| **ELE 1: ANNUAL ENGLISH LANGUAGE PROFICIENCY ASSESSMENT** |
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| **LEGAL REQUIREMENT** | 1. The district annually assesses the English proficiency of all ELs.
2. The ACCESS for ELLs 2.0 is administered to ELs annually in grades K-12 by qualified staff.

**Authority: Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), 20 U.S.C. § 6823(b)(3)(B); G.L. c. 71A, § 7; 603 CMR 14.02.**  |
| **IMPLEMENTATION GUIDANCE** | * Districts will assess ELs annually using the ACCESS for ELLs test until such time as their assessments and other relevant data indicate English language proficiency. Districts must continue to assess ALL ELs, even those who have opted out of ELE services under ELE 8.
* 95 percent or more of ELs must participate in the ACCESS for ELLs test in order to be in compliance with ELE 1.
* It is a requirement for districts to assess the reading, writing, speaking, and listening skills of ELs using the ACCESS for ELLs test.
* The Department will assign a score for up to two missing ACCESS domains for an EL student with a disability when all four of the following criteria are met:
* The EL student has an IEP or 504 plan that lists the accommodations used by the student.
* The EL student’s disability status and nature of disability have been documented in the Student Information Management System (SIMS).
* The untested domain test was designated with a “Do Not Score” code of “SPD” on the ACCESS test.
* The EL student did not participate in a domain test because they met one of the test exemption criteria
* Districts will assign staff members who have participated in training and who have passed a certification test in the relevant subtest(s) of the assessment to administer the [ACCESS for ELLs](http://www.doe.mass.edu/mcas/access) test.
 |
| **DOCUMENTATION REQUIREMENTS** | N/A |
| **RECORD REVIEW REQUIREMENTS** | N/A |
| **OTHER EVIDENCE** | 1. ACCESS for ELLs participation rates as shown in state database.
2. Staff interviews.
 |

| **ELE 2: STATE ACCOUNTIBILITY ASSESSMENT** |
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| **LEGAL REQUIREMENT** | ELs participate in the annual administration of the MCAS (Massachusetts Comprehensive Assessment System) exams as required and in accordance with Department guidelines. **Authority: ESEA, 20 U.S.C. §§ 6311(b)(2); 6826(b)(2); G.L. c. 69, § 1I; c. 71A, § 7.**  |
| **IMPLEMENTATION GUIDANCE** | * Federal guidelines allow ELs the option of taking the MCAS English Language Arts test in their first year of enrollment in U.S. public schools. **ALL** ELs are to participate in the MCAS Mathematics and Science and Technology/Engineering tests scheduled for their grades.
* 95 percent or more of ELs must participate in the MCAS tests in order to be in compliance with ELE 2.
* Any student who *currently is* or *has been* an EL may have access to an approved bilingual dictionary on MCAS test. Bilingual dictionaries and glossaries permitted for this purpose are limited to those that provide word-to-word translations (but not definitions).
* ELs fully participate in statewide MCAS assessments, with or without accommodations that are:
	+ consistent with the State’s policies for allowable accommodations for ELs;
	+ appropriate for addressing a student’s language needs for each assessment administered;
	+ generally consistent with accommodations provided to students during instruction and/or practice;
	+ identified by school professionals familiar with the language needs and learning characteristics of the student; and
	+ administered in accordance with allowable test administration procedures.
* For more information about EL participation requirements and additional [MCAS accommodations](http://www.doe.mass.edu/mcas/accessibility/) available for ELs.
 |
| **DOCUMENTATION REQUIREMENTS** | Descriptions of accommodations for academic subject matter testing in English |
| **RECORD REVIEW REQUIREMENTS** | A copy of the test accommodations provided to the student |
| **OTHER EVIDENCE** | 1. MCAS participation rates as shown in state database
2. Staff interviews
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| **ELE 3: INITIAL IDENTIFICATION OF ELS AND FELS** |
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| **LEGAL REQUIREMENT** | 1. The district uses qualified staff, appropriate procedures, and state-required assessments to identify students who are ELs and to assess their level of English proficiency in reading, writing, speaking, and listening, as appropriate for their grade.
2. Each school district shall establish written procedures, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may be ELs and assess their level of English proficiency upon their enrollment in the school district.
3. Each school district shall establish written procedures, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who are Former English Learners (FELs) to be able to design and implement a process for routinely monitoring these students’ academic progress for four years following their reclassification.

