implemented at both the elementary and secondary level

##### Teacher Profile

- Taught by a teacher with an ESL endorsement
- or-
- Teacher receives professional development in EL strategies to meet the language needs of students

#### » **Sheltered Instruction**

##### Characteristics

- Focus is on learning academic content while developing English-language skills
- May include some native language support
- Use of comprehensible language, physical movement, and visuals
- Instructional approach makes academic instruction in English understandable to EL students
- Use of both content and ELP standards

##### Student Profile & Class Make-up

- Classes are comprised typically of all EL students
- Classes include students from any language background
- Typically implemented at the secondary level; however, may also be appropriate for elementary

##### Teacher Profile

- Teacher endorsed in the content area and has an ESL endorsement
- or-
- Teacher endorsed in the content areas and receives professional development in EL strategies to meet the language needs of students

» **EL Pull-Out Program**

Characteristics

- English-language instruction is provided outside of the mainstream classroom in a small group setting
- Students spend the majority of the day in the mainstream classroom with instructional supports, as needed

Student Profile & Class Make-up

- Small groups comprised of all EL students
- Small groups include students from any language background

Teacher Profile

- Taught by a teacher with an ESL endorsement
- or-
- Teacher receives professional development in EL strategies to meet the language needs of students

» **EL Push-In/In-class Supports**

Characteristics

- English-language instruction is provided within the mainstream classroom which may:
  - ◊ make use of co-teaching with an EL teacher
  - ◊ make use of coaching/consulting with an EL specialist
  - ◊ be the classroom teacher providing the English language instruction
- EL students served in mainstream classrooms receive instruction in English with some native language support, as needed and/or available
- Common in districts or buildings with low numbers of EL students, but used in districts of any size

Student Profile & Class Make-up

- Classes are comprised of EL and English-speaking students

Teacher Profile

- Teacher endorsed in the content area and has an ESL endorsement
- or-
- Teacher endorsed in the content areas and receives professional development in EL strategies to meet the language needs of students

» **Dual Language Program**

Characteristics

- Serves both native-English speakers and speakers of another language concurrently
- Instruction is provided in both languages
- Both groups become bi-literate, learn academic content in two languages, and develop cross-cultural understanding
- Generally offered as one of several EL program options available with choice by parents
- District commitment to long-term programming so as to provide the opportunity for proficiency in both languages

Student Profile & Class Make-up

- Classes are comprised of EL and English-speaking students

Teacher Profile

- Utilizes bilingual teachers with content endorsement
- English teacher is ESL endorsed or receives professional development in EL strategies

» **Transitional Bilingual**

Characteristics

- Instruction provided in both English and native language
- Some bilingual programs transition to English-only sheltered instruction in 2 to 3 years while others provide additional years of bilingual support
- Generally offered as one of several EL program options available with choice by parents

Student Profile & Class Make-up

- Classes are comprised generally of only EL students with the same native language

Teacher Profile

- Utilizes bilingual teachers with content endorsement
- English teacher is ESL endorsed or receives professional development in EL strategies

# CHECKLIST

	Indicator of Section 004 Implementation	Process in Place	Notes
1	Determine the language and academic needs of the EL students using language and content assessments, as well as other available data.		
2	Analyze available resources (i.e., staffing, training, community resources).		
3	Research, plan, and implement the language instruction educational program (LIEP) to meet the language and academic needs of the students identified.		
4	Choose and implement a program model (see chart) that is systematic, educationally sound in theory and effective in practice, enables students to increase English proficiency and meet academic standards, and allows for meaning access to programs/ activities available to all students.		
5	Develop or adopt a curriculum that supports the Nebraska English Language Proficiency (ELP) Standards and is appropriate for the program model selected.		
6	Plan for professional development designed for implementation of the program model selected.		

## FREQUENTLY ASKED QUESTIONS

### 1. When should the district consider a dual-language program?

Dual language has strong research on long-term student achievement; however, it takes considerable planning and commitment. A dual-language program requires planning, parent involvement, community support, special staffing, and upfront costs for teacher training and curriculum materials. A dual-language program is generally offered by districts that have a large number of EL students who speak the same language and is one of several programs that parents can select. Before making a final decision, visit dual-language programs and talk to people who have implemented one. Consider district resources as this decision is made.

### 2. Why should the district be concerned about planning for an EL program if there are no EL students?

EL students are coming to the state in increasing numbers. Even small districts are enrolling EL students. When students arrive at school, there is an expectation that districts are prepared to teach them English. Some pre-planning can help districts prepare for this possibility.

### 3. Rule 15 requires a language instruction educational program effective in practice as recognized by experts in the field of language acquisition. How does a district know who the experts are?

An expert in the field of language acquisition is an individual or individuals who have conducted extensive research in the field and have published evidence that has been reviewed and approved by peers for publication and supports the implementation of specific strategies and programs.

*Refer to Appendix C for more resources.*

### 4. Can a district have more than one program model?

Yes, depending on the needs of the students and the resources available at the school district. For example, a district may have sheltered content classes in addition to an EL pull-out model. The EL pull-out classes address the language needs. With staff trained in sheltered content, this additional model provides a mechanism for the students to learn the core curriculum through specialized strategies.

### 5. Does the district's reading program meet the requirements of a language instruction educational program?

Not by itself. A reading program does not address all of the language domains (listening, speaking, reading, and writing). In addition, it would not be aligned to the Nebraska English Language Proficiency (ELP) Standards.

### 6. Can the district put the EL student in the mainstream classroom without any specialized language acquisition support?

No. This approach would be commonly referred to as "sink or swim," which would not be allowed. In Rule 15, teachers who have responsibility for the English-language instruction of EL students must participate in professional development to meet the language and academic needs of the student.

### 7. Can special education services be provided to EL students?

Yes, EL students may receive services from both programs simultaneously if they are an EL with a verified disability. The IEP team must consider how the language needs of the student relate to the IEP. The IEP team should include someone who understands that language needs of the student and has expertise in language acquisition.

### 8. Is there a required waiting period before an EL student may be evaluated for special education services?

No. Districts must ensure that all EL students who may have a disability are located, identified and evaluated for special education and disability-related services in a timely manner.

### 9. What other programs and activities should be accessible to EL students?

First, a student assistance team should meet to examine student background information and Any and all programs offered to other students should be accessible to English learners. This includes, but is not limited to, special education, gifted programs, athletics, extracurricular activities, alternative education, career academies and visual/performing arts.

## TOOLS AND TEMPLATES (APPENDIX B)

- [Indicators of Quality Language Instruction Educational Programs](#)
- [Comparison of Language Differences Versus Disabilities](#)
- HAL Identification Rule 3 (Coming Soon!)

# SECTION 005: STAFFING

## QUALITY INDICATOR

A comprehensive language instruction educational program assists students in developing literacy and proficiency in the English language. Such programs are directed and taught by professional staff with an appropriate endorsement in English as a Second Language. Ongoing professional development is designed to assist teachers in learning strategies to meet the language and content needs of English learners.

## SCENARIOS

**Scenario 1** – A group of refugees from Thailand has recently been relocated to the Clifton School District, located in an urban community. As a result, 30 new EL students are enrolling at the high school. The administration decides to reallocate funds to hire a full-time ESL-endorsed teacher to help develop and implement a language instruction educational program to meet the needs of their new students. Professional development on strategies for working with EL students will be provided for all teachers at the high school; although not required under Rule 15, the district feels that this is a best practice.

**Scenario 2** – Tabahn is registered for 2nd grade at Clear Creek Elementary School. The home language survey indicates that Nuer is the dominant language used by the family. An English-language proficiency test determines that Tabahn is an EL student. Clear Creek Elementary does not currently have any other EL students or a language instruction educational program in place. It is determined that Tabahn's 2nd-grade teacher will be responsible for his English language instruction. She will attend professional development provided by the district on instructional strategies and resources needed to support the new EL student in the classroom. Anticipating the arrival of additional students, the district has appointed the elementary principal to also attend professional development to learn the skills for meeting the language and academic needs of EL students. The district will now have the ability to train other staff members as new students arrive.

**Scenario 3** – Midwest Public Schools has enrolled five new ELL students at the high school. The district has not had ELL students previously. A team of core content teachers and administrators meet to discuss how they can meet the language and content needs of these newcomers. The Spanish teacher is designated as the ESL teacher and will work with the students one period each day. It will be his responsibility to provide the language instruction educational program. A paraprofessional supports the students in their content classes and reinforces English language development during the students' study hall with an online tutorial program. Because he does not have an ESL endorsement, the Spanish teacher will attend workshops provided by the ESU on appropriate EL methods and strategies. In addition, he will share instructional strategies that he has learned with other staff members as part of best practice.

**Scenario 4** – Mrs. Smith has several ELs in her fourth grade classroom. She is responsible for providing English language development to these students in addition to the 4th grade curriculum. Mrs. Smith does not hold an ESL endorsement; however, she is working towards one. Because she is enrolled in courses that would meet the ESL endorsement, the district has met the provisions for Rule 15, section 005.

