

Regulations Governing the Education of English Learners in Rhode Island

Public Notice of Proposed Rule-Making

Pursuant to the provisions of Chapters 16-21-34 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Council on Elementary and Secondary Education hereby gives notice of its intent to amend the Regulations of the Rhode Island Board of Education Governing the Education of English Learners (ELs).

The Council is seeking public comment on the amended regulations intended to govern the education of English Learners in RI, including the identification, service, assessment and exit of ELs, as well as communication with families and responsibilities of districts and schools. The changing philosophy and practice of our state and national leaders in this field encourage us to move toward a more inclusive approach to programming for ELs, who represent a highly mobile, fast-growing population. These regulations add all-day supports for ELs in every class and make clear that EL instruction is part of core instruction and district planning, not a separate consideration.

The proposed changes would:

- Update terms and phrases to reflect most recent publications from USED, RIDE and WIDA (Ex.: ESL to ENL, ELL to EL, GLE and GSE to state adopted standards, Board of Regents to Council on Elementary and Secondary Education, etc.),
- Add cultural competency to the list of key outcomes for EL students (along with success in general education, meeting of graduation requirements, post-secondary preparedness, and economic and social success),
- Change definitions of high and low incidence school districts to reflect population density rather than total number of EL students and adds monitored ELs to the total count used for reporting,
- Update and reorganizes Rhode Island's menu of program models to align with federal guidance documents, emerging evidence-based practices and WIDA consortium definitions,
- Add transcript review and family interview to the student placement criteria,
- Encourage ELs' access to grade-level curriculum and integration into general education classrooms by replacing minimum time-in-service for ELs at Developing, Expanding, and Bridging levels with program criteria while maintaining a 1 period minimum for ELs at the Entering and Emerging Levels,
- Release the burden of specificity of EL topics for professional development, and
- Increase district flexibility to engage the families of ELs, actively supporting their participation in district family engagement opportunities.

The proposed amended regulations are available for public inspection in person at the RI Department of Elementary and Secondary Education, 255 Westminster Street, Providence, RI requested by email at ELRegs@ride.ri.gov or by calling Angela Teixeira, at 401-222-8435.

In drafting this rule, consideration was given to: (1) alternative approaches: (2) overlap or duplication with other statutory and regulatory provisions: and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

Public hearings on the proposed amended regulations will be held on:

<p>Thursday, January 5, 2017 Tiverton Public Library 34 Roosevelt Ave. Tiverton, RI 02878 Community Room 5:30pm</p>
<p>Wednesday, January 11, 2017 Warwick Public Library 600 Sandy Lane Warwick, RI 02889 Large Meeting Room 5:30pm</p>
<p>Wednesday, January 18, 2017 Ella Risk Elementary School, Cafeteria Location: 949 Dexter Street; Central Falls, RI 5:30 p.m. Parking: Playground will be available for parking</p>
<p>Wednesday, January 25, 2017 Providence Career and Technical Academy Library 41 Fricker Street Providence, RI 02903 5:00pm</p>

All interested parties are invited to participate in the public hearing and submit written comments concerning the proposed amended regulations from December 26, 2016 – January 30, 2017. The hearing location is accessible to persons with disabilities and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling Karen Lovett at 401-222-8333 or RI Relay 1-800-745-5555.

Requests for language interpretation can be made by email to ELRegs@ride.ri.gov.

Si se necesita un intérprete, envíe un correo electrónico ELRegs@ride.ri.gov.

Written comments may be submitted to Jillian Belanger at the RI Department of Elementary and Secondary Education, 255 Westminster Street, Providence, RI 02903, or at ELRegs@ride.ri.gov or by faxing 401-222-6030.

1 RHODE ISLAND COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION
2
3 REGULATIONS GOVERNING THE EDUCATION OF ENGLISH LEARNERS
4

5 **INTRODUCTION**
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7 These amended rules and regulations, which are authorized by R.I.G.L.16-54-2, are
8 promulgated in accordance with the obligation of the Rhode Island ~~Board of Regents for~~Council on
9 Elementary and Secondary Education to promulgate rules and regulations to govern educational
10 programs for English ~~Language~~-Learners (ELs) enrolled in the public schools of Rhode Island.
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12 Pursuant to the provisions of R.I.G.L.42-35-3~~(e)~~, and R.I.G.L. 42-35-3.4, consideration was
13 given to: (1) alternative approaches to these regulations (2) duplication or overlap with other state
14 regulations, and (3) significant economic impact placed on small business as defined in R.I.G.L.42-
15 35-1, *et seq*, as a result of these regulations. No alternative approach, overlap, or duplication nor any
16 significant economic impact was identified. These amended regulations are intended to govern
17 educational placements, evaluations, and curriculum coordination for ~~English Language Learners~~ELs
18 enrolled in the public schools of Rhode Island. Because these regulations deal with professional
19 practice standards and curriculum coordination, they are not expected to occasion additional costs for
20 school districts. These regulations do not exceed service levels required by Federal law.
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22 ~~These Regulations Governing the Education of English Language Learners (L-4-1, et seq.)~~
23 ~~shall supersede the Board's previous regulations entitled Limited English Proficiency (LEP)~~
24 ~~Regulations, Chapter 16-54, as adopted by the Rhode Island Board of Regents for Elementary and~~
25 ~~Secondary Education on September 14, 2000. These superseded regulations, with their provisions~~
26 ~~stricken, are attached to this document as Attachment 1.~~
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28 **SHORT EXPLANATION OF WHY THESE REGULATORY**
29 **CHANGES ARE NECESSARY**
30

31 ~~The Federal No Child Left Behind Act (NCLB), which became effective in 2002, requires states and~~
32 ~~school districts to ensure that English Language Learner programs will enable these Learners, "to~~
33 ~~speak, read, write, and comprehend the English language and meet challenging state academic~~
34 ~~content and student achievement standards..." as required by the Act. 20 U.S.C. 6826 In addition~~
35 ~~states must establish English language proficiency standards for English Language Learner programs~~
36 ~~and ensure that English Language Learners make regular progress towards full participation in a~~
37 ~~school's regular education programs. Under the NCLB Act, parents of English Language Learners~~
38 ~~must be informed about how they can be, "active participants in assisting their children (1) to learn~~
39 ~~English, (2) to achieve at high levels in core academic subjects and (3) to meet the same challenging~~
40 ~~state academic content and student academic achievement standards as all children are expected to~~
41 ~~meet." 20 U.S.C. 7012 English Language Learner programs must be grounded on scientifically based~~
42 ~~research on teaching English Language Learners. 20 U.S.C. 6826 While Rhode Island's prior~~
43 ~~regulations governing the Education of English Language Learners were of a high quality, the advent~~
44 ~~of the NCLB Act has required many technical revisions to these regulations to ensure implicit and~~

45 | ~~explicit conformity with the NCLB Act and the continued provision of quality instruction for English~~
46 | ~~Language Learners in Rhode Island.~~

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62 | ~~RHODE ISLAND BOARD OF REGENTS~~
63 | ~~FOR COUNCIL ON~~ ELEMENTARY ~~& AND~~ SECONDARY EDUCATION

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66 | REGULATIONS GOVERNING THE EDUCATION OF ENGLISH ~~LANGUAGE~~ LEARNERS

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69 | TOPIC

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72 | L-4-3. Language identification.