**Authority: Title VI; EEOA; ESEA, 20 U.S.C. §§ 6312(e)(3)(A)(i)-(ii), (vi), 6841(a)(5); G.L. c. 71A, § 4; 603 CMR 14.02; G.L c. 76, § 5; 603 CMR 26.03.** |
| **IMPLEMENTATION GUIDANCE** | * Districts will have policies and procedures in place for accurately identifying ELs in a timely, valid, and reliable manner.
* Districts will have written policies and procedures in place for identifying FELs in order to monitor their progress and provide support as needed to ensure that they make adequate progress in academics.
* Districts should use the [home language survey](http://www.doe.mass.edu/ele/resources/communications.html) available on the Department’s website. When the language of the home is a language other than English and the parents/guardians have limited English proficiency, an interpreter should be available to assist in completing the survey.
* Trained professional staff must assess all students whose home language survey indicates a language other than English for any of the survey questions, in **reading, writing, speaking and listening**, as appropriate for the grade level, using the English proficiency criteria set by the Department. Please see [Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx).
* Districts must use WIDA screeners for initial identification of ELs in grade levels K-12 and [Pre-K Screening Tool](https://www.doe.mass.edu/ele/resources/prek-identification-screening-tool.docx) for initial identification of students in Pre-K. Districts must use the cut scores and follow the guidance provided by the Department.
* Students who were identified as ELs in PreK, but do not qualify for ELE services based on the WIDA Screener for Kindergarten will NOT be considered FELs. They should be coded as non-ELs.
* Districts will administer Kindergarten students only the Speaking and Listening components of the WIDA Screener for Kindergarten test at the beginning of the school year. If a student enrolls in the district in the second half of the student’s kindergarten year, then the student will take all four components of the WIDA Screener for Kindergarten test: Listening, Speaking, Reading, and Writing.
* If districts are administering the WIDA Screener for Kindergarten to students prior to their initial enrollment in kindergarten, the earliest testing window for these students is from mid-April to June of the school year before they start Kindergarten to promote accurate decision-making about these young students’ English language development. Please log in to the WIDA Secure Portal to access the WIDA Screener for Kindergarten, [Guidance for Administration During Kindergarten Registration](https://portal.wida.us/resource/detail/dd439645-ab53-ec11-a2d5-0050568b4ed0).
* Students in the first half of Grade 1 will take WIDA Screener for Kindergarten as the Screener Test Administration Manual recommends and the cut scores used for the second semester of Kindergarten will determine eligibility for ELE services.
* The obligation to identify all ELs is part of an LEA’s civil rights obligations under Title VI and the EEOA. Therefore, an LEA may not use Title III funds for purposes relating to identification of ELs, including a screening assessment, home language survey, or other related tools.. Please see [Addendum to September 23, 2016 Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA)](https://www2.ed.gov/policy/elsec/leg/essa/elandiitleiiiaddendum1219.pdf)
* To learn more about qualified staff, appropriate procedures and state required tests, please see [Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx).
 |
| **DOCUMENTATION REQUIREMENTS** | 1. Names and qualifications of persons implementing identification procedures
2. Description of policies and procedures
 |
| **RECORD REVIEW REQUIREMENTS** | Copies of Student Home Language Surveys |
| **OTHER EVIDENCE** | 1. SIMS report
2. Parent surveys
3. Staff interviews
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| **ELE 5: ELE PROGRAMS AND SERVICES** |
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| **LEGAL REQUIREMENT** | 1. The Department shall conduct on-site visits to school districts at least once every six years for the purposes of evaluating the effectiveness of programs serving English learners and to validate evidence of educational outcomes.
2. The district uses assessment data to plan and implement educational programs for students at different instructional levels.
3. Children who are English learners shall be educated through sheltered English immersion or an alternative instructional program that meets the requirements of federal and state law, during a temporary transition period not normally intended to exceed the timelines established by the Department in benchmarks established pursuant to G.L. c. 71A, § 11. Alternative instructional programs include, but are not limited to, transitional bilingual education and dual language education or two-way immersion programs.
4. ELE programs shall be research-based and include subject matter content and an English language acquisition component.
5. The district only groups ELs of different ages together in instructional settings if their levels of English proficiency are similar.
6. ELs must have equal access to all educational program opportunities and instructional programs or extracurricular activities available within the school for which they qualify.
7. School districts shall adopt procedures to identify English learners who do not meet English proficiency benchmarks and shall establish a process for the district to (i)identify areas in which identified English learners needs improvement and establish personalized goals for the identified English learners to attain English proficiency; (ii)assess and track the progress of English learners in the identified areas of improvement; (iii)review resources and services available to identified English learners that may assist said learners in the identified areas of improvement; and (iv)incorporate input from the parents and guardian of the identified English learner.
8. The district’s grouping of students ensures that ELs receive effective content instruction at appropriate academic levels and that ESL instruction is provided at the appropriate proficiency level. ESL instruction should be aligned to the Massachusetts Curriculum Frameworks and must integrate components of the WIDA English Language Development (ELD) Standards.
9. A district that intends to offer a new sheltered English immersion or alternative instructional English learner program in the next academic year shall submit, not later than January 1 of the current academic year, to the Department and the district's parent advisory council, on a form prescribed by the Department, a description of: (i) the new instructional program selected; (ii) how the new sheltered English immersion or alternative instructional program meets the needs of the population to be served; (iii) the number and expected qualifications of the program's educators; and (iv) the number, native language and English proficiency levels of students expected to be enrolled in the program.
10. The evaluation of ELE programs (by the Department) shall include, but shall not be limited to: (i) a review of individual student records of English learners; (ii) a review of the programs and services provided to English learners; (iii) a review of the dropout, graduation, discipline and special education incidence rates of the English learner population in the district; (iv) using the best available data, a review of the dropout, graduation, discipline and special education rates of English learners who exited the English learner education program within the 3 school years preceding the on-site visit for that 3-year period; (v) a description of the processes by which school-based teams, consisting of educators, administrators and support staff, monitor the progress of English learners and former English learners; (vi) a review of the amount, frequency and effectiveness of English as a second language instruction; and (vii) a review of the administration and coordination of English learner education programs.
11. The school district is required to monitor the provision of services to and the programs of individual students placed out-of-district. Documentation of monitoring plans and all actual monitoring shall be placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits shall be documented and placed in the students' files for review. The duty to monitor out-of-district placements cannot be delegated to parents or their agents, to the Department, or to the out-of-district placement. The school district may, however, contract directly with a person to conduct such monitoring.