## WHAT RULE 15 SAYS

Section 005 is meant to ensure that there are qualified people working with ELs. It addresses certification, endorsement, and training requirements for staff.

- **Teachers** specifically responsible for the English language instruction of English learners, regardless of the program model chosen by the district, must have a valid Nebraska teaching certificate. Additionally, they must meet one of the following requirements:
  - » have an ESL endorsement or a provisional ESL endorsement
  - or-
  - » have annual professional development designed to teach skills and strategies for meeting the language and academic needs of the English learners



- **Teacher aides** (paraprofessionals) can support the instruction of skills and strategies for meeting the language and academic needs of the ELs. These duties must be non-teaching in nature (Neb. Rev. Statute 79-101(12)), and aides must receive training for their duties.

## RECOMMENDATIONS FOR IMPLEMENTATION

- 1. Identify the teacher(s) responsible for implementing the language instruction educational program.**
- 2. Review the qualifications for teacher(s) responsible for implementing the LIEP. In addition to the requirement for Nebraska certification, schools may consider staff with:**
  - Previous experience in teaching ELs
  - Experience in teaching literacy skills
  - Experience in teaching another language
  - Interest in supporting students from diverse language and cultural backgrounds
  - A willingness to learn new things and differentiate instruction
  - Knowledge of second-language acquisition
- 3. If the teacher(s) responsible for the English language development does not have an ESL endorsement or provisional endorsement:**
  - Create and provide an annual professional development plan designed to teach skills and strategies for meeting the language and academic needs of the English learners
  - Document professional development
- 4. When teacher aides (paraprofessionals) provide EL support:**
  - Identify the certified teacher who supervises the teacher aide
  - Define the teacher aide's role
  - Identify teacher aide's assignments
  - Train teacher aide for assigned duties

## CHECKLIST

	Indicator of Section 005 Implementation	Process in Place	Notes
1	Identify the teacher(s) responsible for implementing the language instruction educational program.		
2	Review the qualifications for teacher(s) responsible for implementing the LIEP.		
3	Verify teacher certification. For EL teachers without an ESL endorsement, provide and document professional development in skills and strategies for meeting the language and academic needs.		
4	Identify the certified teacher who supervises the teacher aide. Define the teacher aide role, identify teacher aide assignments, and provide training.		

## FREQUENTLY ASKED QUESTIONS

**1. An English learner enrolls and the district doesn't have any ESL-endorsed teachers. What should be done?**

Consider the qualifications of available staff. Select teachers who can best support the learner in literacy and language development. Provide professional development to teachers that addresses the stages of language acquisition and EL instructional strategies.

**2. Does a teacher working with ELs need to be ESL endorsed?**

Currently, Nebraska does not require an ESL endorsement. Under Rule 15, annual professional development is required for teachers who do not have an ESL endorsement and are responsible for the English language instruction. Districts have the option of requiring an ESL endorsement.

**3. If a secondary EL is enrolled in several courses, do all of those teachers have to be trained in teaching language?**

No. The teacher responsible for the English-language development must be ESL endorsed or participate in professional development. The other content area teachers are not required to have training. In following best practice, the district might choose to offer professional development to the other content teachers so they can use strategies to make content more comprehensible while teaching to the standards.

**4. What are the annual professional development requirements for EL teachers who do not have an ESL endorsement?**

The state doesn't require a particular course or class. Teachers designated as EL teachers, who do not have an ESL endorsement, should be trained in skills and strategies for meeting both the academic and language needs of ELs. The number of professional development hours is not specified.

**5. What is an appropriate role for teacher aides in the classroom?**

According to Rule 15, teacher aides may be assigned duties with ELs if those duties are non-teaching in nature, and if aides are specifically prepared for such duties. Teacher aides do not teach; instead, they reinforce previously taught concepts.

**6. How can Educational Service Units assist small schools who may have few ELs?**

ESU services vary based upon requests by member districts. As part of core services, professional development in ESL programs, instructional strategies, and support in locating resources typically are available.

## TOOLS AND TEMPLATES (APPENDIX B)

- [Professional Development Topics](#)
- [Professional Development Frameworks](#)

# SECTION 006: STANDARDS, ASSESSMENTS AND ACCOMMODATIONS FOR ENGLISH LEARNERS

## QUALITY INDICATOR

All English learners have access to Nebraska standards and participate in the state language proficiency and content assessments so that each student has the opportunity to demonstrate mastery of learning. As a result, parents and school staff address the academic and language needs of the student. The district provides appropriate accommodations to ensure meaningful participation in the assessments.

## SCENARIOS

**Scenario 1** – Omar is now in 6th grade and is nearing proficiency. In his current schedule, Omar has one period a day with the ELL teacher who is teaching to the ELP standards and is focusing on improving his writing skills. For the rest of the day, Omar is in general education content classes where teachers are focused on the content standards. His content teachers periodically meet with the ELL teacher to determine in-class supports Omar might need for the lessons based on linguistically challenging content standards.

**Scenario 2** – The Cervantes School District is preparing for state mandated tests by forming a district assessment team. They begin by reviewing the district EL data on the student record system to ensure that all EL students are entered accurately for inclusion in all state assessments. The team ensures that staff is trained in administering the English-language proficiency assessment and coordinates the administration of the test. Prior to state content assessments, the team determines the appropriate linguistic supports and accommodations on an individual student basis according to the state-approved guidance. In addition, the team provides training in accessibility supports to test administrators.

## WHAT RULE 15 SAYS

Districts must ensure that all EL students have meaningful access to Nebraska academic content and English language proficiency (ELP) standards. Districts must ensure all EL students participate in the assessments required by Section 005 of 92 NAC 10. Additionally, EL students will be provided appropriate linguistic accommodations as well as any accommodations in the student's IEP or 504 Plan. Districts shall require all EL students to participate in the annual state English-language proficiency assessment.

## RECOMMENDATIONS FOR IMPLEMENTATION

### For standards implementations

1. Determine an appropriate English language development curriculum for EL students based on the Nebraska English language proficiency (ELP) Standards.
2. Provide appropriate supports to English learners to ensure meaningful access to academic content standards.
3. Work together (EL and content/classroom teacher) to ensure EL students are provided with support that is appropriate for their level of English proficiency.
4. Support students' transition into the general education classroom as they progress towards proficiency.

### For assessment and accommodations implementation

1. Assure that EL-eligible students are accurately identified in the state student record system.
2. Coordinate the assessment schedule for the state content and English-language proficiency assessments with the classroom teacher(s) and other relevant staff.
3. Determine the appropriate linguistic supports and accommodations based on individual student needs for each EL student on the state content assessments. Refer to the *Nebraska Student-Centered Assessment System (NSCAS) Summative & Alternate Accessibility Manual*.
4. Determine the appropriate accommodations for the English-language proficiency assessment based on the student's Individual Education/504 Plan as outlined in the testing manuals.
5. Confirm all EL-eligible students have participated in state ELP and content assessments as required by Rule 15.

## CHECKLIST

	<b>Indicator of Section 006 Implementation (Standards)</b>	<b>Process in Place</b>	<b>Notes</b>
<b>1</b>	Determine an appropriate language development curriculum for EL students based on the Nebraska English language proficiency (ELP) Standards.		
<b>2</b>	Provide appropriate supports for English learners to ensure meaningful access to academic content standards (see resource page for suggestions).		
<b>3</b>	Work together (EL and content/classroom teacher) to ensure EL students are provided with support that is appropriate		
<b>4</b>	Support student's transition into the general education classroom as they progress towards proficiency.		

	<b>Indicator of Section 006 Implementation (Assessment and Accommodations)</b>	<b>Process in Place</b>	<b>Notes</b>
<b>1</b>	Assure that EL-eligible students are accurately identified in the state student record system.		
<b>2</b>	Coordinate the assessment schedule for the state content and English-language proficiency assessments with the classroom teacher(s) and other relevant staff.		
<b>3</b>	Determine the appropriate linguistic supports and accommodations based on individual student needs for each EL student on the state content assessments. Refer to the <i>Nebraska Student-Centered Assessment System (NSCAS) Summative &amp; Alternate Accessibility Manual</i> .		
<b>4</b>	Determine the appropriate accommodations for the English-language proficiency assessment based on the student's Individual Education/504 Plan as outlined in the testing manuals.		
<b>5</b>	Confirm all EL-eligible students have participated in state assessments as required by Rule 15.		

## FREQUENTLY ASKED QUESTIONS

**1. How can I learn more about the English Language Proficiency (ELP) Standards and how to implement them in my classroom?**

The ELP standards, along with resources to implement these standards, can be found on the NDE Title III website. Resources include the NDE Rule 15 Learning Modules that can be found on the NDE Title III Website. Learning Module 006 introduces the ELP standards and provides support for implementation.

**2. How do we provide newcomers with meaningful access to the state content standards?**

On the Title III website, educators can access resources that are designed to support English learners' language needs and meet the content standards. In addition, there are other resources for staff development that can be utilized to provide strategies for teachers of English Learners.