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108 L-4-1. Authority, scope, and purpose. — These regulations implement R.I.G.L. 16-54-1, et seq. and are
 109 intended to support compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)
 110 and the Equal Education Opportunities Act of 1974 See: 20 U.S.C. 1703 (f)) and the Elementary and
 111 Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 (see 20
 112 U.S.C.6301 et seq). More particularly, these regulations are intended to:

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1. Ensure that ~~English Language Learners (ELLs)~~ELs attain ~~a the content knowledge, cultural competence, and~~ level of proficiency in English ~~and content knowledge~~ that will permit them to (1) succeed in their school’s general-education program, (2) meet state ~~graduation by-~~ ~~proficiency~~Diploma requirements, (3) be ~~prepared for post-secondary education~~college and ~~work~~career ready, and (4) become an essential asset to Rhode Island’s economic and social well-being.
2. Require that English ~~Language~~Learners be instructed, and their English language skills be annually assessed, in accordance with the English Language ~~Proficiency Standards (ELPs)~~Development standards (ELDs) of the World-Class Instructional Design and Assessment (WIDA) Consortium. The WIDA standards are hereby adopted by the ~~Board of Regents~~Council on Elementary and Secondary Education as Rhode Island’s ~~ELLEL~~ proficiency standards. These standards also are intended to comply with Rhode Island’s obligation ~~under the No Child Left Behind Act to,~~“~~establish~~to adopt standards ~~and objectives~~ for ~~raising the level of~~ English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, ~~address the different proficiency levels of ELs,~~ and ~~that~~ are aligned with ~~achievement of ...the~~ challenging State academic ~~content and student academic achievement~~ standards....” See: 20 U.S.C. 6823. WIDA is a consortium of states, including Rhode Island, ~~that~~which has developed English Language ~~Proficiency Standards~~Development standards for ~~English Language Learners~~ELs.
3. Ensure that ~~English Language Learners~~ELs meet Rhode Island’s Grade Level Expectations (GLEs) and Grade Span Expectations (GSEs) in all subject areas.
4. Ensure that ~~English Language Learners~~ELs have access to a free, appropriate, public education equal to the education provided to all other students. This goal is to be reached by ensuring that programs for ~~English Language Learners~~ELs are (1) based on sound educational theory; (2) appropriately supported, with adequate and effective staff and resources, so that the program may reasonably be expected to be successful; and (3) periodically evaluated and, if necessary, revised.
5. Facilitate the preservation and development of the existing native language skills of ~~English Language Learners~~ELs.
- ~~6. Help ensure English language proficiency in Rhode Island.~~

L-4-2. Definitions. — For the purposes of these regulations, the following terms have the following meanings:

PARENTS AND STUDENTS

1. ENGLISH LANGUAGE LEARNER — ~~an~~The term ‘‘English ~~Language Learner learner~~’’, when used with respect to an individual, means an individual—
 - (A) who is ~~a student (1)~~aged 3 through 21;
 - (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
 - (C)(i) who was not born in the United States or whose ~~first~~native language is ~~not a language other than~~ English ~~or~~;

~~(ii)(I) who speaks a variety Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English, as used in a foreign country or U.S. possession, that is so distinct that ELL has had a significant impact on the individual's level of English language proficiency; or (iii) 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 (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—~~
~~(i) the ability to meet the challenging State academic standards;~~
~~(ii) the ability to successfully achieve in classrooms where the language of instruction is necessary, (2) who is now learning English, but (3) who has not yet attained enough proficiency in English to allow him or her to English; or~~
~~(iii) the opportunity to participate fully profit from content area instruction conducted only in English.—in society.~~

1.2. PARENT — for purposes of these regulations the term PARENT includes the guardian of a child, anyone acting as a parent of a child, and anyone having control over a child, as defined in the compulsory-attendance laws of this state.

ADMINISTRATIVE TERMS

1. HIGH-INCIDENCE DISTRICT – a ~~school~~-district ~~with a total of 150~~~~in which active or monitored ELs compose 5%~~ or more ~~English Language Learners of the total student population~~ is a ~~High~~high-incidence ~~District~~district.
2. LOW INCIDENCE DISTRICT – a district ~~with fewer~~~~in which active or monitored ELs compose less~~ than ~~150 English Language Learners~~5% of the total student population is a ~~Low~~low-incidence ~~District~~district.
3. RHODE ISLAND DEPARTMENT OF EDUCATION (RIDE) — the executive agent of the Rhode Island ~~Board of Regents for~~Council on Elementary and Secondary Education. RIDE is charged with the implementation of Board policies and regulations.
4. SCHOOL DISTRICT — a school committee, or any other equivalent public-school administrative unit, including charter schools, exercising independent educational authority, under the general supervision of the Rhode Island ~~Board of Regents for~~Council on Elementary and Secondary Education.
5. WORLD-CLASS INSTRUCTIONAL DESIGN AND ASSESSMENT (WIDA) CONSORTIUM — a consortium of states, including Rhode Island, that has developed English language ~~proficiency~~development standards and English language proficiency tests.

PERSONNEL

6. ADMINISTRATOR OF PROGRAMS FOR ~~ENGLISH LANGUAGE LEARNERS~~ELs – an individual certified as a principal or district-level administrator who is responsible for the

- 196 district's ~~English Language Learner~~EL program. In a high-incidence district, the ~~ELLEL~~
 197 Administrator must have (1) experience in teaching ~~English Language Learners~~ELs and (2)
 198 an ~~English as a Second Language teaching (ESL)~~appropriate EL certificate ~~or a bilingual~~
 199 ~~endorsement on another teaching certificate.~~ In low-incidence districts, an ~~ELLEL~~ program
 200 administrator who does not have ~~English Language Learner~~EL teaching experience, or an
 201 ~~ESL~~appropriate EL certificate ~~or endorsement~~, must have demonstrated professional
 202 development in the education of ~~English Language Learners, as documented in an I-~~
 203 ~~Plan~~ELs.
- 204 7. ASSESSOR – a person who has been WIDA certified to administer prescribed ~~ELLEL~~
 205 assessment tools and who is qualified to evaluate the results of these assessments. This
 206 person must have knowledge concerning the ways ~~English Language Learners~~ELs acquire
 207 English ~~as a second language~~.
 - 208 8. ~~ELLEL~~ COORDINATOR – an administrator or a teacher designated by a school district to
 209 coordinate the day-to-day operations of the school's ~~English Language Learner~~EL program.
 210 ~~In low-incidence districts where the EL Administrator does not hold an appropriate EL~~
 211 ~~certificate, an EL Coordinator must be appointed to coordinate the program(s), with time~~
 212 ~~commensurate with the number of ELs in the LEA.~~ The ~~ELLEL~~ Coordinator must have
 213 ~~English Language Learner~~EL teaching experience and an ~~ESL or bilingual~~
 214 ~~endorsement~~appropriate EL certificate. The workday of a teacher or administrator who also
 215 serves as an ~~ELLEL~~ Coordinator must include enough time dedicated to coordinator duties
 216 to ensure that these duties are adequately carried out.
 - 217 9. ~~ELLEL~~ TEACHER — an elementary or secondary teacher who holds ~~(1) a Rhode Island~~
 218 ~~appropriate EL~~ certificate for the ~~level and subject in which he or she teaches, and a Rhode~~
 219 ~~Island endorsement as an ESL teacher or Bilingual teacher or Content Area teacher~~State of
 220 ~~ELLs or (2) the Rhode Island ESL certificate~~RI.
 - 221 10. ~~ELLEL~~ TEACHER ASSISTANT – a teaching assistant who works under the supervision of
 222 an ~~ELLEL~~ teacher and an ~~ELLEL~~ Coordinator or Administrator. ~~ELLEL~~ teacher assistants
 223 must demonstrate proficiency in English on the state paraprofessional test as well as
 224 proficiency in at least one of the predominant languages of the district's ~~ELL student~~EL
 225 population. Demonstrated training in culturally responsive ~~education~~teaching practices may
 226 be substituted for proficiency in at least one of the predominant languages of the ~~ELL~~
 227 ~~student~~EL population.
 - 228 11. GUIDANCE COUNSELOR FOR ~~ENGLISH LANGUAGE LEARNER~~SELS – a person
 229 who has a Rhode Island guidance counselor certificate who, in addition, is (1) proficient in
 230 at least one of the predominant language(s) of the school district's ~~ELL student~~EL
 231 population or (2) who has received training in second-language acquisition and cultural
 232 competency.
 - 233 12. SCHOOL & COMMUNITY LIAISON – a person who (1) facilitates communication with,
 234 and provides information to, the parents or families of a school district's ~~ELL student~~EL
 235 population and who (2) encourages involvement between the school and parents and among
 236 agencies, ~~churches~~faith based organizations, and community groups. This liaison must have
 237 knowledge of the culture(s) of the school district's ~~ELL student~~EL population or have
 238 received cultural-competency training to enable him or her to carry out the duties of a
 239 school & community liaison.