**Authority: Title VI; EEOA; ESEA, 20 U.S.C. § 6825(c)(1)(A)-(B); G.L. c. 71A, §§ 4, 7A; 603 CMR 14.04; 603 CMR 28.06(3)(b).** |
| **IMPLEMENTATION GUIDANCE** | * Any general education classroom with ELs must conform with standards under G.L. c. 71A and 603 CMR 14.00.
* Compliance with SEI Endorsement requirements is monitored under ELE 14.
* While ELE programs may require that ELs receive separate instruction for a limited period of time, the Department expects districts to carry out their chosen program in the least segregative manner consistent with achieving the program’s stated educational goals.
* ELs in self-contained ELE programs must have access to grade level curricula, special education, and extracurricular activities.
* In designing, resourcing, and evaluating their ELE program(s), districts should be aware that the Department will use the three-prong test set out in the case of *Castañeda v. Pickard* to determine whether the ELE program(s) meets the applicable requirements. The three prongs include:

1. The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy. 2. The program and practices used by the district are reasonably calculated to implement effectively the educational theory adopted by the district. 3. The program is effective when producing results indicating that students’ language barriers are actually being overcome within a reasonable period of time. For more information about ELE program implementation, please see [Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx). * Federal law requires that any language support program offered by a district be designed and implemented to assure that ELs receive effective English language and content instruction at appropriate academic levels. ESL instruction should be appropriate to the student’s level of English proficiency. Content and curriculum of sheltered content classrooms should also be appropriate to the age(s), and grade(s) of the students in the class.
* Districts must establish procedures aligned to the [Guidelines for English Learner Benchmarks](https://www.doe.mass.edu/ele/guidance/benchmark-guidelines.docx) to identify goals for students who have not met English proficiency benchmarks by using the Student Success Plan Template provided by the Department.
* Generally, districts have the flexibility to choose the English as a Second Language (ESL) instructional delivery approaches(s) that are most suitable for their context and students’ needs (self-contained, pull-out, push-in, co-teaching, or embedded). See DESE’s [additional guidance](https://www.doe.mass.edu/ele/esl-toolkit/default.html) on ESL Instructional Delivery Approaches. Regardless of the ESL instructional model used, ESL unit plans and/or an ESL curriculum should guide ESL instruction.
* Academic tutoring of content subjects or sheltering the content for ELs in a regular education classroom as a part of a push-in model is not a substitute for the ESL component of SEI programs. For more information about ESL instruction, please see [Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx).
* It is a requirement to include ESL instruction in the implementation of districts’ ELE program(s) to advance English language development and promote academic achievement of ELs. For more information please see [Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx). It is a requirement for districts to integrate the WIDA standards into all curricula, including ESL, for classes in which ELs participate.
* Districts will consider developmental differences before they cluster students from different grade levels.
* Children at the preschool and Kindergarten age are developing language in general, and the level of acquisition will vary from child to child as with any developmental milestone. Districts should reflect on how children at this early age learn language and to what extent existing classroom practices are responsive to young children’s developmental needs. Districts should plan and provide English language development services for preschool children in the context of an inclusive, language-rich classroom environment where both social and academic language is actively supported in consultancy with the ESL teacher, who will also monitor the progress of these students.
* A Title III eligible district receiving funds under Section 3114(a) of ESSA uses the funds to provide effective language instruction educational programs (that are supplemental to the core instructional curriculum) to improve English language proficiency of English learners.
* A Title III eligible district receiving funds under Section 3114(a) of ESSA uses the funds to provide effective language instruction educational programs (that are supplemental to the core instructional curriculum) to increase student academic achievement of English learners.
* Some English learners may be served in out-of-district placements, such as approved private special education schools. The school districts should make sure that:
	+ Parent notification letters as described in this document are sent to parents.
	+ Students in out-of-district placement participate in ACCESS for ELLs testing as appropriate.
	+ Students receive all services to which they are entitled.
	+ Former English learners and students whose parents have opted them out of English learner services are monitored to make sure they receive the support they need to be successful in academics and English language acquisition.
	+ They comply with all other applicable federal and state requirements.
 |
| **DOCUMENTATION REQUIREMENTS** | 1. EL Student Roster
2. District ESL curriculum, curricular materials and/or curriculum development plan
3. Integration of Castañeda’s Three-Pronged Test
4. Schedules for students whose records will be reviewed by the Department
5. Documentation (e.g., lesson plans, ESL curriculum) showing explicit, direct ESL instruction
6. Title III Planning and Monitoring Compliance documents for [Parent Involvement Requirements](https://www.doe.mass.edu/ele/resources/titleiii-parent-involvement.docx), [Professional Development Requirements](https://www.doe.mass.edu/ele/resources/titleiii-pd.docx), [[Funds to Supplement not Supplant](https://www.doe.mass.edu/ele/resources/titleiii-use-sns.docx).](https://www.doe.mass.edu/ele/resources/titleiii-use-sns.docx)
 |
| **RECORD REVIEW REQUIREMENTS** | 1. Student schedules
2. Report cards, progress reports
3. Information about students’ previous school experiences, if available
 |
| **OTHER EVIDENCE** | 1. Data showing that the district’s ELE program(s) is/are effective when producing results indicating that students’ language barriers are being overcome.
2. A review of the amount, frequency and effectiveness of ESL instruction
3. A review of the administration and coordination of ELE programs
4. Parent surveys
5. Staff interviews
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| **ELE 6: PROGRAM EXIT AND READINESS** |
| **LEGAL REQUIREMENT** | 1. Each school district shall establish criteria, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may no longer be English learners.
2. The district does not reclassify an English Learner (EL) as Former English Learner (FEL) until he or she is deemed English proficient and can participate meaningfully in all aspects of the district’s general education program without the use of adapted or simplified English materials.
3. Districts do not limit or cap the amount of time in which an EL can remain in a language support program. An EL only exits from such a program after he or she is determined to be proficient in English.