**3. Is it important to align my ELL curriculum to the ELP standards?**

Yes. While NDE does not promote a particular EL curriculum, students should have access to one that is aligned to the Nebraska ELP standards. The Nebraska ELP Standards are measured by the annual ELP assessment. A district could use the same district-developed process that is used to align other curricula to the Nebraska content standards. See Section 006 tools and templates for a sample process to use when aligning your district ELL curriculum to the Nebraska ELP Standards.

**4. Do newcomers have to participate in all state content testing?**

Yes. As of the 2017-18 school year, all EL students must participate in all state content testing. However, accountability rules may vary based on when they arrived in the U.S. Refer to the NSCAS Summative & Alternate Accessibility Manual for guidance.

**5. Who must participate in the annual English-language proficiency assessment?**

All K–12 students who are identified as EL eligible in the state student record system are required to participate. This includes EL-eligible students whose parents/guardians have waived EL services.

**6. Are students who are redesignated as English fluent, required to participate in the state English-language proficiency assessment?**

No, they do not take the state's annual English-language proficiency assessment. These students' progress on content assessments and other district-determined criteria should be monitored for 4 years.

**7. How do we select appropriate linguistic supports for the content assessments?**

Staff who are familiar with the student's instructional and language needs should meet to determine appropriate linguistic supports. Decisions should be made on an individual basis and be based on a student's level of proficiency and academic background. The team should refer to the Nebraska Student-Centered Assessment System (NSCAS) Summative & Alternate Accessibility Manual for guidance. For students who have an IEP or a 504 plan, please see questions 10 & 11.

**8. Can students who are redesignated be allowed linguistic supports on the state content assessments?**

Yes, with the exception of translated assessments. For the four-year monitoring period, students may be allowed approved linguistic supports, if needed. Refer to the Nebraska Student-Centered Assessment System (NSCAS) Summative & Alternate Accessibility Manual for guidance.

**9. Can EL students take state content assessments in their native languages?**

Yes, in certain cases, content assessments may be provided in a student's native language. Refer to the Nebraska Student-Centered Assessment System (NSCAS) Summative & Alternate Accessibility Manual for guidance.

**10. If a student is identified as EL and has an IEP or 504 plan, are both IEP accommodations and linguistic supports allowed for state content assessments?**

Yes. Assessment accommodations indicated on the IEP must be followed. In addition, other approved linguistic supports for EL students may be used. Staff who are familiar with the student's instructional and language needs should meet to determine appropriate accommodations and supports. Refer to the Nebraska Student-Centered Assessment System (NSCAS) Summative & Alternate Accessibility Manual for guidance.

**11. Are IEP accommodations allowed on the annual English-language proficiency assessment?**

Yes. Refer to the ELP accessibility and accommodations manual for procedures for students with disabilities.

## **TOOLS AND TEMPLATES (APPENDIX B)**

- [ELP Standards Alignment Process Checklist](#)
- [Tier I Evidence-Based Practices for EL/ML](#)
- ELPA21 Accessibility and Accommodations Manual (ELPA21 Summative and Alt ELPA through the <https://ne.portal.cambiumast.com/>)
- NSCAS Accessibility and Accommodations Manual (<https://www.education.ne.gov/assessment/nscas-system/#nscas-accessibility>)

Note: Appendix C lists NDE resource links for supporting English learners in the content standards

# SECTION 007: EXIT REQUIREMENTS

## QUALITY INDICATOR

Exit criteria are established to determine that the English learner has attained English language proficiency in speaking, reading, writing, and understanding at a level sufficient to participate successfully in the classroom.

## SCENARIOS

**Scenario 1** – Mumin, a 3rd grade student from Somalia, scores Proficient on the state English-language proficiency assessment and does not score proficient on the state's content assessment for ELA. Due to his score of Proficient on the English-language proficiency assessment, he exits the EL program. District staff may decide to provide supports and/or services in the ELA classroom. The district will continue to monitor Mumin's progress for at least 4 years.

**Scenario 2** – Nyawech, an 8th-grade student from Sudan, scores Progressing on the state English-language proficiency assessment but meets the standard on the state ELA assessment. The staff feels that Nyawech did not put much effort into the language assessment even though she performs well in content area classes. Because she did not score Proficient on the ELP assessment, she remains EL-eligible. District staff decide her teachers will provide minimal EL services through observation, consultation and/or co-teaching with the classroom teacher(s) as needed. She will need to take the summative ELP assessment the following year.

**Scenario 3** – Basel is a 9th-grade student from Saudi Arabia who has been receiving EL services since 2nd grade. He has a verified learning disability and has an IEP with goals for reading and writing. He has never met the criteria for exiting the EL program. His 8th-grade English-language proficiency assessment score was Progressing and his 8th-grade state ELA score was not proficient. Basel's team of 9th-grade teachers is questioning whether EL services continue to be appropriate. Basel's EL teacher has documented his lack of progress in English reading and writing despite her differentiated approaches to teach these skills over several years. The team of teachers, including one member of Basel's IEP team, meets and determines EL services are no longer appropriate based on the data collected. Basel can be exited from the language instruction educational program according to Rule 15.

## WHAT RULE 15 SAYS

When a student reaches a Proficient level of English-language proficiency, the school exits the student from EL services. This determination is made by using the results of the annual state English-language proficiency assessment.

### **For a student (K-12) to exit the language instruction educational program:**

- The student must have a composite score of Proficient on the annual English-language proficiency assessment.

**A school district may recommend that a student with verified disabilities exit the language instruction educational program if a designated committee documents the student's educational needs are not affected by his or her degree of proficiency in the English language. The committee must:**

- Be knowledgeable of the language and educational needs of the student
- Include at least one member of the student's IEP team
- Maintain documentation that the student's educational needs are not affected by his or her degree of proficiency in the English language

## RECOMMENDATIONS FOR IMPLEMENTATION

1. Make *Rule 15: A Guide for Implementation* available to and train all key personnel, including those responsible for reviewing the assessment data and exiting students from the LIEP.
2. Establish a procedure and timeline for reviewing results of the state English Language Proficiency assessment for determining exit status.
3. Communicate with the district data management, to ensure students who exit the LIEP are redesignated English fluent on the state record system.
4. Identify the key personnel who will be involved in determining an appropriate exit recommendation for an EL student who also has a verified disability. The committee must include assessment and educational personnel who are knowledgeable about the language and educational needs of the student and must include one member of the student's IEP team.
5. Develop a process for documenting the data that supports exiting an EL student with a verified disability whose educational needs are being met through special education. Designate a consistent location for maintaining the documentation.

## CHECKLIST

	Indicator of Section 007 Implementation	Process in Place	Notes
1	Make <i>Rule 15: A Guide for Implementation</i> available to and train all key personnel, including those responsible for reviewing the assessment data and exiting students from the LIEP.		
2	Establish a procedure and timeline for reviewing results of the English Language Proficiency Assessment for determining exit status.		
3	Communicate with the district data management, to ensure students who exit the LIEP are redesignated English fluent on the state record system.		
4	Identify the key personnel who will be involved in determining an appropriate exit recommendation for an EL student who also has a verified disability. The committee must include assessment and educational personnel who are knowledgeable about the language and educational needs of the student and must include one member of the student's IEP team.		
5	Develop a process for documenting the data that supports exiting an EL student with a verified disability whose educational needs are being met through special education. Designate a consistent location for maintaining the documentation.		



## FREQUENTLY ASKED QUESTIONS

- 1. If a student has been misclassified as EL, can the student be exited without waiting for the Nebraska language proficiency assessment?**

If the misclassification was based solely on a data entry error, the district can call the state student record system helpdesk to correct that data.