- 240 | 13. CULTURAL COMPETENCE – ability of individuals and organizations to recognize,
241 | understand, communicate, operate, and provide effective services to people who differ from
242 | them culturally and linguistically. Culturally responsive teaching is using the cultural
243 | knowledge, prior experiences, and performance styles of diverse students to make learning
244 | more appropriate and effective for them. The five skill areas of cultural competence, as
245 | presented in the National Education Association (NEA) Diversity Toolkit, are Valuing
246 | Diversity, Being Culturally Self-Aware, Understanding the Dynamics of Difference,
247 | Knowledge of Students' Culture, Institutionalizing Cultural Knowledge, and Adapting to
248 | Diversity.
- 249 | 14. ENGLISH LANGUAGE INSTRUCTIONAL PROGRAM –any program for English
250 | Language LearnersELs employing one of the methods of instruction listed below.

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252 | METHODS OF EL INSTRUCTION AND ASSESSMENT

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254 | 17. BILINGUAL EDUCATION— a method of instruction that provides literacy and content-area
255 | instruction in a student’s native language and English as a ~~Second~~New Language of instruction at all
256 | proficiency levels. Bilingual-education programs include Transitional Bilingual Programs and Dual
257 | Language Programs which are delivered by appropriately certified EL teachers must meet state
258 | certification requirements, be highly qualified in their content area, and demonstrate proficiency in both
259 | English and the other language used in instruction.

260 | ~~18. COLLABORATIVE ESL INSTRUCTION— a method of instruction that provides English~~
261 | ~~Language Learners with ESL instruction taught by a certified and/or endorsed ESL teacher and content~~
262 | ~~instruction provided through the school’s general education program. The certified and/or endorsed ESL~~
263 | ~~teacher works in close collaboration with the general education teachers in delivering content instruction~~
264 | ~~for ELLs.~~

265 | ~~19. ENGLISH AS A SECOND LANGUAGE— a method of instruction that develops an English~~
266 | ~~Language Learner’s social, instructional, and academic proficiency in English in order to prepare the~~
267 | ~~English Language Learner to succeed in the school’s general education program. ELL program objectives~~
268 | ~~and curriculum for English Language Learners in grades K-12 must be aligned with WIDA standards,~~
269 | ~~language domains, proficiency levels, and performance indicators. The core curriculum is to include~~
270 | ~~English language instruction in listening, speaking, reading, and writing that incorporates content~~
271 | ~~knowledge and concepts aligned to Rhode Island’s GLEs and GSEs. Teachers must meet Rhode Island~~
272 | ~~certification and/or endorsement requirements for ESL instruction.~~

273 | ~~20. NEWCOMER INSTRUCTION— a program of instruction designed to educate students who have~~
274 | ~~recently immigrated to the United States who have had little or no formal schooling. Newcomer~~
275 | ~~Instruction provides a special academic environment that addresses gaps in the newcomer’s schooling~~
276 | ~~through intensive instruction in English literacy, numeracy, and participation in sheltered content~~
277 | ~~instruction. Teachers must meet state certification requirements in ESL and/or content area instruction for~~

278 English Language Learners and be highly qualified, as defined by the Rhode Island Department of
279 Education.

280 ~~21. SHELTERED CONTENT INSTRUCTION~~— a method of instruction that provides a comprehensive
281 set of grade-level core academic courses aligned with the WIDA ELP standards and Rhode Island’s
282 GLEs and GSEs. These classes make their content comprehensible to English Language Learners through
283 scaffolded and differentiated instruction in English and they help English Language Learners to become
284 competent in the use of academic English in all language domains. Teachers must (1) meet appropriate
285 state certification requirements, (2) be highly qualified in their content area as defined by RIDE, and (3)
286 participate in specialized training in ESL methods and techniques.

287 ~~22.18. TWO-WAY/DUAL LANGUAGE~~ — a method of instruction, delivered by appropriately certified
288 EL teachers, that promotes a student’s full proficiency in all aspects of English and another language.
289 These programs educate ~~English Language Learners~~ELs using both English and a target language for
290 academic instruction, usually dividing the day or week by language of instruction. Two-way bilingual
291 programs teach students who are learning English alongside students who are native English-speakers
292 who are learning the target language. ~~Teachers must meet appropriate state certification requirements and~~
293 ~~be highly qualified as defined by RIDE in their content area.~~

294 19. TRANSITIONAL BILINGUAL EDUCATION (TBE) – a program delivered by appropriately
295 certified EL teachers that maintains and develops skills in the primary language while introducing,
296 maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the
297 ELs’ transition to an all-English instructional program, while the students receive academic subject
298 instruction in the primary language to the extent necessary.

299 20. ENGLISH AS A NEW LANGUAGE (ENL) — Program of techniques, methodology, and special
300 curriculum designed to teach ELs explicitly about the English language, including the academic
301 vocabulary needed to access content instruction, and to develop their English language proficiency in all
302 four language domains (i.e., speaking, listening, reading, and writing). EL program objectives and
303 curriculum for ELs in grades K-12 must be aligned with WIDA standards, language domains, proficiency
304 levels, and performance indicators in order to prepare the EL to succeed in the school’s general education
305 program. Teachers of ENL must hold appropriate EL certification.

306 21. COLLABORATIVE ENL AND GENERAL EDUCATION — a method of instruction that provides
307 ELs with English instruction taught by appropriately certified EL teachers and content instruction
308 provided through the school’s general-education program by appropriately certified EL teachers. Where
309 content and general education teachers do not have appropriate EL certification, they must work in
310 regular, purposeful, consistent collaboration with an appropriately certified EL teacher in delivering
311 content instruction for ELs.

312 22. NEWCOMER/STUDENTS WITH LIMITED OR INTERRUPTED FORMAL EDUCATION
313 (SLIFE) — a program of instruction delivered by appropriately certified EL teachers designed to educate
314 students who have recently immigrated to the United States who may have had little or interrupted formal
315 education. Newcomer/SLIFE programs provide a period of time in a special academic environment that
316 addresses gaps in the newcomer’s schooling through intensive instruction in English literacy, numeracy,
317 and participation in sheltered content instruction of academic content, at lower the linguistic demand.

318 23. WIDA-ACCESS PLACEMENT TEST (W-APT) — an initial screening instrument developed by the
319 WIDA Consortium to measure a student’s ability to understand, speak, and read English at a level
320 appropriate to the student’s age and grade placement.

321 24. ACCESS (ELP ASSESSMENT) — (a) ACCESS for ~~ELs~~ELs stands for ASSESSING
322 COMPREHENSION AND COMMUNICATIONS IN ENGLISH STATE-TO-STATE FOR ENGLISH
323 LANGUAGE LEARNERS~~ELs~~. This WIDA-developed assessment instrument is administered annually
324 and measures the social and academic English language proficiency of English Language Learners~~ELs~~ in
325 four domains: speaking, listening, reading, and writing. (b) Alternate ACCESS for ELs is an assessment
326 of English language proficiency (ELP) for students in grades 1-12 who are classified as ELs and have
327 significant cognitive disabilities that prevent their meaningful participation in the ACCESS for ELs
328 assessment.

