

## ELL Legal Reminders for Administrators

See DPI's *Legal Responsibilities When Serving Limited-English Proficient (LEP) Students in K-12 Schools*

- Title III ELL funding aid will be allocated ONLY for those students assessed for English Language Proficiency (ELP) with the ACCESS test.
- Native American students should be assessed for ELP if another language is spoken in the home (as indicated on the Home Language Survey), or if there is evidence of below proficient performance in reading/language arts.
- A Home Language Survey must be completed for ALL students enrolled in a public school.
- Districts must prepare and submit a "Plan of Services" (PI-1849) to DPI for ELL students if any school in the district meets the following "trigger" numbers:
  - 10 students at grades K-3 speaking the same non-English language
  - 20 students at grades 4-8 speaking the same non-English language
  - 20 students at grades 9-12 speaking the same non-English language
  - Districts may combine student numbers across different schools to meet the minimum threshold for state-assistance – but this is not an obligation
- Districts who meet the trigger numbers must provide:
  - Licensed bilingual teachers – or ESL teachers with bilingual aides when bilingual teachers are not available
- Districts who do NOT meet the trigger numbers comply by ...
  - Completing a Home Language Survey upon enrollment
  - Administer the English Language Proficiency test (ACCESS) annually to all language minority students
  - Create and maintain an Individual Record Plan (IRP) for ELL students that documents the individual plan of service and assessment data – that outlines clear long-range strategies
  - Making sure that no ELL student spends all or a large part of the day in a self-contained classroom with unlicensed staff
  - Not retaining any ELL students based solely on their English proficiency
  - Maintain ELL support services until students have progressed beyond Level 5 and translate documents for parents and provide interpreters at conferences and meetings.