In the case of a new student not proficient on an English-language proficiency placement assessment, who immediately demonstrates proficiency in the classroom setting, the student must exit EL status through the Rule 15 exit procedures, (performance on the annual English-language proficiency assessment). Districts do have the option of providing EL services through observation and consultation with the classroom teacher(s).
- 2. Must the district exit a student who has scored as “Proficient” on the annual English-language proficiency assessment if the district feels that the student could benefit from continued EL services?**

Yes, the student must be exited from the language instruction educational program because they have demonstrated that language is no longer a barrier to participate successfully in the classroom. The student is no longer identified as EL eligible on the student record system and is entered as “redesignated English fluent” for a period of at least four years. The district shall monitor the academic progress of the student for this four-year period.
- 3. The EL student has been exited from the LIEP but is still struggling in the content classroom. What can be done to provide additional support?**

The district should determine the source of the student’s difficulties and provide supports. For example, districts may offer additional services such as Title I, Response to Intervention (RtI), instructional coaching for classroom teachers, after school programs, tutoring, paraprofessional support to reinforce instruction, and assistance in completing assignments.
- 4. Can a student re-enter EL services after exiting if the district deems it necessary after other supports and services have been attempted?**

Yes, in rare cases. When monitoring a redesignated EL student, a district may determine that there is a persistent language barrier that impacts academic achievement in general education classrooms. This should only be considered after other supports and services have been tried, documented and have resulted in minimal or no growth. At this point a student must be re-assessed for EL services. If the student qualifies for EL services based on an English-language proficiency assessment, the student may be re-enrolled in the LIEP with parents’ consent (see DOJ/OCR Dear Colleague Letter, January 2015, Section H).
- 5. Can a district exit a student without a verified disability using other documentation if the student has not achieved a Proficient score on the summative ELP assessment after receiving many years of EL support?**

No. The student must remain identified as EL as long as he or she has not reached proficiency on the annual state English-language proficiency assessment. However, services should be individualized to meet the language and academic needs of the student.
- 6. Can a district use something other than a Proficient score on the annual English-language proficiency assessment to exit EL students?**

No. Rule 15 states that the student must be proficient on the annual English-language proficiency assessment to exit the LIEP.
- 7. When an EL student is verified as having a disability, is the student still eligible for EL services?**

Yes. EL students with a verified disability can and should receive services from special education in addition to EL services.
- 8. Is it possible for a student with a verified disability to be exited from an EL program without meeting proficiency on English-language proficiency assessments?**

Yes. The exit criteria contained in Section 007.01A applies to the vast majority of EL students who received special education. In rare cases, EL students with disabilities may be permitted to exit the language instruction educational program when the student’s educational needs are not affected by his or her degree of proficiency in English as permitted under Section 007.01B.
- 9. How should districts monitor redesignated students during the 4-year monitoring period?**

Districts are required to monitor redesignated EL students’ progress in the general education program for at least four years. The process may look different in each district, but should include examining state content test data and could include monitoring other assessments and criteria for continued academic growth. In addition, districts should check in with content area teachers to ensure former ELs are meeting grade-level standards and are on track for graduating comparable to never ELs.

## **TOOLS AND TEMPLATES (APPENDIX B)**

- Sample Process for Considering Exiting Students with Verified Disabilities from the Language Instruction Educational Program
- Sample Monitoring Process & Form for Monitoring Redesignated English Learner

# SECTION 008: LANGUAGE INSTRUCTION PROGRAM REVIEW

## QUALITY INDICATOR

The language instruction program review process focuses on improving student learning. The process includes an annual review by a designated school district team who provides input to the district superintendent in order to guide the planning, implementation, evaluation and modifications of the district's language instruction educational program.

## SCENARIOS

**Scenario 1** – In the Red Rock School District, a program review team convenes once each year to review EL program practices, procedures, and documents to ensure implementation of Rule 15. The team includes the elementary principal, a school counselor, an elementary EL teacher, a secondary EL teacher, a mainstream classroom teacher, and the curriculum director. Prior to meeting, team members receive a collection of relevant data to analyze. This includes data of current English learners, former English learners (redesignated) along with non-EL student data. They look at the annual English-language proficiency assessment, state content assessments, graduation rates, drop-out rates, and years receiving services as well as other and other relevant data such as attendance, activities involvement and special education referrals. Based on the data analysis, the team identifies the program strengths and weaknesses, examines the program goals, and determines needed modifications to the language instruction educational program. Finally, the team writes a summary report and submits it to the superintendent. The district superintendent decides to incorporate this information into the district's annual school improvement process review.

## WHAT RULE 15 SAYS

**The school district must designate a team of staff members to conduct an annual review of the EL program and write a report containing the results. The review may be part of the school district's school improvement process. The review and the report must include an examination of program implementation practices, including:**

- The process for identifying EL students
- How the district implements language instruction educational programs
- How the program is staffed
- Standards, assessment and accommodations of EL students on state assessments
- The implementation of state exit criteria

**The review must also include a data analysis of:**

- The annual state English-language proficiency assessment
- State content assessments
- Graduation rates, drop-out rates, and years spent receiving language services
- May include other relevant assessments and data

**The school district must:**

- Monitor the academic progress of former English learners for at least 4 years compared to the academic performance of non-ELs.
- Make modifications to the language instruction educational program to assist students in participating meaningfully in the core curriculum program

**A written summary report of the annual review must be:**

- Submitted to the district's superintendent
- Kept on file to be available to the public
- Free of any personally identifiable student information
- Retained pursuant to the district's records retention schedule

## RECOMMENDATIONS FOR IMPLEMENTATION

1. Establish a process, timeline, and team with an appointed leader to conduct the annual review. Consider current practices or teams that overlap or complement the requirements of this review. The school improvement process as required by Rule 10 may serve as a good example of an annual review process.
2. Maintain accurate data on current EL-eligible and former EL students, which must include:
  - Date of entrance to and exit from the language instruction educational program
  - EL-eligible designation in local and state student information systems
  - Performance on the annual English-language proficiency assessment and state content assessments
  - Graduation rates
  - Drop-out rates
  - Additional data may include:
    - ◇ Screening assessments, district assessments, benchmark assessments, formative and classroom-based assessments, teacher observation measures and checklists, portfolios
    - ◇ Participation in extracurricular activities for secondary students
    - ◇ Awards and honors for secondary students
    - ◇ Promotion rates, college attendance rates, grade-level retention rates
    - ◇ Inclusion in gifted and talented and other special programs
    - ◇ Inclusion in special education
    - ◇ Participation in extended instructional opportunities (e.g. summer school, Saturday school, or extended-day programs)
    - ◇ Attendance, disciplinary actions, and suspension rates
    - ◇ School climate survey results
    - ◇ Parent attendance and involvement in school functions and activities
3. Determine a format for the annual review that includes all required elements. In low-incidence schools, the team might examine individual student data but the results should be excluded in any reports to prevent identifiable student information being made public. Additionally, a sample template that may be customized is included in the Tools and Templates (See Appendix B).
4. Analyze student performance on state content and English language proficiency assessments as well as graduation rates, drop-out rates, and years spent receiving language services. Other district assessment results and relevant data may be included.
5. Monitor the academic performance of former EL students (redesignated) for four years in order to compare their academic performance to non-EL students (possible data sources are listed in above in item 2).
6. Based on analysis of data, determine if the program goals have been met.
7. Make modifications to the language instruction educational program based on the results of data analysis and review of the program implementation practices.
8. Determine a format for the written summary report. This is the document that should be shared with the superintendent and made available to the public. Individual student data must be excluded to prevent identifiable student information being made public.
9. Additionally, a sample template that may be customized is included in the Tools and Templates (See Appendix B).

# CHECKLIST

	Indicator of Section 008 Implementation	Process in Place	Notes
1	Establish a process, timeline, and team with an appointed leader to conduct the annual review. Consider current practices or teams that overlap or complement the requirements of this review. The school improvement process as required by Rule 10 may serve as a good example of an annual review process.		
2	Maintain accurate data on current EL-eligible and former EL students		
3	Determine a format for the annual review that includes all required elements.		
4	Analyze student performance on state content and English language proficiency assessments as well as graduation rates, drop-out rates, and years spent receiving language services. Other district assessment results and relevant data may be included.		
5	Monitor the academic performance of former EL students for four years in order to compare their academic performance to non-EL students.		
6	Based on analysis of data, determine if the program goals have been met.		
7	Modify the language instruction educational program based on the results of data analysis and review of the program implementation practices.		
8	Determine a format for the written summary report kept in the superintendent's office.		

## FREQUENTLY ASKED QUESTIONS

**1. Who should be included on the review team?**

Every effort should be made to include staff knowledgeable in the area of language acquisition and familiar with the district LIEP, such as EL teachers, content teachers, counselors, administrators, etc. For ease of implementation, consider existing teams that complement the requirements of this review. For example, this may be a school improvement team or a subcommittee of this team.

**2. Why is it important to do this review?**

The EL program review focuses on improving student learning. The school district must make modifications to the language instruction educational program based on the results of the data analysis and review of the program implementation practices in order to assist students in participating meaningfully in the core curriculum program. Additionally, this report will provide valuable information to share with stakeholders.

**3. Is there a required format for the program review?**

No, but there is a sample template included in the Tools and Templates (See Appendix B.)

**4. Are we required to publicly share the program review?**

The program review that includes student data is for district purposes only. Data that might identify individual students is not allowed to be made public. However, once the review is completed, it should be summarized in a written report, which is kept on file in the superintendent's office and made available to the public upon request.

**5. Is there a required format for the written report?**

No, but there is a sample report included in the Tools and Templates (See Appendix B.) The written report is the document that must be kept on file in the Superintendent's office and made available to the public, upon request.

## TOOLS AND TEMPLATES (APPENDIX B)

- [Sample English Learner Program Review Template](#)
- [Sample Written Summary Report](#)

# APPENDIX A: COMMON TERMS AND ACRONYMS

## COMMON TERMS

### » **Age of Majority**

A person 19 years of age or older

### » **Emancipated Student**

A person under 19 years of age who is married or in the military, and it shall also mean a person under 19 years of age who resides apart from his or her parents; is not under the care, custody, control, or supervision of his or her parents; and who receives no financial support or services from his or her parents and is responsible for securing his or her own support. The emancipation of a child is a question of fact, to be determined by the peculiar facts and circumstances of each case, and may be proved by circumstantial evidence, by an express agreement, or implied from the conduct of the parties.