329 25. HOME OR NATIVE LANGUAGE — the language or languages that a child first learns or uses in the
330 home and/or for daily communication, as recorded on file in the student’s~~EL’s~~ permanent-record file.

331 26. HOME LANGUAGE SURVEY — a survey instrument created by RIDE used to identify ENGLISH
332 LANGUAGE LEARNERS~~ELs~~.

333

334 L-4-3. Language Identification. — (a) A district shall determine the home/native language(s) of all
335 public-school children when ~~these~~ children are registered into the district. This determination shall be
336 made through the Home Language Survey developed by RIDE-, a review of student records, and a family
337 interview.

338 (b) The Home Language Survey shall not be used to deny any student the right to participate in, or benefit
339 from, any program or service.

340 (c) Data from the Home Language Survey shall be filed in the student’s~~EL’s~~ permanent record.

341 (d) If the Home Language Survey indicates that a student’s home/native language is not English, a
342 background interview with the student, and with his or her parents, shall take place. Before this interview
343 takes place, the parents shall be informed in writing, in a language they understand, about the procedures
344 used in the identification, assessment, and placement of ~~ELL students. Based on the findings of this~~
345 interview, the student shall be referred for a timely screening assessment.EL s. The district shall make a
346 tentative educational assignment and provide the teacher with relevant information about the student
347 pending the results of the ELP screening assessment. The district shall use the appropriate data from the
348 student’s previous schools, when available, to make this tentative assignment.

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350 L-4-4. Initial Assessment for Program Placement — All potential ELs must be assessed with a valid and
351 reliable assessment to determine if they are in fact ELs. The WIDA-ACCESS Placement Test or screener
352 shall be used to measure the student’s ability to understandlisten, speak, ~~and~~ read, and write in English at
353 a level appropriate to the student’s age and grade placement. Tests and screeners must be administered by
354 qualified assessors. If a potential EL has a disability, accommodations on the screener or an alternate form

355 | of the screener must be available. For purposes of these regulations, the following levels of English
356 | proficiency shall be recognized:

- 357 | 1 -Entering
- 358 | ~~2 -Beginning~~
- 359 | 2 -Emerging
- 360 | 3 Developing
- 361 | 4 -Expanding
- 362 | 5 -Bridging
- 363 | 6 -Reaching

364 | To assist in program decisions, any studentEL scoring at the Developing, Expanding, or Bridging Level
365 | shall be given an additional English reading assessment. When possible, a readingliteracy assessment in
366 | the firstnative language of the student will be given to all ELLsELs regardless of English Proficiency
367 | level. All available test data from the student’s previous schools shall be used in the placement process.

368 | Parents must be informed in a timely manner of their child’s ELP level and EL program options.

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370 | L-4-5. Program standards. — ELLEL programs shall:

- 371 | 1. Meet the linguistic and academic needs of the English Language LearnersELs as indicated by
372 | the identification and assessment process.
- 373 | 2. Ensure that all English Language LearnersELs attain proficiency in speaking, listening to,
374 | reading, and writing English at a level sufficient to enable them to succeed in the school’s
375 | general academic program.
- 376 | 3. Be aligned with (1) Rhode Island’s English-language proficiency standards; and (2) Rhode
377 | Island’s GRADE LEVEL EXPECTATIONS and GRADE SPAN EXPECTATIONS, and
378 | (3)adopted content area standards not addressed by Rhode Island Grade Level Expectations
379 | and Grade Span Expectations (National Education Technology Standards
380 | www.CNET.ISTE.org/students/s_stands.html; Fine Arts Standards of the RI Arts Learning
381 | Network www.riartslearning.net/proficiency/; National Standards for History Basic Edition,
382 | 1996 http://nehs.ucla.edu/standards/; National Council for the Social Studies—NCSS
383 | Standards www.ness.org/standards/)-.
- 384 | 4. Provide clear pathways for each studentEL to meet the Rhode Island Graduation by
385 | ProficiencyDiploma Requirements.
- 386 | 5. Use research-based instructional practices recognized as sound by experts in the education of
387 | English Language LearnersELs at the elementary, middle, and high-school levels.
- 388 | 6. Provide opportunities for achievement in all content-area classes or courses through
389 | specialized language instruction for English Language LearnersELs until the student has
390 | reached a level of English-language proficiency permitting him or her to succeed in the
391 | school district’s general academic program.
- 392 | 7. Ensure equitable access to all services, and materials that are provided to all other students.
- 393 | 8. Include and commit sufficient personnel and resources to effectively implement the program.
- 394 | 9. Provide for the maintenance, analysis and use of data concerning student academic progress
395 | to help close all gaps in English Language LearnerEL achievement levels.

- 396 | 10. Ensure that specialized language instruction for ~~English Language Learners~~ELs is provided
 397 | by appropriately certified ~~and endorsed~~ teachers ~~who are highly qualified and~~ who are
 398 | provided with regular, sustained, high-quality, job-embedded professional development.
 399 | 11. Be designed by local school-district administrators in consultation with (1) appropriately
 400 | certified ~~or endorsed~~ ESLEL teachers, (2) ~~endorsed bilingual education teachers,~~ (3) parents
 401 | of ~~English Language Learners,~~ (4) ELL studentsELs, (3) ELs, and (5) building
 402 | administrators.
 403 | 12. Be distributed in the school district’s facilities in such a way that ~~English Language~~
 404 | LearnersELs are not inappropriately clustered away from students in the school’s regular
 405 | regular education programs or assigned to only a restricted range of schools, when other school-
 406 | housing options are available to provide quality services based on students’ educational needs
 407 | and scientifically research based instructional models. Cooperative service agreements
 408 | between districts shall not operate in a way that abridges this principle ~~– or otherwise~~
 409 | constitute de facto segregation either within a single school building or by means of EL
 410 | placement in schools not serving as the EL’s home school.

411

412 | L-4-6. StudentEL Placement Standards. — (a) Whenever an identified ~~English Language Learner~~EL is
 413 | placed in an ~~ELLEL~~ instructional program, the ~~ELLEL~~ Administrator and/or the Coordinator shall review
 414 | all the student’s identification and assessment data. This data shall include:

- 415 | 1. the student’s English-proficiency level
 416 | 2. the student’s literacy level in her or his native language or languages
 417 | 3. ~~3~~—number of years the student has attended school
 418 | 4. continuity of the student’s schooling
 419 | 5. student retention-information
 420 | 6. thoughtful review of transcripts to award credit where possible
 421 | 7. family interview
 422 | ~~6-8.~~ information on whether the student is receiving special education, whether the student may be
 423 | in need of special education, or whether the student has a disability that affects his or her
 424 | academic performance or limits his or her access to school facilities.

425 | (b) ~~A student’s~~An EL’s instructional placement must address his or her academic needs. To meet these
 426 | needs:

427

- 428 | 1. ~~An English Language Learner~~An EL shall be classified in accordance with these regulations
 429 | and shall be placed in the appropriate grade for his or her age, except when the learner’s
 430 | educational background indicates a need for an alternative placement as a result of limited
 431 | formal schooling.
 432 | 2. ~~The student~~An EL shall not be placed more than one grade level below that appropriate to his
 433 | or her age except as provided for in L-4-5 (1), above.