**Authority: Title VI; ESEA, 20 U.S.C. § 6821(b)(2)(A); EEOA; G.L. c. 71A, § 4; 603 CMR 14.02.** |
| **IMPLEMENTATION GUIDANCE** | * Districts cannot reclassify ELs who do not meet the minimum exit criteria provided in the [Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx).
* Reclassification decisions cannot be based on 1- the number of years in the program, and/or 2- eligibility for special education services.
* ACCESS for ELLs 2.0 and WIDA Alternate ACCESS are the language proficiency assessments used in Massachusetts, and the result of the assessment must be considered when making reclassification decisions in accordance with the [[Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx)](https://www.doe.mass.edu/ele/guidance/services-programming.docx).
 |
| **DOCUMENTATION REQUIREMENTS** | Description of the district’s reclassification process, including exit criteria  |
| **RECORD REVIEW REQUIREMENTS** | 1. Reclassification documents
2. ACCESS for ELs Results
3. Documentation required for WIDA Alternate ACCESS. Please see the [[Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx)](https://www.doe.mass.edu/ele/guidance/services-programming.docx).
 |
| **OTHER EVIDENCE** | 1. Parent surveys
2. Staff interviews
3. Student assessment data
 |

| **ELE 7: PARENT INVOLVEMENT** |
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| **LEGAL REQUIREMENT** | The district develops ways to include parents or guardians of ELs in matters pertaining to their children’s education and ELE programs. 1. A Title III eligible district receiving funds under Section 3114(a) of ESSA uses the Title III funds to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which included parent, family, and community engagement activities. These activities were above and beyond what the LEA was required to offer to meet other federal and state requirements.
2. A request by a student’s parent or guardian to enroll the student in or transfer the student into a specific English learner education program offered by the school district shall be reviewed by the superintendent or the superintendent’s designee. The school district shall respond to such requests in no more than 20 school days after receipt of the request.
3. If a school district receives requests from the parents or legal guardians of not less than 20 students to implement a specific program to provide language instruction in that school district, the school district shall, not later than 90 days after receiving the request, respond and provide: (i) a plan for implementation of the requested program; or (ii) a denial of the request, in writing, including an explanation of the denial.
4. Each school district serving 100 or more ELs or in which ELs comprise at least five percent of the student population, whichever is less, shall establish an English learner parent advisory council.
5. Each school designated as underperforming or chronically underperforming and operating a program for English learners shall establish an English learner parent advisory council.
6. A school district or school required to establish a parent advisory council shall annually notify parents and guardians of ELs of the opportunity to participate in the council and shall provide the notification in a language the parent or guardian can understand.