### » **English Learner**

- A student who is enrolled or preparing to enroll in an elementary school or secondary school;
- Who is a Native American or Alaska Native, or a native resident of the outlying areas and 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
- 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
- Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual at least one of the following:
  - ◊ The ability to meet the challenging state academic standards;
  - ◊ The ability to successfully achieve in classrooms where the language of instruction is English; or
  - ◊ The opportunity to participate fully in society.

### » **Immigrant Student**

- An individual who:
  - ◊ is aged 3 through 21
  - ◊ was not born in any State; and
  - ◊ has not been attending one or more schools in any one or more States for more than 3 full academic years

The term "state" means each of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico.

### » **Language instruction educational program (LIEP)**

An instructional program designed to assist a limited-English-proficient student in developing and attaining English proficiency while meeting state academic standards. It may make use of both English and a student's native language to enable the student to develop and attain English proficiency, and may include but is not limited to the participation of English proficient students if the course is designed to enable all participating students to become proficient in English and a second language.

### » **Monitor (Redesignated or former English learner)**

A student is no longer considered limited English proficient upon meeting the state's exit criteria. The student is no longer classified as LEP eligible on the Nebraska Student and Staff Record System and does not participate in the annual English-language proficiency assessment. The district must monitor the academic progress of former LEP students for at least two years.

### » **Native Language**

- When used with reference to a student of limited English proficiency, means
  - ◊ The language normally used by such student; or
  - ◊ The language normally used by the parents of the student.

» **Teacher Aide**

According to Section 79-802, public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

» **Teaching**

According to Section 79-101 (12), "Teach" means and includes, but is not limited to, the following responsibilities: (a) The organization and management of the classroom or the physical area in which the learning experiences of pupils take place; (b) the assessment and diagnosis of the individual educational needs of the pupils; (c) the planning, selecting, organizing, prescribing, and directing of the learning experiences of pupils; (d) the planning of teaching strategies and the selection of available materials and equipment to be used; and (e) the evaluation and reporting of student progress.

Acronym	Definition
EL	English Learner
ELD	English Language Development
ELP	English Language Proficiency
ELL	English Language Learner
ELPA21	English Language Proficiency Assessment for the 21st Century
ESL	English as a Second Language
ESU	Educational Service Unit
HLS	Home Language Survey
IE	Immigrant Education
LIEP	Language Instruction Educational Program
ML	Multilingual Learner
NDE	Nebraska Department of Education
NSCAS	Nebraska Student-Centered Assessment System
ADVISOR	Nebraska Student and Staff Record System
SIFE	Students with Interrupted Formal Education
SLIFE	Students with Limited or Interrupted Formal Education



# APPENDIX B: TOOLS AND TEMPLATES

Note: The tools and templates can be customized to meet the needs of the school district.

- » **Section 003: Identification of English Learners**
  - [Sample Home Language Survey](#)
  - [Flowchart for Identifying Students New to the District](#)
  - [TransACT ParentNotices](#)
- » **Section 004: Language Instruction Educational Programs**
  - [Indicators of Quality Language Instruction Educational Programs](#)
  - [Comparison of Language Differences Versus Disabilities](#)
  - [HAL Identification Rule 3 \(Coming Soon!\)](#)
- » **Section 005: Staffing**
  - [Professional Development Topics](#)
  - [Professional Development Frameworks](#)
- » **Section 006: Standards, Assessment and Accommodations for English Learners**
  - [ELP Standards Alignment Process Checklist](#)
  - [Tier I Evidence-Based Practices for EL/ML](#)
  - [ELPA21 Accessibility and Accommodations Manual \(ELPA21 Summative and Alt ELPA through the <https://ne.portal.cambiumast.com/>\)](#)
  - [NSCAS Accessibility and Accommodations Manual \(<https://www.education.ne.gov/assessment/nscas-system/#nscas-accessibility>\)](#)
- » **Section 007: Exit Requirements**
  - [Sample Process for Considering Exiting Students with Verified Disabilities from the Language Instruction Educational Program](#)
  - [Sample Process & Form for Monitoring Redesignated English Learners](#)
- » **Section 008: Language Instruction Program Review**
  - [Sample English Learner Program Review Template](#)
  - [Sample Written Summary Report](#)

## SECTION 003: SAMPLE HOME LANGUAGE SURVEY

**Student Name:** \_\_\_\_\_ **Birth Date:** \_\_\_\_\_

**Parent/Guardian Name:** \_\_\_\_\_

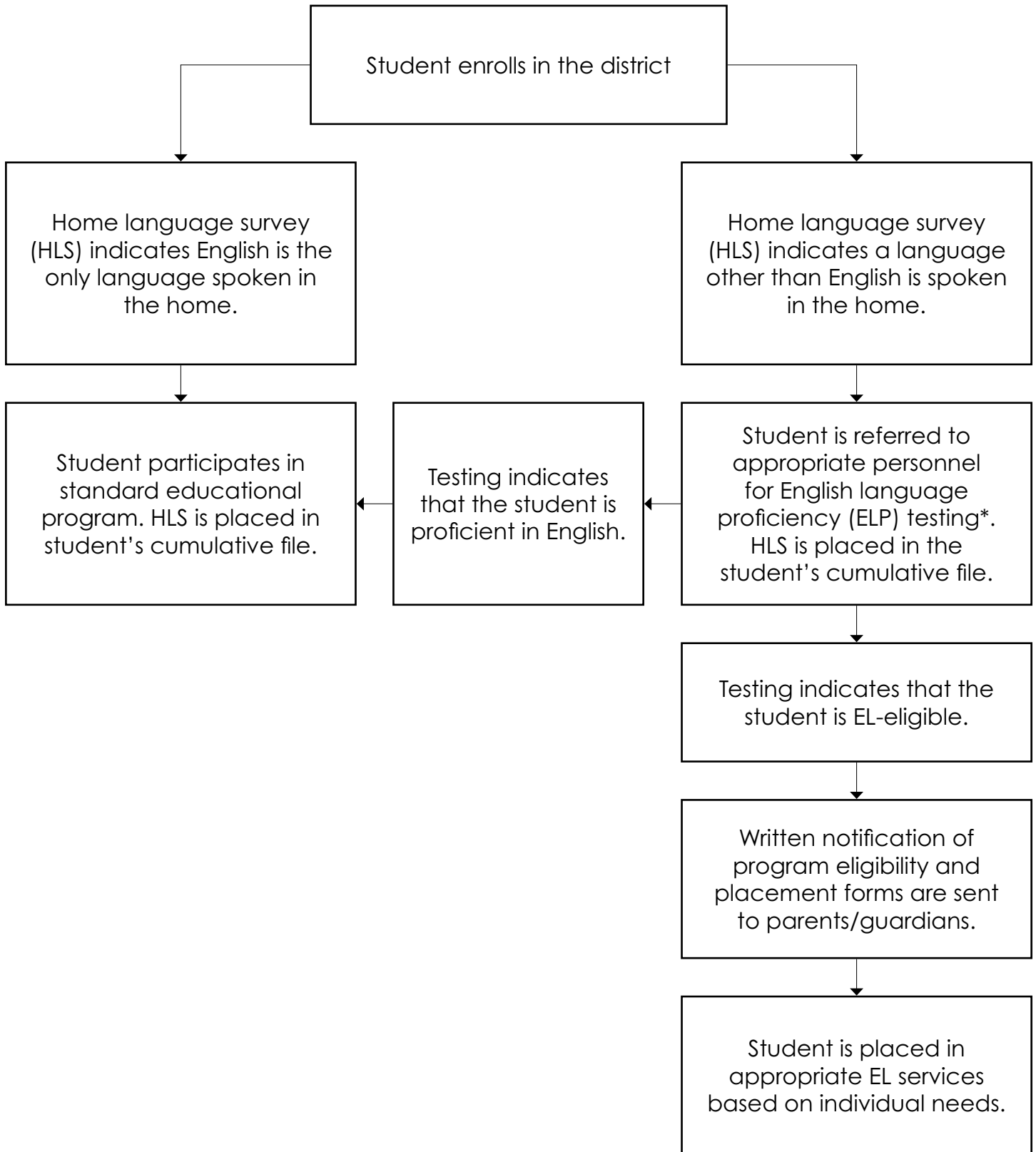
**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **Gender:** \_\_\_Male \_\_\_Female

1. What language did the student first learn to speak?
2. What language is spoken most often by the student?
3. What language is primarily used in the student's home regardless of the language spoken by the student?

\_\_\_\_\_  
**Parent/Guardian Signature**

\_\_\_\_\_  
**Date**

## SECTION 003: FLOW CHART FOR IDENTIFYING STUDENTS NEW TO THE DISTRICT



\*If a student comes from another Nebraska school district and is currently identified as EL, an ELP screener does not need to be administered. If a student comes from other state, an ELP must be administered unless the student comes from an ELPA21 state and has a recent ELPA21 score report.