3. At the secondary level, districts must review the ~~English Language Learner's~~EL's previous educational records to ensure that the ~~student~~EL receives appropriate credit for prior coursework.
4. The placement decision shall respect the right of an ~~English Language Learner~~EL to participate in other programs and services for which he or she is eligible or entitled to (e.g., special education, targeted interventions, gifted programs) so as to ensure that the ~~student's~~EL's educational needs are met on a basis equal to that provided to other students.
5. All ~~English Language Learners~~ELs shall receive an assessment of their home/native language literacy when valid evaluation instruments are available.
6. Placement of ~~English Language Learners~~ELs in a specialized instructional program for ~~English Language Learners~~ELs shall be made within twenty (20) school days of the completion of the Home Language Survey. See also: Section L-4-3 (d) [~~English Language Learners~~ELs entitled to immediate tentative placement.]
7. All student assessment and placement data, including questions of exceptionality, shall be sent to the appropriate district administrator. These data shall be recorded in the student's permanent record.
8. The district shall provide a ~~student's~~EL's parents with a complete description of the ~~student's~~EL's placement and the reasons for that placement referral. This notice shall be in English and in the home/native language of the parents unless it can be demonstrated to RIDE that this requirement would place an unreasonable burden on the school district. When possible, RIDE shall provide sample notification letters for use by low-incidence districts.
9. Parents shall be informed of the date of their child's placement and of their right to approve or waive the proposed placement. If the parents choose to waive the child's ~~ELLEL~~ program placement, the district is responsible for assessing the English Language Proficiency of the student on the annual ELP assessment as well as for conducting a six month monitoring of the student's academic progress without benefit of ~~ELLEL~~ services. Parents must be notified of the results of both the ELP assessment and monitoring so that the placement decision might be reviewed.

~~L-4-7. Time requirements.— ENTERING AND BEGINNING LEVEL ENGLISH LANGUAGE LEARNERS must receive a minimum of 3 periods (or the equivalent) of ESL instruction a day. DEVELOPING ENGLISH LANGUAGE LEARNERS must receive a minimum of 2 periods (or the equivalent) of ESL instruction a day. EXPANDING AND BRIDGING ENGLISH LANGUAGE LEARNERS must receive a minimum of 1 period (or the equivalent) of ESL instruction a day. This ELL instruction must (1) develop the English Language Learner's ability to understand, speak, read, and write academic English, (2) be aligned with WIDA standards, and (3) incorporate content knowledge and concepts aligned to Rhode Island's GLEs and GSEs. The ELL instructional period shall have the same length as the school's general content area periods. Equitable Access [This section shall go into effect no later than July 1, 2018 and the prior time requirements would remain in effect until full implementation of L 4-7]. — ELs shall have equitable access to academic content in all courses in which they are enrolled through the employment of a variety of English language instructional program models or program model components. Regardless of the program model(s) employed, the academic program for ELs shall, at a minimum:~~

- 477 • be aligned to state academic content standards for the appropriate grade level of the ELs;
- 478 • be delivered by appropriately certified EL teachers or teachers who are working in regular,
- 479 purposeful, consistent collaboration with appropriately certified EL teachers;
- 480 • incorporate the use of the WIDA English Language Development Standards (ELDS);
- 481 • provide equitable access to content for ELs at all language proficiency levels by providing
- 482 research-based bilingual or sheltered instruction with fidelity; and
- 483 • not limit the enrollment of ELs in any course or academic program for which they would
- 484 otherwise be eligible.
- 485 • Provide no less than 1 period of dedicated ENL instruction per day for Entering and Emerging
- 486 ELs. The period of ENL must be of the same length as the school's general content-area periods.

487

488 L-4-8. Class size. (a) Class size shall be kept at a student-to-teacher ratio that permits effective instruction

489 as defined in these regulations in section L-4-5-, and each program shall be monitored to ensure ELs are

490 making average to above average growth in English, as measured by the state EL assessment. It is the

491 responsibility of the public agency to assess the needs of ~~English language learners~~ELs, assign personnel

492 in accordance with those needs, and evaluate the delivery of services to determine whether the agency's

493 program conforms to the requirements of these regulations.

494 (b) Every public agency shall provide RIDE with the agency's policy to determine the number and types

495 of personnel required under this section, and a description of the public process the agency used to

496 develop its policy. Every public agency shall report annually to RIDE the agency's plan, pursuant to said

497 policy, to comply with this regulation, including the number of full-time equivalent positions of staff it

498 uses to meet the needs of ~~English language learners~~ELs.

499 (c) The Commissioner of Education may establish a class size maximum and/or staffing ratios for any

500 group(s) of personnel, class, school, or district, if the commissioner determines that:

- 501 (1) The plan submitted by the district is insufficient to fulfill the requirements of this section, or
- 502 (2) The district has failed to comply with the terms of the plan submitted by the district or
- 503 (3) Student performance within or throughout the district warrants intervention as dictated through
- 504 R.I.G.L. 16-7.1-5
- 505 (4) Any decision made under this section by the Commissioner may be appealed under R.I.G.L. 16-39-3.

506

507 L-4-9. Coordination with other requirements. — (a) All programs in districts receiving Title III funds are

508 expected to meet the ~~state's Annual Measurable Achievement Objectives (AMAO)~~

509 ~~(<http://www.ride.ri.gov/assessment/accountability.aspx>) as required by Title III of the No Child Left~~

510 ~~Behind Act. After districts receive notification of their AMAO status, those districts that have failed to~~

511 ~~meet their AMAOs must prepare a revised improvement plan and inform parents of the district's status~~
512 ~~within 30 days.~~ requirements of the state's Accountability System under Title I of the Every Student
513 Succeeds Act.

514 (b) The English-language skills of all ~~English Language Learners~~ELs shall be assessed annually through
515 ACCESS, the state's English-language proficiency assessment, approved by RIDE. Assessment shall
516 continue until the ~~student~~EL is formally exited from the English Language Instructional Program and, at
517 the district's discretion, for an additional 2 years during the monitoring period.

518

519 L-4-10. Program models & components. — Districts may choose one or more of the following models, or
520 components from these models, as defined in these regulations in section L-4-2, to provide the most
521 appropriate program for each ~~English Language Learner~~EL:

- 522 1. ~~English as a Second Language~~
- 523 2. ~~Sheltered Content Instruction~~
- 524 3. ~~Collaborative ESL & General Education~~

525 Bilingual ~~Education~~Models:

- 526 1. Two-Way/Dual Language
- 527 2. Transitional Bilingual

528 ENL Models:

- 529 1. Collaborative ENL & General Education
- 530 ~~1.~~2. Newcomer Program/SLIFE

531

532 L-4-11. Personnel — administrators. — (a) A school district with an ~~English Language Learner~~EL
533 program shall designate an administrator to be responsible for this program. An administrator in a low-
534 incidence district who does not have an ~~English as a Second Language teaching~~appropriate EL certificate
535 ~~or an English as a Second Language endorsement~~ must appoint an ~~ELLEL~~ Coordinator, who must have ~~at~~
536 ~~least one of these credentials.~~an appropriate EL certificate. High-incidence school districts must appoint a
537 full-time ~~ELLEL~~ Administrator whose primary responsibility is the development and management of the
538 district's ~~ELLEL~~ program. Low-incidence districts that utilize an ~~ELLEL~~ Administrator on a less than
539 full-time basis must also appoint an ~~ELLEL~~ Coordinator. ~~When districts enter into a Cooperative Service~~
540 ~~Agreement under R.I.G.L.16-3-1-1 to provide ELL services, the agreement should be formulated, with~~
541 ~~input from RIDE to ensure that ELLs receive quality services. The Commissioner shall determine~~
542 ~~through time commensurate with the number of ELs in the Cooperative Service Agreement approval~~
543 ~~process whether the Agreement is so comprehensive that appointment of an ELL Administrator is~~
544 ~~required.~~ LEA.