**Authority: Title VI; EEOA; ESEA, 20 U.S.C. § 6825(c)(3)(A); G.L. c. 69, § 1J(x); G.L. c. 71A, §§ 5, 6A, 12; 603 CMR 14.04 and 14.09.** |
| **IMPLEMENTATION GUIDANCE** | * In accordance with the law, certain schools and districts are required to establish English learner parent advisory councils, but other schools and districts may also choose to establish them in order to increase parent involvement.
* For guidance regarding parent advisory councils please see <http://www.doe.mass.edu/ele/guidance/elpac.docx>
* Schools and districts should provide multiple opportunities and a variety of methods for parent-teacher communication.
* Districts must provide language assistance (translation/interpretation) to all limited English proficient parents whose primary language is not English, even if their child is proficient in English.

For more information about translation/interpretation requirements, please see [Guidance on English Learner Education Services and Programming](https://www.doe.mass.edu/ele/guidance/services-programming.docx). |
| **DOCUMENTATION REQUIREMENTS** | 1. Parent or legal guardian notification about the English learner parent advisory council (only applies to districts and schools that are required to have English learner parent advisory councils)
 |
| **RECORD REVIEW REQUIREMENTS** | 1. Copy of notifications sent to parents.
2. A description and documentation of the means by which the district involves parents and guardians in matters regarding their children's education
3. Documentation of meetings held with parents or guardians regarding a student who is not making satisfactory progress toward participating and learning in a mainstream classroom.
 |
| **OTHER EVIDENCE** | 1. Parent surveys
2. Staff interviews
3. Other translated documents related to parent notification
 |

| **ELE 8: DECLINING ENTRY TO A PROGRAM** |
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| **LEGAL REQUIREMENT** | 1. A parent or guardian of an English learner may withdraw the student from an English learner education program in accordance with state and federal law.
2. The district provides English language support to students whose parents have declined entry or withdrawn from a sheltered English immersion, dual language education or two-way immersion program, or other ELE program.
3. The written confirmation of the withdrawal shall be provided annually to the school by the parent or legal guardian and such confirmation shall be retained in the student’s cumulative folder; and provided further, that the student shall retain the right to enter an ELE program at any time.

**Authority: Title VI; EEOA; ESEA, 20 U.S.C. 6312(e)(3)(A)(viii); G.L. c. 71A §12; 603 CMR 14.04.** |
| **IMPLEMENTATION GUIDANCE**  | * Parents of ELs may notify the district of their wish to have their child withdraw or opt out of an ELE program. The district must then place the student in an English language general education classroom and document the parent’s notice in the student’s file. Districts should encourage parents to allow their children to participate in ELE programs for at least a limited period of time before they make a final determination to opt out of the program.
* Districts should also continue to keep parents of ELs, who have opted out, apprised of their child’s progress.
* The U.S. Department of Justice and the Office of Civil Rights have interpreted the EEOA and Title VI, respectively, to require districts to take steps to provide the student meaningful access to the educational program, even if a parent has declined an ELE program. To do so, the district, at a minimum should assign the student to core academic teachers who hold the SEI Endorsement and actively monitor the student’s progress.
* Where a district determines through monitoring that a student who has opted out is not progressing, without delay, the district must ensure that the student’s academic and language needs are addressed.
* Districts must still report ELs whose parents have opted them out of an ELE program as an “EL” on the SIMS data and assess annually using ACCESS for ELLs 2.0 test. Parent notification letters are required as long as English language proficiency assessments indicate the student is not yet proficient in English.
* Parents or legal guardians should provide districts with a written confirmation of the withdrawal annually. Districts will keep annual written confirmation documents in the student’s cumulative folder.
* Parents and legal guardians have the right to change their decision to opt out of ELE services and request their EL enter into an ELE program at any time.
 |
| **DOCUMENTATION REQUIREMENTS** | 1. A list of students designated as ELs whose parents have chosen to opt out of ELE programs.
2. Sample written notifications by the parents or legal guardians withdrawing an EL from an ELE program, if any.
 |
| **RECORD REVIEW REQUIREMENTS** | 1. The original and the most recent opt-out requests by the parent or legal guardian, if any.
2. Evidence of support provided to the student as needed.
 |
| **OTHER EVIDENCE** | 1. Parent surveys
2. Staff interviews
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| **ELE 10: PARENTAL NOTIFICATION** |
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| **LEGAL REQUIREMENT** | 1. State law parental notification requirement: School districts shall, at least annually, inform the parents or legal guardians of ELs of their rights to:
	1. choose a language acquisition program among those offered by the school district;
	2. request a new language acquisition program; or
	3. withdraw a student from a language acquisition program.