## **SECTION 004: INDICATORS OF QUALITY LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS**

### **Quality School**

- Administration provides leadership and supports the program
- Clear goals are established
- School personnel create a welcoming and inclusive educational environment for English Learners
- Staff set high expectations and support the academic and language needs of the students
- English learners are well-known by the staff
- Staff understand the educational, linguistic, and cultural backgrounds of the students
- Coordinate intentional parent, family, and community engagement activities

### **Quality Curricula**

- English is promoted and developed for social interaction and academic use
- Teachers implement both language and academic objectives into lessons
- Curriculum incorporates the teaching of American culture and provides the students with the needed background knowledge
- Curriculum makes use of students' native languages and cultures to promote learning
- English learners participate in a comprehensive curriculum, both content and English Language Development, that is educationally sound in theory and effective in practice
- Curricular materials are of high quality
- Native languages are appreciated, accepted, and used to promote literacy and content- area learning
- Assessments have a purpose of improved teaching and learning

### **Quality Instruction**

- Effective strategies are used to help English Learners increase English proficiency and meet academic standards in the content classroom and when teaching students with limited or interrupted formal education
- Students play an active role in learning
- Students have meaningful access to instruction, programs, and activities that are available to all students
- Optimal strategies are used for grouping students
- Instruction is engaging, challenging, and supportive
- Resources are varied and scaffolded to strengthen and understand instruction as needed

Adapted from: Brisk, M. I. (1998). *Bilingual education: From compensatory to quality schooling*. Mahway, NJ: Lawrence Erlaum Associates.

## SECTION 005: PROFESSIONAL DEVELOPMENT TOPICS

**The following topics should be considered when planning professional development for staff (certified and noncertified) that are responsible for the English-language instruction of English learners:**

- Supporting the language instruction educational program model(s)
- Levels of language acquisition
- Strategies for language acquisition through content-area instruction
- Instructional strategies to support English-language learners (ELL)
  - ◊ Academic vocabulary and discourse
  - ◊ Strategies for supporting oral language development
  - ◊ Literacy development for ELL students
  - ◊ Increasing comprehensibility
- Integration of speaking, listening, reading, and writing in the content areas
- Supporting the inclusion of ELs in mainstream classrooms
- Classroom and testing accommodations
- Culturally relevant pedagogy
- Use of native language in English-language acquisition
- Making connections with community and regional resources
- Communicating with parents of EL students
- Parent, family, and community engagement
- Effective use of teacher aides/paraprofessionals, interpreters and translators

Note: Professional development tools and information about the Rule 15 Canvas course can be found in Appendix C and on the NDE Title III website.

## SECTION 006: ELP STANDARDS ALIGNMENT PROCESS CHECKLIST

The following is a sample checklist for documenting the process used in aligning the Nebraska English Language Proficiency (ELP) Standards to the district's ELL curriculum. It is meant to be customized and updated as applicable. This process is cyclical and may happen over time; these indicators are not meant to be sequential.

Indicators	Describe the Process Describe the process the district has taken to meet the indicators.	Evidence/Notes Indicate what evidence district has in meeting the indicator (such as notes from consortium, district, or school meetings).
The district is familiar with the Nebraska English Language Proficiency (ELP) Standards.		
The ELP Standards have been shared with the district/school administrative staff.		
The teacher(s) in charge of implementing the district's Language Instruction Education Program are knowledgeable about the ELP Standards.		
A process is in place to examine the ELP standards and how they are reflected in the ELL curriculum.		
The content curriculum (curriculum guide, scope/sequence, etc) have been examined to determine how they reflect the ELP standards.		
The ELL program provides support for ELL students in the content classroom.		
A process is in place to determine the strengths and/or weaknesses of the curriculum for ELL students.		
Modification and additions are made based on curriculum alignment.		
There is a partnership between the ELL program and the content program to ensure that both the ELL standards and the state's content standards are met.		

## SECTION 006: TIER I EVIDENCE-BASED PRACTICES FOR EL/ML

- Prioritize academic vocabulary instruction. **(PreK-12)**
- Provide focused, intensive small-group interventions for English learners determined to be at risk for reading problems. **(PreK-12)**
- Integrate oral and written English language instruction into content-area teaching. **(PreK-8)**
- Conduct formative assessments to use with English Learners to determine which students need additional support. **(PreK-5)**
- Provide at least 90 minutes a week for English Learners to work collaboratively with others. **(PreK-5)**
- Explicitly practice and teach oral language. **(PreK-5)**
- Engage students through curricula and programs that connect with college and career success. **(9-12)**

## SECTION 007: SAMPLE PROCESS FOR CONSIDERING EXITING STUDENTS WITH VERIFIED DISABILITIES FROM THE LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM

Note: The exit criteria under Rule 15, (Section 007.01A), apply to the vast majority of English learners (ELs) who receive special education services. In rare cases, ELs with disabilities may be permitted to exit the language instruction educational program when the student's educational needs are not affected by his or her degree of proficiency in English as permitted under Section 007.01B.

### 1. Schedule a meeting to discuss the student's:

- language needs
- educational needs
- current program placement

Date of meeting \_\_\_\_\_

Names of committee members/positions (include education and assessment personnel, one of which is an IEP team member)

- Expert on the student's language acquisition:
- Expert on the student's special education goals and services:
- Expert on the student's general education content achievement:
- Others:

### 2. Programming:

Before considering exiting an EL with disabilities, schools should review the services from both special education and the EL program. Special education and EL teachers should collaborate across multiple years to deliver those services in an integrated manner. The follow questions should capture the services the student has been receiving from both programs.

- How long has the student been an EL?
- Describe special education services being provided by the district.
- Describe the EL services being provided by the district.

### 3. Review Evidence

- Describe the student's disability according to the student's IEP and why it would be difficult for the student to exit the language instruction educational program under the Rule 15 criteria.
- What evidence is documented to indicate that the student no longer benefits from language acquisition support to address linguistic needs? Evidence may include:
  - ◇ Language samples demonstrating listening, speaking, reading and writing skills
  - ◇ Student work samples or portfolios
  - ◇ Family input on student's language development and language use at home
  - ◇ Data on how the student was initially identified as EL
  - ◇ Language use inventories
- Review historical formal and informal assessment data. Examples include:
  - ◇ ELPA21 test results for current and previous years
  - ◇ NSCAS-ELA test results for current and previous years
  - ◇ Other formal/informal assessment data
- Discuss teacher input. Examples include:
  - ◇ Insight into student's classroom performance and needs
  - ◇ Current interventions and supports (including successes and modifications)
  - ◇ Anecdotal notes or other evidence from classroom-based observations of student's language use

### 4. Prepare and Attach Documentation

- Ensure that all proper steps have taken place and attach documentation supporting the recommendation to exit the student from the language instruction educational program (LIEP)
- Documentation supports that the student's educational needs are not affected by his or her degree of proficiency in the English language
- Notify parents or guardians of any changes in the services the student receives



## **SECTION 007: SAMPLE PROCESS & FORM FOR MONITORING REDESIGNATED ENGLISH LEARNERS**

### **Process for Monitoring Redesignated (former) English Learners**

Students who have exited the EL program will be monitored for a period of four years from the date of exit. The EL coordinator will lead the process to monitor exited (redesignated) students.

To ensure the student has meaningful access to the district's general education program and is being successful in that program, a formal review of the following indicators should be conducted at least once each semester:

- Courses in which the student is enrolled
- Classroom performance/current grades
- Performance on district assessments
- Performance on state assessments
- Participation in extracurricular activities
- Participation in extended learning opportunities
- Attendance

If it is determined that the student is having difficulty based on the above indicators, the EL coordinator, or designee, should request feedback from teachers, counselors and/or administrators. In addition, staff should:

- Contact parents/guardians and the student to gather additional information.
- Work with school personnel to formulate a plan to address the lack of progress (see sample form below for communicating with staff).

The plan (see form below) to help the student succeed may:

- Provide academic support services (e.g., re-teaching, interventions, tutoring, use of EL linguistic supports, use of a bilingual dictionary)
- Provide additional services to develop English-language skills (e.g., additional scaffolding and vocabulary development as part of the content area classroom)
- Provide extended learning opportunities (e.g., homework help, tutoring, summer coursework, after school study halls)

## Sample Student Monitoring Form

Student Full Legal Name:

Date Completed:

Grade:

Date of Exit from EL Status/Redesignation:

**Student General Information** (Note: Data that may disclose the legal status of the student or family may not be asked or maintained):

<b>Birth Country (Student):</b>	<b>Country of Origin (Family):</b>	<b>Age:</b>	<b>Data of U.S. Entry:</b>
<b>Date of District Entry:</b>	<b>Language(s) Spoken:</b>	<b>Attendance Record:</b>	
<b>Team Members who completed this form include:</b>			

**Summary/Comments:** (Please list information sharing the student's strengths, interests, learning styles, language background, previous schooling, etc.)