545 (b) School districts shall employ a sufficient number of ~~ELLEL~~ teachers to ensure that ~~ELL students~~ELs
546 receive the instruction and the support required by these regulations.

547 | (c) All high-incidence ~~ELLEL~~ districts shall have at least one School/Community Liaison to effectively
548 | support the district's ~~ELLEL~~ program. This liaison shall familiarize all ~~English Language Learners~~ELs
549 | and their families with their new community and assist families to participate in family engagement
550 | activities. The liaison shall also help ensure that ~~English Language Learners~~ELs receive those programs
551 | and services that are required by these regulations. Low-incidence districts will ensure regular pertinent
552 | communication with their ~~ELLEL~~ families and encourage these families to participate in the district's
553 | family engagement activities.

554 | (d) School districts shall provide on-going professional development for those teacher assistants who
555 | work with ~~English Language Learners~~ELs.

556

557 | L-4-12. Professional development. — (a) All school districts with ~~ELLEL~~ programs must provide
558 | sustained, high quality job-embedded professional development ~~for administrators, coordinators,~~
559 | ~~instructional coaches, on a regular basis throughout the~~ school ~~and community liaisons, guidance~~
560 | ~~counselors, year for~~ all ~~teachers and other~~ personnel who work with ~~English Language Learners~~. ~~The~~
561 | ~~following topics, along with other topics the district deems to be appropriate, shall be addressed on a~~
562 | ~~quarterly basis:~~

- 563 | 1. ~~Research based instructional methods and assessment practices for ELLs and ELLs with~~
564 | ~~disabilities~~
- 565 | 2. ~~Second language acquisition~~
- 566 | 3. ~~Culturally Responsive Education Practices.~~
- 567 | 4. ~~Family and Community involvement strategies~~

568 | ~~Language minority issues in education~~ELs.

569 | (b) During their first year of employment ~~or during the first year of working with ELs~~, all district staff
570 | who work with ~~English Language Learners~~ELs shall be trained in ~~ELLEL~~ program requirements as well
571 | as in district practices and procedures for ~~English Language Learners~~ELs ~~such as ensuring meaningful~~
572 | ~~communication with families in a language they can understand adequately notifying them of essential~~
573 | ~~information that is shared with all parents.~~

574 | (c) ~~ELLEL~~ professional-development activities shall be included in the district's professional-
575 | development plan, in district and school improvement plans, and ~~in teachers' I-Plans, and~~ these activities
576 | shall be aligned with Rhode Island's Professional Development Standards.

577

578 | L-4-13. Reporting ~~student~~EL progress. — The same policy for reporting a ~~student's~~EL's progress in the
579 | general-education program shall be used in reporting a ~~student's~~EL's progress in the ~~ELLEL~~ program.
580 | Progress reports shall be in English and in ~~the home/native~~ language ~~of the student~~families can
581 | understand and shall include an explanation of the school's grading system in the home/native language
582 | of the parents ~~unless it can be demonstrated to RIDE that this requirement would place an unreasonable~~
583 | ~~burden on the school district.~~

584

585 L-4-14. Annual assessment of student progress.— ~~All in English Language Learners~~language
586 proficiency. — ~~All ELs~~ shall be evaluated at least once a year through the state’s English-language
587 proficiency test, ACCESS for ~~English Language Learners~~ELs. When ~~a student an EL~~ fails to progress
588 appropriately within the ~~ELL~~EL program, other assessment procedures that have been normed or aligned
589 to state adopted ELD standards shall be used to determine the reason for the lack of progress. Appropriate
590 instructional language acquisition interventions shall be provided. An ~~English Language Learner~~EL shall
591 not be retained solely on the basis of his or her English-language proficiency status. ~~ELL students~~ELs
592 shall participate in the State Assessment Program in accordance with state assessment policies, ~~and their~~
593 progress shall be reported as required by RIGL 16-7.1-13.

594

595

596 L-4-15. Participation in general education. — An ~~English Language Learner~~EL shall be eligible to
597 participate ~~without ESL support~~ in any course in the general education program for which s/he would be
598 otherwise eligible. All courses in which ELs choose to participate must offer content ~~area when there is~~
599 ~~documented evidence of the student’s ability in English to~~that ELs comprehend both verbally and
600 textually, and all teachers in courses in which ELs choose to participate must be successful, taught by
601 teachers who are appropriately EL certified or who are working in purposeful, consistent collaboration
602 with appropriately certified EL teachers.

603 Parents must be informed of any change in the ~~English Language Learner’s~~EL’s program or service.
604 Written notification concerning any significant change in ~~a student’s an EL’s~~ program or services must be
605 sent to the parent with a simple description of the rationale for the program or service change and must
606 include information about the ~~student’s~~EL’s new program or service. A record of this notification shall be
607 maintained by the district in the ~~student’s~~EL’s permanent record. Notification to parents shall be in
608 English and the home/native language of the parents, unless it can be demonstrated to RIDE that this
609 requirement would place an unreasonable burden on the district.

610

611 L-4-16. Exit. — (a) A ~~student~~EL shall be eligible to exit from an ~~ELL~~EL program when she or he has met
612 all state-defined required exit criteria ~~as described in the English Language Instructional Program Exit~~
613 ~~Criteria document.~~
614 identified by RIDE.

615

616 (b) Written notification of the proposed exit decision must be sent to the parent along with a description
617 of the rationale for exit ~~and a description of the student’s new program.~~ Notification shall be in English
618 and in ~~the home/native~~a language of the parent, ~~unless it can be demonstrated to RIDE that this~~
619 ~~requirement would place an unreasonable burden on the district.~~understand. A record of this notification
620 shall be maintained by the district in the ~~student’s~~EL’s permanent record.

621 (c) Parents shall be informed of their right to appeal the district’s decision to exit their child from the
622 school’s ~~English Language Learner~~EL program in accordance with L-4-~~23 [Procedural safeguards]-21.~~

623
624 L-4-17. Monitoring ~~student~~EL performance. — (a) The performance of all exited ~~students~~ELs shall be
625 monitored for a minimum of two years after exiting the EL program to determine whether they are
626 succeeding in meeting state adopted academic content standards. If it is determined that exited ELs do not
627 meet said standards, they shall be provided additional supports to compensate for those language barriers
628 that may prevent access to the school’s general-education program. The district shall continuously
629 evaluate and document ~~a student’s~~an exited EL’s progress, through review of the ~~student’s~~exited EL’s
630 most recent report cards, parental feedback, teacher evaluations, and the ~~student’s~~exited EL’s recorded
631 performance level on state and local assessments: at least twice annually. Monitored ~~students~~ELs shall be
632 appropriately identified during the state assessment process.

633 (b) When an exited ~~student~~EL fails to progress in her or his current general-education placement, the
634 district shall implement appropriate procedures or assessments in order to determine whether additional
635 interventions or other supports are needed, including but not limited to the provision of further ~~ELL~~EL
636 instruction.

637
638 ~~L-4-18. Responsibilities of RIDE.— RIDE shall ensure that the State ELL Advisory Council is~~
639 ~~composed of representatives from the various ELL constituent groups and that it shall meet on a regular~~
640 ~~basis no fewer than 4 times per year. RIDE shall inform school districts of their respective fiscal~~
641 ~~entitlements as soon as possible, but not later than the beginning of the fiscal year. RIDE shall provide~~
642 ~~school districts with appropriate applications, forms, and timelines. RIDE shall provide school districts~~
643 ~~with technical assistance on program design, curriculum alignment, professional development strategies,~~
644 ~~program management and evaluation, testing and instructional modifications, and parent involvement.~~
645 ~~RIDE shall encourage school districts to combine funds to establish collaborative programs to meet the~~
646 ~~needs of students. RIDE shall coordinate a comprehensive effort to disseminate information about~~
647 ~~successful and promising practices and procedures. RIDE shall prepare and submit to the Rhode Island~~
648 ~~General Assembly an annual financial and program evaluation report on the status of state and local~~
649 ~~efforts on behalf of English Language Learners.~~

650 (c) Documentation of monitoring must be kept in the student’s permanent record.