Notice shall be sent by mail **no later than 10 days after the enrollment** of the student in the school district. The notice shall, to the extent possible:* 1. be in a language that is understandable to the parents or legal guardians;
	2. contain a simple, easy to understand description of the purpose, method and content of the available programs;
	3. inform the parent or legal guardian of the right to visit an ELE program in the school district; and
	4. inform the parent or legal guardian of available conferences or meetings to learn more about the English learner programs offered in the school district.
1. Federal law parental notification requirement: Each local educational agency will inform parents of an English learner identified for participation or participating in an ELE program, of:
2. the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;
3. the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;
4. the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
5. how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;
6. how such a program will specifically help their child learn English and meet age appropriate academic achievement standards for grade promotion and graduation;
7. the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds are used for children in high schools;
8. in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
9. information pertaining to parental rights that includes written guidance:
	1. detailing the right that parents have to have their child immediately removed from such program upon their request;
	2. detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
	3. assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

This notification must be provided **not later than 30 days after the beginning of the school year**. For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall provide this notification during the first 2 weeks of the child being placed in an ELE program.This notification must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.1. The district shall send report cards and progress reports including, but not limited to, progress in becoming proficient in using English language and other school communications to the parents or legal guardians of students in the English learners programs in the same manner and the frequency as report cards and progress reports to the other students enrolled in the district. The reports are, to the maximum extent practicable, written in a language understandable to the parent/guardian.

**Authority: ESEA, 20 U.S.C. § 6312(e)(3); G.L. c. 71A, §§ 7, 12; 603 CMR 14.02.**  |
| **IMPLEMENTATION GUIDANCE** | * [Sample parent notification forms](http://www.doe.mass.edu/ele/resources/communications.html) are available on the Department’s website.
* Districts must inform parents or legal guardians of ELs of the progress ELs make in becoming proficient in using the English language. In addition to reporting ACCESS for ELLs 2.0 results to parents, districts should include ESL in the district’s progress throughout the school year in the same manner and frequency as report cards and progress reports to other students in the district.
* Districts will provide parents of ELs and newly enrolled students, including PreK students, identified as potential ELs based on the home language survey information with a notification **no later than 10 days after the enrollment of the student in the school district**.This notification will include:
	+ a simple, easy to understand description of the purpose, method and the content of the available ELE programs in the district;
	+ information regarding parents’ right to choose an ELE program among those offered by the district;
	+ information regarding parents’ rights to request a new language acquisition program in accordance with the law;
	+ information about available conferences or meetings for parents to learn about the ELE programs offered in the school district;
	+ information regarding parents’ rights to visit an English learner program in the school district; and
	+ information regarding the parents’ right to withdraw a student from a language acquisition program.
* Districts will provide parents of ELs, including those in PreK, identified for participation or participating in an ELE program with a notification **not later than 30 days after the beginning of the school year**. This notification will include:
	+ the reasons for the identification of their child as an EL and in need of placement in a language instruction educational program;
	+ the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;
	+ the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
	+ how the program in which their child is, or will be, participating, will meet the educational strengths and needs of their child;
	+ how the program will specifically help their child learn English and meet age appropriate academic achievement standards for grade promotion and graduation;
	+ the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds are used for children in high schools;
	+ in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
	+ information pertaining to parental rights that includes written guidance:
		- detailing the right that parents have to have their child immediately removed from such program upon their request;
		- detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
		- assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall provide this notification during the first 2 weeks of the child being placed in an ELE program.* All notifications should be provided in parents’ or guardians’ primary language.
 |
| **DOCUMENTATION REQUIREMENTS** | * + - 1. Template of the parent notification form sent home in accordance with state law.
			2. Template of the parent notification form sent home in accordance with federal law.
			3. A template of the progress reports sent home to inform parents of the progress their children make in acquiring English.
 |
| **RECORD REVIEW REQUIREMENTS** | 1. A copy of the notification provided to parents in accordance with state law
2. A copy of the notification provided to parents in accordance with federal law
3. Progress reports showing students’ progress in English acquisition
 |
| **OTHER EVIDENCE** | 1. Staff interviews
2. Parent surveys
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| **ELE 13: FOLLOW-UP SUPPORT** |
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| **LEGAL REQUIREMENT** | 1. The district actively monitors students who have exited an ELE education program for four years and provides language support to those students, if needed.
2. The district provides support, if needed, to remedy any academic deficits the student incurred as a result of participation in the ELE program.