### Assessment Results:

Assessment	Score	Comments

**Instructional Strategies:**

To meet the individual needs of this student the checked supports should be used throughout daily instruction.

	Reword, rephrase, or summarize test directions and/or test items in English.		Provide student with take-home materials to practice concepts.
	Provide support in academic/ content vocabulary.		Use the projector, and provide students with copies of teacher notes.
	Use technology (including online testing and instruction).		Make instruction visual to aid in understanding. Use graphic organizers, pictures, maps, and graphs.
	Provide extended time to complete tests and assignments.		Build background knowledge to help student connect to content.
	Provide assignments that emphasize both oral language and literacy development.		Provide language support for students to engage in group discussions and/or projects.
	Break assignments into a series of smaller assignments.		Provide linguistic supports for students while reading grade-level text.
	Provide a word-to-word bilingual dictionary or other reference materials as appropriate.		Teach note-taking strategies for content area.
	Teach text structure specific to the content area.		Other:

Additional Notes for Classroom Teachers:

## SECTION 008: SAMPLE ENGLISH LEARNER PROGRAM REVIEW TEMPLATE

District: \_\_\_\_\_

School Year: \_\_\_\_\_

### Review Team

The team may include teachers implementing the Language Instruction Educational Program, administrators, data analysts, professional developers, board members, school counselors, and others with expertise in the areas covered in the Review. The team members may decide to divide the tasks and report back to the main group during the review process.

Name	Title	Role/Responsibility on the Team

### Before Beginning:

Rule 15 Quality Indicator states that, "The English learner program review process focuses on improving student learning." Consider the goals of the program, and list them here:

**Process and Timeline:**

While some data may not be available until the end of the school year, some data and evidence may be more easily collected in an ongoing process throughout the year. Establish a timeline and process for team meetings and data collection.

Meeting Dates	Discussion Topics/Agenda	Team Member Responsible for Data Collection

## Examination of EL Program Implementation Practices

Required Element	Checklist: Indicators (Stated in Rule 15 or Best Practices)	Process or Program in Place (Include Evidence or Data Reviewed)	Strengths of Program & Suggested Modifications to Identification Process
<b>Identification of English Learners</b>	<p><b>Home Language Survey is:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Part of admissions process for all Kindergarten and all new students</li> <li><input type="checkbox"/> Contains the 3 required questions</li> </ul>		
	<p><b>English Language Proficiency (ELP) Screener is:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Valid and reliable</li> <li><input type="checkbox"/> Assesses reading, writing, speaking and listening</li> <li><input type="checkbox"/> Yields composite score or levels which indicate proficiency</li> </ul> <p><b>Process for ELs from out of state or another NE district:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Students identified in another Nebraska district are identified as EL-eligible</li> <li><input type="checkbox"/> Students are tested if coming from another state (unless they have a recent ELPA21 score)</li> </ul> <p><b>Notification of Parents/Guardians if Students Qualify for Services:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is sent within the required timeframe</li> <li><input type="checkbox"/> Contains all required elements (under Title I)</li> </ul>		
<b>Language Instruction Educational Program (LIEP)</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> District has implemented Language Instruction Educational Program(s)(LIEP)</li> <li><input type="checkbox"/> LIEP is systematic in the approach to teaching the English language</li> <li><input type="checkbox"/> LIEP is educationally sound in theory and effective in practice as recognized in the field</li> <li><input type="checkbox"/> LIEP is designed to help ELs increase English proficiency and meet academic standards</li> <li><input type="checkbox"/> District provides adequate resources to effectively implement the LIEP</li> <li><input type="checkbox"/> LIEP curriculum is aligned to the Nebraska English Language Proficiency (ELP) Standards</li> <li><input type="checkbox"/> District provides professional development to teachers implementing the LIEP</li> </ul>		
<b>Staffing</b>	<p>Teachers responsible for the English language development must hold a valid Nebraska teaching certificate AND one of the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Hold English as a Second Language (ESL) endorsement <b>-OR-</b></li> <li><input type="checkbox"/> Participate in annual professional development designed to teach skills and strategies for meeting the language and academic needs of ELs</li> </ul>		
	<ul style="list-style-type: none"> <li><input type="checkbox"/> Teacher aides are assigned duties in connection with English learners that are non-teaching in nature; a teacher aide shall not teach LIEP is systematic in the approach to teaching the English language</li> <li><input type="checkbox"/> District has defined the roles of teachers and aides as it applies to implementing the LIEP and has provided necessary training</li> </ul>		
<b>Standards, Assessments and Accommodations</b>	<p>District ensures</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> all English learners have access to appropriate language development curriculum aligned to the state ELP standards</li> <li><input type="checkbox"/> English learners are provided with appropriate supports to ensure meaningful access to academic content standards</li> <li><input type="checkbox"/> all English learners participate in state content assessments</li> <li><input type="checkbox"/> English learners are provided with approved linguistic supports and accommodations on state content assessments</li> <li><input type="checkbox"/> all ELs participate in the annual state English-language proficiency assessment with appropriate supports and accommodations</li> </ul>		

<p><b>Exit Criteria</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Identify a procedure and timeline for reviewing results of state assessments for determining exit status</li> </ul> <p>District follows state's exit criteria:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Students, K-12, are exited from the LIEP program based on a score of Proficient on the annual state English language proficiency assessment</li> <li><input type="checkbox"/> Students with verified disabilities may be exited from the LIEP if a committee of assessment and educational personnel determine that the educational needs of a student are not affected by his/her degree of proficiency in the English language. The process includes: <ul style="list-style-type: none"> <li>• Committee members who are knowledgeable about the language and educational needs of the student and include at least one member of the IEP team</li> <li>• Documentation that the student's educational needs are not affected by his/her degree of proficiency in the English language</li> </ul> </li> </ul>		
<p><b>Data Analysis</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Districts ensure that English learners are correctly identified as EL-Eligible in the state student record system</li> <li><input type="checkbox"/> Districts ensure that former English learners (students meeting the state's exit criteria) are correctly identified as Redesignated English Fluent</li> </ul> <p>District analyzes EL data including performance on:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> State annual English-language proficiency test</li> <li><input type="checkbox"/> State content assessments</li> <li><input type="checkbox"/> Graduation rates, drop-out rates, and years spent receiving language services</li> <li><input type="checkbox"/> District analyzes other relevant data (of ELs and former ELs) which may include: <ul style="list-style-type: none"> <li>• Performance on district assessments</li> <li>• Classroom performance—assessments, grades</li> <li>• Promotion, retention, college attendance rates at the same rates as non-ELs</li> <li>• Inclusion in gifted and talented programs at the same rate as non-ELs</li> <li>• Inclusion in special education at the same rate as non-EL students</li> <li>• Participation in extra-curricular activities and other programs at the same rate as non-EL students</li> <li>• Attendance, disciplinary actions, and suspensions at the same rate as non-ELs</li> <li>• School climate survey results</li> <li>• Parent attendance and involvement in school functions and activities</li> </ul> </li> </ul>		
	<ul style="list-style-type: none"> <li><input type="checkbox"/> District monitors the academic progress of former English learners for four years to compare their academic performance to non-EL students</li> </ul>		
<p><b>Written Report</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Submit annual written report to district's superintendent and kept on file</li> <li><input type="checkbox"/> Annual written report is available to the public upon request</li> <li><input type="checkbox"/> Personally identifiable student information is redacted</li> <li><input type="checkbox"/> Report will be retained pursuant to the district's records and retention schedule</li> </ul>		
<p><b>Written Report</b></p>	<p>District analyzes EL data including performance on:</p> <ul style="list-style-type: none"> <li>• District goals for EL program</li> <li>• Summary of review process</li> <li>• How the district implemented the required elements of Rule 15</li> <li>• Evidence to support required elements have been implemented</li> <li>• Strengths of the LIEP</li> <li>• Suggested modifications to the LIEP to ensure EL student success</li> <li>• How successful district has been in meeting EL program goals</li> </ul>		

## **SECTION 008: SAMPLE WRITTEN SUMMARY REPORT**

**Date:**

**Submitted by:**

**Goals:**

Include a short description of the English learner program goals for the year.

**Summary of the Review Process**

Include a short summary of the review process including the team met, members of the team and the data that was included in the review.

**Summary of the Review Findings**

Includes a short description of each of the required elements of Rule 15 Program Review: identification, LIEP, Staffing, Standards, Assessment and Accommodations, Exit, and Data Analysis. The description could include current procedures and practices, any changes that have occurred over the year, and any areas where improvements may need to be made.

**Program Strengths**

Include a short summary of the program strengths.

**Program Recommendations/Modifications**

Include a short summary of the recommended modifications for the next school year.

Note: The written report is to be kept on file in the Superintendent's office and made available to anyone requesting it. No personally identifiable information should be included in this report.