651
652 L-4-18. Responsibilities of school districts. — (a) EL instruction is part of core instruction and district
653 planning, not a separate consideration. Each district with ELs must write an annual EL Performance
654 report to ensure that all ELs meet Ch. 16-54 and ESSA Title III requirements as part of annual
655 monitoring. The performance reports

656 ~~L-4-19. Responsibilities of school districts.— Each district with ELL students must write an annual~~
657 ~~action plan to ensure that all ELLs meet the AMAOs to be included in the District Strategic Plan. The~~
658 ~~action plan~~ must include the program-design components, outcomes, staffing, professional development,

659 parent-engagement initiatives, and steps to close gaps in ~~ELL~~ performance on state assessments. The
660 ~~action plan must be revised if the local school district failed to meet its AMAOs.~~

661
662 ~~L 4 20. Responsibilities of individual schools.— Each School Improvement Plan in a school with~~
663 ~~English Language Learners shall include an action plan that identifies measurable goals determine the~~
664 ~~process for ELL instructional and support services and for the professional development to be provided to~~
665 ~~those who teach English Language Learners.~~

666
667 ~~CRITERIA FOR PARENT INVOLVEMENT~~

668 ~~[R.I.G.L. 16-54-3(6)]~~

669 ~~L 4 21. Parent involvement.— Each district shall provide for the involvement of parents of English~~
670 ~~Language Learners in the development, implementation, and evaluation of programs for these students.~~

671
672 ~~L 4 22. Minimum criteria for parent involvement.— (a) The school district together with the liaison,~~
673 ~~shall develop a written parent involvement plan that includes outreach to the ELL community. Parents~~
674 ~~shall be informed of the multiple ways that they can become involved in the education of their children,~~
675 ~~not only in ELL programs, but also in other school programs, services, and activities.~~

676 ~~(b) The school district shall provide culturally and linguistically appropriate parent education programs or~~
677 ~~parent outreach and training activities that are designed to assist all parents of ELL students to become~~
678 ~~active participants in the education of their children.~~

679 ~~(c) The school district shall include input from the parents of English Language Learners when it~~
680 ~~considers improvements not only in ELL programs but also when it considers improvements in other~~
681 ~~school programs in which English Language Learners may be involved.~~

682 ~~(d) The school district shall present the annual ELL action plan from the District Strategic Plan and the~~
683 ~~Federal Title III component of the Consolidated Resource Plan for parent review. Results of English~~
684 ~~Language Learner performance on state assessments and ELL graduation rates shall be provided annually~~
685 ~~to parents.~~

686 ~~(e) The school district shall require each one of its schools to have at least one parent representative of~~
687 ~~ELL students from each of the language groups with more than 20 students in that school to serve on~~
688 ~~School Improvement Teams (SIT). School Improvement Teams shall receive training and information on~~
689 ~~relevant ELL issues including, but not limited to, ELL state regulations and federal programs~~

690 ~~(f) Parents shall be informed of their right to decline to have their child participate in English Language~~
691 ~~Learner programs and to remove their child from English Language Learner programs. ~~(20 U.S.C. 7012~~~~
692 ~~(a)(7) Parents will also be informed that even though ELL program services are waived, the student will~~
693 ~~still be considered to be an English Language Learner who must be assessed on the state's annual English~~

694 ~~Language Proficiency assessment. If a family does not participate in the identification, assessment and~~
695 ~~placement process, the student shall not be penalized; additional outreach and attention shall be given to~~
696 ~~the family to educate them about the process and to encourage participation.~~

697
698 ~~L-4-23. Procedural safeguards.— (a) Parents have the right to appeal any ELL decision affecting their~~
699 ~~child through the appeals process established by R.I.G.L. 16-39-1 and R.I.G.L. 16-39-2. RIDE will~~
700 ~~prepare a simple language explanation of the appeals process for distribution to parents.~~

701
702
703 ~~L-4-24. Local advisory committee.— The school district shall appoint a district wide ELL Advisory~~
704 ~~Committee consisting of parents and educators. The school district shall ensure that each year the~~
705 ~~Committee has active members and regularly scheduled meetings. The school district, in consultation~~
706 ~~with parents of ELL students, may choose to (1) have this Committee be a stand-alone committee or (2)~~
707 ~~have it be a subcommittee of an existing District Parent Advisory Committee. The ELL parent~~
708 ~~membership shall be representative of the language groups in the district. Low incidence districts are~~
709 ~~encouraged to create a regional advisory committee. RIDE will provide guidance and assistance to~~
710 ~~districts that opt to create regional advisory committees. The membership of the Committee shall include~~
711 ~~representation from the School Improvement Team (SIT) of each school having an ELL population.~~
712 ~~Membership of each local Committee shall be composed of persons involved in or concerned with the~~
713 ~~education of ELL students. Family members of ELL students shall make up a majority of the committee~~
714 ~~membership, and at least fifty percent (50%) of this majority shall be selected by the families of ELL~~
715 ~~students. Each local Committee shall also include a former ELL student, an ELL Administrator and/or an~~
716 ~~ELL Coordinator, an ELL classroom teacher, and a general education classroom teacher and/or~~
717 ~~administrator. Additional membership shall be at the discretion of the school district. ~~Appointment of~~~~
718 ~~community representatives from appropriate language groups is encouraged.~~

719
720 ~~L-4-25. Functions and responsibilities of advisory committees.— The Committee shall advise the LEA~~
721 ~~and individual schools in matters concerning: the ELL programs currently offered, unmet needs of ELL~~
722 ~~students, the development and implementation of future plans, local compliance with state and federal~~
723 ~~laws and regulations, applications for state and federal funding; and evaluation of ELL programs. The~~
724 ~~school district shall provide information to the parents of ELL students about the advocacy roles of the~~
725 ~~District Liaison and the Advisory Committee when their children enter the school system.~~

726
727 ~~L-4-26. Responsibilities of the School District— advisory committee.— The school district shall~~
728 ~~provide assistance to the Advisory Committee in:~~

729

- ~~1. Developing the Advisory Committee's organizational structure and bylaws. The organizational structure and bylaws of the Advisory Committee shall become effective upon approval by the school district~~
- ~~2. Developing procedures for the Advisory Committee to carry out its functions and responsibilities~~
- ~~3. Providing technical and consultative services~~
- ~~4. Making available appropriate records and data as permitted by law~~
- ~~5. Providing in-service training for membership of the Advisory Committee in such areas as: the role of Advisory Committees, the role of advocacy groups, the conduct of meetings, state and federal laws and regulations, procedural safeguards, community resources, establishing two-way communication and support between the parent and the ELL student, between the school district and Advisory Committee, and between home and school, including teachers and administrators.~~
- ~~6. Notifying parents of the ELL Advisory Committee. When a student is referred for an ELL placement, the school district shall provide the family with notification of the existence of the local ELL Advisory Committee and responsibilities of the Committee. The notification shall indicate that a majority of the local ELL Advisory Committee consist of families of ELL students and shall inform the families how the chairperson of the local ELL Advisory Committee can be contacted~~