**Authority: Title VI; EEOA; ESEA, 20 U.S.C. § 6841(a)(5).** |
| **IMPLEMENTATION GUIDANCE** | * Districts can design a monitoring process based on their specific language program and other local characteristics. Such monitoring processes may include:
	+ - Regular, structured meetings between an ESL teacher and the student’s sheltered content instruction teachers and/or the school-based language assessment team to discuss the student’s academic progress and progress in developing English language proficiency;
		- Regular observations of student participation and performance; and
		- Conversations with parents about students’ academic performance and English language development.
* If an exited EL is not progressing academically as expected and monitoring suggests a persistent language need, districts should re-test the student’s ELP with a valid, reliable, and grade-appropriate ELP test to see if the student must be offered additional language assistance services. If the student is reentered into EL services, however, the district should document the reasons why and the parent’s consent to reentry.
* Districts must be responsive to former ELs who struggle academically not due to language, but for reasons related to time spent in the ELE program and missed academic content.
 |
| **DOCUMENTATION REQUIREMENTS** | 1. A list of students reclassified as former ELs and are currently being monitored
2. A description of the district’s monitoring process and any monitoring forms developed to implement this process
3. Evidence of monitoring and support offered to former ELs who have exited ELE programs
 |
| **RECORD REVIEW REQUIREMENTS** | 1. Completed monitoring forms for reclassified students
2. Support provided to reclassified students as needed
 |
| **OTHER EVIDENCE** | 1. Staff interviews
2. Parent surveys
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| **ELE 14: LICENSURE REQUIREMENTS** |
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| **LEGAL REQUIREMENT** | Licensure requirements for districts where ELs are enrolled:1. Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language or Transitional Bilingual Education, or ELL license under G.L. c.71,§ 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.)
2. Except at Commonwealth charter schools, *every* teacher or other educational staff member who teaches ELs holds an appropriate license or current waiver issued by the Massachusetts Department of Elementary and Secondary Education.
3. Core academic teachers[[1]](#footnote-2) who provide sheltered English instruction to English learners in school districts, including charter schools and education collaboratives, must earn an SEI Teacher Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00. Principals, assistant principals, and supervisors/directors who supervise or evaluate such teachers, must earn an SEI Teacher Endorsement or SEI Administrator Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00.
4. Any core academic teacher who is assigned to provide sheltered English instruction to an EL shall either hold an SEI Teacher Endorsement, or is required to earn such endorsement within one year from the date of the assignment. Any school district that assigns an EL to a core academic teacher who has a year to obtain an SEI endorsement, shall take all reasonable steps to ensure that such EL is assigned to core academic teachers with an SEI endorsement in subsequent school years.
5. Career vocational technical teachers providing sheltered English instruction to one or more ELs and principals/assistant principals or supervisors/directors who supervise or evaluate such teachers must have or obtain the SEI Endorsement in accordance with the timelines specified in 603 CMR 14.08.
6. No principal, assistant principal, or supervisor/director shall supervise or evaluate a core academic teacher who provides sheltered English instruction to an EL unless such principal, assistant principal, or supervisor/director holds an SEI Teacher Endorsement or SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation.
7. Except at Commonwealth charter schools, any director of ELE program(s) who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language (ESL), Transitional Bilingual Education (TBE) or an ELL license.
8. A core academic teacher assigned to provide instruction to an English learner in a bilingual education setting, such as dual language education or two-way immersion program, or transitional bilingual education program, must be properly qualified in the field and grade level of the assignment, and hold the appropriate endorsement, as follows:
	1. A core academic teacher responsible for the instructional component provided in a language other than English must hold the Bilingual Education Endorsement or a valid waiver issued by the Commissioner.
	2. A core academic teacher responsible for the instructional component provided in English must hold the Bilingual Education Endorsement or the SEI Endorsement.
9. A principal, assistant principal, or supervisor/director who supervises or evaluates a core academic teacher assigned to provide instruction to an English learner in a bilingual education setting, such as dual language education or two-way immersion program, or transitional bilingual education program, must hold the Bilingual Education Endorsement or the SEI Endorsement.
10. A valid Transitional Bilingual Education license or Transitional Bilingual Learning endorsement issued by the Department shall be deemed the equivalent of the Bilingual Education Endorsement.
11. Prior to the beginning of each school year, districts, including charter schools shall verify that each of the educators in an English learner program is properly endorsed for that program.
12. Except at Commonwealth charter schools, any director of ELE program(s) who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language (ESL), Transitional Bilingual Education (TBE) or an ELL license.
13. If a district with 200 or more ELLs—including all charter schools with 200 or more ELLs—has a director of ELE programs, that director has an English as a Second Language, Transitional Bilingual Education, or an ELL license even if he or she is employed in that position for less than one-half time. (This requirement does not apply separately to Horace Mann charter schools.)

**Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(ii); G.L. c. 71A, § 10; St. 2002, c. 218, §§ 24, 25; 603 CMR 7.04(3), 7.09(3); 603 CMR 7.14(1)-(3); 603 CMR 7.15(9)(b)-(c); 603 CMR 7.15(13)(d); 603 CMR 14.07; 603 CMR 14.08** |
| **IMPLEMENTATION GUIDANCE** | * Sheltered English Immersion Programs: School districts (including charter schools) have a basic responsibility to assign English learners only to those core academic teachers and vocational technical teachers with the SEI Endorsement. If circumstances arise that make it necessary for a district to assign an English learner to an unendorsed core academic teacher, that teacher must earn the SEI Endorsement “within one year from the date of the assignment.” 603 CMR 14.07(3). In those cases, the district also needs to take all reasonable steps so that:
* The English learner assigned to an unendorsed core academic teacher on one occasion is thereafter assigned only to core academic teachers with the SEI Endorsement.
* The unendorsed core academic teacher who is assigned an English learner is informed that, upon assignment, he or she must obtain the SEI Endorsement within one year from the date of the assignment.
* Bilingual Education Programs: A core academic teacher assigned to provide instruction to an English learner in a bilingual education setting, such as dual language education or two-way immersion program, or transitional bilingual education program, must be properly qualified in the field and grade level of the assignment. Furthermore, a core academic teacher responsible for the instructional component provided in a language other than English should hold the Bilingual Education Endorsement or a valid waiver issued by the Commissioner. Core academic teachers responsible for the instructional component provided in English must either have the Bilingual Education Endorsement or the SEI Endorsement.
 |
| **DOCUMENTATION REQUIREMENTS** | 1. ELE Program Director Qualifications Form
2. Names and licensure information for ESL, TWI, TBE or other bilingual education teachers and/or administrators
 |
| **RECORD REVIEW REQUIREMENTS** | N/A |
| **OTHER EVIDENCE** | 1. EDWIN SEI reports
2. Staff interviews
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| **ELE 15: PROFESSIONAL DEVELOPMENT REQUIREMENTS** |
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| **LEGAL REQUIREMENT** | 1. Districts with ELs must develop a professional development plan and provide training for teachers in second language acquisition techniques for the re-certification of teachers and administrators. In accordance with 603 CMR 44.06(1)(a), educators with professional licenses must earn at least 15 Professional Development Points related to SEI, English as a Second Language or Bilingual Education in order to be eligible to renew their licenses. 2. Districts awarded Title III funds must provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is — (A) designed to improve the instruction and assessment of ELs;(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs;(C) effective in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate.**Authority: ESEA, 20 U.S.C. § 6825(c)(2)(A)-(D); EEOA; G.L. c. 71, §§ 38G and 38Q; 603 CMR 44.06(1)(a); ESSA, Section 3115(c)(2)(A); ESSA, Section 3115(c)(2)(B), ESSA, Section 3115(c)(2)(C), ESSA, Section 3115(c)(2)(D).**  |
| **IMPLEMENTATION GUIDANCE** | * While an educator can learn a great deal about Sheltered English Instruction (SEI) through an SEI Endorsement course, there are many opportunities to extend that learning and practice. Whether or not an educator has been required to obtain the SEI Endorsement, starting July 1, 2016, every public school educator in the Commonwealth must earn 15 PDPs related to SEI or ESL to renew his or her license. 603 CMR 44.06(1).
* Districts may use Title III funds to pay for professional development related to the implementation of the WIDA ELD standards, but not ACCESS for ELLs 2.0 training. Districts cannot use Title III funds for state-required SEI Endorsement courses.
 |
| **DOCUMENTATION REQUIREMENTS** | District professional development plan |
| **RECORD REVIEW REQUIREMENTS** | N/A |
| **OTHER EVIDENCE** | Staff interviews |

| **ELE 18: RECORDS OF ELS** |
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| **LEGAL REQUIREMENT** | EL student records include:1. home language survey;
2. results of identification and proficiency tests and evaluations;
3. ACCESS for ELLs 2.0 report;
4. MCAS report;
5. information about students’ previous school experiences, if available;
6. copies of parent notification letters;
7. progress reports, in the native language, if necessary;
8. report cards, in the native language, if necessary;
9. evidence of follow-up monitoring for reclassified and opt-out students, if applicable;
10. annual documentation of a parent’s consent to “opt-out” of ELE program, if applicable.
11. evidence of the implementation of benchmark requirements for students who have not met their annual English language proficiency benchmarks.

**Authority: Title VI; EEOA; G.L. c. 69, § 1I; c. 71A, §§ 5, 11, 12; 603 CMR 14.02, 14.04, 23.02.**  |
| **IMPLEMANTATION GUIDANCE** | Districts may keep these records electronically or in students’ cumulative and EL folders. However, districts must be ready to provide these documents upon request from state and federal audit teams or parents.  |
| **DOCUMENTATION REQUIREMENTS** | N/A |
| **RECORD REVIEW REQUIREMENTS** | All above. |
| **OTHER EVIDENCE** | N/A |

1. For purposes of Sheltered English Immersion (SEI) and Bilingual Education Endorsements, “core academic teachers” include early childhood and elementary teachers, teachers of students with moderate disabilities, teachers of students with severe disabilities, and teachers of the following academic subjects: English, reading or language arts, mathematics, science, civics and government, economics, history, and geography. [↑](#footnote-ref-2)