# APPENDIX C: NEBRASKA DEPARTMENT OF EDUCATION RESOURCES

The Nebraska Title III (English Learner Programs) Office website is located at <https://www.education.ne.gov/NATLORIGIN/>. Within this site are links to numerous resources, including:

- » **Nebraska English Language Proficiency (ELP) Standards**
  - The ELP Standards were adopted in Nebraska in December 2013.
- » **English Learner Program Guides**
  - Nebraska ELL Program Guide: Administrators
  - Nebraska ELL Program Guide: Teachers
  - Nebraska ELL Program Guide: A Guide for Secondary ELL Programming
- » **Professional Development Resources**
  - Rule 15 Canvas Course: NDE partnered with Nebraska educators to develop learning modules that correspond to each section of Rule 15. There is a learning module for each section of Rule 15 within the course. The Nebraska Rule 15 course can be found at [canvas.education.ne.gov](https://www.education.ne.gov/canvas)
  - Standards Alignment Resources: As part of the state ELP and content standards alignment meetings, resources have been developed that help supporting English Learners in Content-Area Standards. These resources include:
    - ◇ Sample ELA and Math lessons that include supports for English learners
    - ◇ Resource documents that include supports for English learners in the content classroom
    - ◇ Webinars to conduct PLCs that focus on supporting ELs in the classroom
- » **Other NDE websites that may be useful in implementing Rule 15 include:**
  - Migrant Education Program
    - ◇ The Migrant Education Program provides funding and assistance to districts with students who qualify as migrant.
    - ◇ <https://www.education.ne.gov/migrant/>
  - Rule 24 – Regulations for Certificate Endorsements
    - ◇ This rule contains the requirements that teachers must meet in order to obtain endorsements in English as a Second Language and Bilingual Education.
  - Linguistic Supports and Accommodations for English Learners
    - ◇ The NSCAS Summative and Alternate Accessibility Manual and webinar can be found at [www.education.ne.gov/assessment](https://www.education.ne.gov/assessment)
    - ◇ ELPA21 Testing Information can be found at <https://www.education.ne.gov/natlorigin/elpa21-assessment/>

# APPENDIX D: IMPLEMENTATION CHECKLISTS

## SECTION 003: IDENTIFICATION OF ENGLISH LEARNERS

	Indicator of Section 003 Implementation	Process in Place	Notes
1	Design an HLS that includes the three questions required in Rule 15.		
2	Include the Home Language Survey in the district's registration materials.		
3	Train designated personnel (at the building level or district office registrar) in the process of survey administration.		
4	Explore options for interpreting and translating enrollment forms including the HLS.		
5	Administer the English-language proficiency assessment (screener) if any of the three questions indicate a language other than English.		
6	File the original HLS in the cumulative folder or document in the online student record system.		
7	Request technical assistance from the ESU, NDE, or other school districts if the district does not yet have an ELP screener.		
8	Use a valid and reliable ELP Screener designed to measure English language acquisition.		
9	Follow the testing protocol as outlined in the testing administration manual of the chosen assessment.		
10	Provide professional development for school district personnel in administering the ELP screener.		
11	Train the assessment personnel to interpret the results of the ELP screener.		
12	Communicate the results of the assessment to teachers and others who are implementing the language instruction educational program (LIEP).		
13	Designate the student as EL eligible in the school district database (e.g., Infinite Campus, PowerSchool) if the assessment results indicate that the student is an English learner.		
14	Send the notification letter informing families or guardians of EL status and services.		
15	Maintain documentation that can be available for other districts when a student transfers within Nebraska.		

## SECTION 004: LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS (LIEPS)

	Indicator of Section 004 Implementation	Process in Place	Notes
1	Determine the language and academic needs of the EL students using language and content assessments, as well as other available data.		
2	Analyze available resources (i.e., staffing, training, community resources).		
3	Research, plan, and implement the language instruction educational program (LIEP) to meet the language and academic needs of the students identified.		
4	Choose and implement a program model (see chart) that is systematic, educationally sound in theory and effective in practice, enables students to increase English proficiency and meet academic standards, and allows for meaning access to programs/ activities available to all students.		
5	Develop or adopt a curriculum that supports the Nebraska English Language Proficiency (ELP) Standards and is appropriate for the program model selected.		
6	Plan for professional development designed for implementation of the program model selected.		

## SECTION 005: STAFFING

	Indicator of Section 005 Implementation	Process in Place	Notes
1	Identify the teacher(s) responsible for implementing the language instruction educational program.		
2	Review the qualifications for teacher(s) responsible for implementing the LIEP.		
3	Verify teacher certification. For EL teachers without an ESL endorsement, provide and document professional development in skills and strategies for meeting the language and academic needs.		
4	Identify the certified teacher who supervises the teacher aide. Define the teacher aide role, identify teacher aide assignments, and provide training.		

## SECTION 006: STANDARDS, ASSESSMENTS AND ACCOMMODATIONS

	<b>Indicator of Section 006 Implementation (Standards)</b>	<b>Process in Place</b>	<b>Notes</b>
<b>1</b>	Determine an appropriate language development curriculum for EL students based on the Nebraska English language proficiency (ELP) Standards.		
<b>2</b>	Provide appropriate supports for English learners to ensure meaningful access to academic content standards (see resource page for suggestions).		
<b>3</b>	Work together (EL and content/classroom teacher) to ensure EL students are provided with support that is appropriate		
<b>4</b>	Support student's transition into the general education classroom as they progress towards proficiency.		

	<b>Indicator of Section 006 Implementation (Assessment and Accommodations)</b>	<b>Process in Place</b>	<b>Notes</b>
<b>1</b>	Assure that EL-eligible students are accurately identified in the state student record system.		
<b>2</b>	Coordinate the assessment schedule for the state content and English-language proficiency assessments with the classroom teacher(s) and other relevant staff.		
<b>3</b>	Determine the appropriate linguistic supports and accommodations based on individual student needs for each EL student on the state content assessments. Refer to the <i>Nebraska Student-Centered Assessment System (NSCAS) Summative &amp; Alternate Accessibility Manual</i> .		
<b>4</b>	Determine the appropriate accommodations for the English-language proficiency assessment based on the student's Individual Education/504 Plan as outlined in the testing manuals.		
<b>5</b>	Confirm all EL-eligible students have participated in state assessments as required by Rule 15.		

## SECTION 007: EXIT REQUIREMENTS

	Indicator of Section 007 Implementation	Process in Place	Notes
1	<p>Make <i>Rule 15: A Guide for Implementation</i> available to and train all key personnel, including those responsible for reviewing the assessment data and exiting students from the LIEP.</p>		
2	<p>Establish a procedure and timeline for reviewing results of the English Language Proficiency Assessment for determining exit status.</p>		
3	<p>Communicate with the district data management, to ensure students who exit the LIEP are redesignated English fluent on the state record system.</p>		
4	<p>Identify the key personnel who will be involved in determining an appropriate exit recommendation for an EL student who also has a verified disability. The committee must include assessment and educational personnel who are knowledgeable about the language and educational needs of the student and must include one member of the student's IEP team.</p>		
5	<p>Develop a process for documenting the data that supports exiting an EL student with a verified disability whose educational needs are being met through special education. Designate a consistent location for maintaining the documentation.</p>		

## SECTION 008: LANGUAGE INSTRUCTION PROGRAM REVIEW

	Indicator of Section 008 Implementation	Process in Place	Notes
1	Establish a process, timeline, and team with an appointed leader to conduct the annual review. Consider current practices or teams that overlap or complement the requirements of this review. The school improvement process as required by Rule 10 may serve as a good example of an annual review process.		
2	Maintain accurate data on current EL-eligible and former EL students		
3	Determine a format for the annual review that includes all required elements.		
4	Analyze student performance on state content and English language proficiency assessments as well as graduation rates, drop-out rates, and years spent receiving language services. Other district assessment results and relevant data may be included.		
5	Monitor the academic performance of former EL students for four years in order to compare their academic performance to non-EL students.		
6	Based on analysis of data, determine if the program goals have been met.		
7	Modify the language instruction educational program based on the results of data analysis and review of the program implementation practices.		
8	Determine a format for the written summary report kept in the superintendent's office.		

# APPENDIX E: RULE 15

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION  
CHAPTER 15 - REGULATIONS AND PROCEDURES FOR ENGLISH LEARNER PROGRAMS IN  
NEBRASKA PUBLIC SCHOOLS

## ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Compliance as a Condition for School Accreditation	79-305, 79-318, 79-703	009
Definitions	79-305, 79-318, 79-703	002
Exit Requirements	79-305, 79-318, 79-703	007
General Provisions	79-305, 79-318, 79-703	001
Identification of English Learners	79-305, 79-318 79-703	003
Language Instruction Educational Programs	79-305, 79-318 79-703	004
Language Instruction Program Review	79-305, 79-318, 79-703	008
Staffing	79-305, 79-318,	005
Standards, Assessment and Accommodations for English Learners	79-305, 79-318, 79-703 79-703	006

Appendix A  
Sample Home Language Survey