~~L-4 27. Meeting procedures for advisory committees. — The Committee shall meet as often as necessary to conduct its business but at least four (4) times annually. By July 1st of each year, the Committee shall submit an annual report on the committee's activities, including any suggestions it has made to the school district. The school district shall respond to the ELL Advisory Committee in writing within sixty (60) calendar days of receiving the annual report. These reports shall be made available to the public in a manner consistent with other public reporting requirements. Reports and minutes of each meeting shall also be forwarded to the school district's superintendent's office. The school district shall respond to the Committee within 15 calendar days after receiving the report.. Official minutes shall be kept of all Committee meetings and shall be made available to the public on request. All Committee meetings and agenda items shall be publicly announced prior to any meetings, and these meetings shall be open to the public. Interpreters and other necessary services for committee members or participants shall be provided at Committee meetings by the district. The Committee membership shall serve without compensation but must be reimbursed by the school district for reasonable and necessary expenses for attending meetings and performing duties.~~

~~L-4 28. RIDE monitoring. — RIDE shall:~~

- ~~1. Send the general timelines and criteria for monitoring to superintendents~~
- ~~2. Establish specific monitoring dates in cooperation with local administrators~~
- ~~3. Notify district superintendents of monitoring visitation dates and purposes~~
- ~~4. Conduct periodic monitoring visitations to ensure that each local district is performing according to the standards and procedures prescribed by law and by regulation governing ELL instruction~~

- 771 5. ~~Monitor the quality of the programs or services including the rate of student English language~~
772 ~~and academic growth as indicated by statewide tests and graduation rates.~~
773 6. ~~Ensure that all statewide assessment reports include data disaggregated by ELL status in~~
774 ~~accordance with R.I.G.L. 16-7.1-13. This disaggregation shall include separate statements of~~
775 ~~data describing students in the program and students that have been exited from program.~~
776 ~~Reporting of data will be in accordance with State ELL assessment policy~~
777 7. ~~Notify district superintendents and appropriate administrators in writing of monitoring-~~
778 ~~visitation findings~~
779 8. ~~Provide technical assistance and support to schools and school districts to help them (1)~~
780 ~~comply with these regulations, (2) provide effective ELL services to students, and (3) reach~~
781 ~~their school improvement goals, specifically as these goals relate to ELL students and the~~
782 ~~ELL program.~~
783 9. ~~If a RIDE monitoring visit demonstrates that a school district is not in compliance with these~~
784 ~~regulations, a corrective action plan shall be developed in concert with the district. Where~~
785 ~~appropriate, this corrective action plan may become part of a Negotiated Agreement with the~~
786 ~~district. Ride will monitor compliance with the corrective action plan for an agreed upon~~
787 ~~period of time. Nothing herein shall be construed to prevent the Commissioner from~~
788 ~~implementing other enforcement procedures.~~

789

790 ~~L-4-29. School district evaluations. — The local school district shall:~~

- 791 1. ~~Include in its annual action plan for ELL services the expected outcomes, which shall be in~~
792 ~~accordance with the program outcomes for all students as reflected in the state standards~~

793 ~~Determine the process for program improvement,~~ which shall be in accordance with closing the gaps for
794 all students as required by R.I.G.L. 16-7.1-1 and by federal laws applicable to the education of ~~ELL~~
795 ~~students~~ELs.

- 796 2. ~~Provide RIDE with an annual evaluation report which will include recommendations for~~
797 ~~improvement should the school district not achieve the expected outcomes. Upon~~
798 ~~implementation of these recommendations, if the school district still does not achieve the~~
799 ~~expected outcomes, RIDE shall provide technical assistance for program improvement or~~
800 ~~recommend the development of a corrective action plan.~~

- 801 3. ~~Ensure that all schools with an ELL population participate fully in the Rhode Island School~~
802 ~~Accountability for Learning and Teaching (SALT) Program.~~

- 803 4. ~~RIDE shall prepare an annual statewide evaluation report based on the evaluation reports~~
804 ~~submitted by the local school districts.~~

805

806 ~~L-4-30.(b) Census. — Information concerning students enrolled in English Language Learner~~EL
807 ~~programs shall be forwarded to the Rhode Island Department of Elementary and Secondary Education in~~
808 ~~a state-approved secure format. The identity of these~~ studentsELs shall be treated as confidential in

809 accordance with R.I.G.L.16-71-1, R.I.G.L. 38-2-1, and the Federal Family Educational Rights and
810 Privacy Act, 20 U.S.C. 1232g, 34 CFR ~~300.56099.1~~, et seq.

811 L-4-19. Responsibilities of individual schools. — Each School Improvement Plan in a school with ELs
812 shall include an action plan that identifies measurable goals for EL instructional and support services and
813 for the professional development to be provided to those who teach ELs. The school action plan for ELs
814 may be incorporated in another appropriate school or district plan.

815

816 CRITERIA FOR PARENT INVOLVEMENT

817 [R.I.G.L.16-54-3(6)]

818 L-4-20. Parent involvement. — (a) Each district shall provide for and encourage the involvement of
819 parents of ELs in the development, implementation, and evaluation of programs for these ELs. The school
820 district shall develop a written parent-involvement plan that includes outreach to the parents of ELs.
821 Parents shall be informed of the multiple ways that they can become involved in the education of their
822 children, not only in EL programs, but also in other school programs, services, and activities. This plan
823 must be included in the district’s annual EL Performance Report submitted to RIDE, and should be shared
824 with families and communities in multiple ways, such as face-to-face communication, letters home in
825 languages families can understand, posts on district website, etc.

826 (b) The school district shall provide culturally and linguistically appropriate parent-education programs or
827 parent outreach and training activities that are designed to assist all parents of ELs to become active
828 participants in the education of their children.

829 (c) The school district shall include input from the parents of ELs when it considers improvements not
830 only in EL programs but also when it considers improvements in other school programs in which ELs
831 may be involved.

832 (d) The school district shall present the Federal Title III component of the Consolidated Resource Plan for
833 parent review. Results of EL performance on state assessments and EL graduation rates shall be provided
834 annually to parents.

835 (e) The school district shall require each one of its schools to have at least one parent representative of
836 ELs from each of the language groups with more than 20 ELs in that school to serve on School
837 Improvement Teams (SIT). School Improvement Teams shall receive training and information on
838 relevant EL issues including, but not limited to, EL state regulations and federal programs.

839 (f) Parents shall be informed of their right to decline some or all federal or local EL program components.
840 (20 U.S.C. 7012 (a)(7) Parents will also be informed that even though EL program services are waived,
841 the student will still be considered to be an EL who must be assessed on the state’s annual English
842 Language Proficiency assessment. If a family does not participate in the identification, assessment and
843 placement process, the EL shall not be penalized; additional outreach and attention shall be given to the
844 family to educate them about the process and to encourage participation.

845

846 L-4-21. Procedural safeguards. — (a) Parents have the right to appeal any EL decision affecting their
847 child through the appeals process established by R.I.G.L. 16-39-1 and R.I.G.L. 16-39-2. RIDE will
848 prepare a simple-language explanation of the appeals process for distribution to parents.

849
850 L-4-22. Local parent committee. — The school district shall inform parents of ELs of opportunities to
851 participate in exiting parent advisory committees with regularly scheduled meetings in a language the
852 family can understand. The school district may appoint a dedicated district-wide EL Advisory Committee
853 consisting of parents and educators. The EL parent membership shall be representative of the language
854 groups in the district. Appointment of community representatives from appropriate language groups is
855 encouraged.

856 In the case of either (a) encouragement of EL families to participate in existing district-wide family
857 committee structures or (b) the establishment or maintenance of a dedicated EL Parent Advisory
858 Committee, the district shall (1) provide learning opportunities to parents of ELs to help guide their active
859 participation, (2) provide multiple channels for parent input and feedback, and (3) offer translation and
860 interpretation of materials and meetings in languages parents can understand.

861
862 L-4-23. Responsibilities of RIDE. — RIDE shall:

- 863 1. Ensure that the State EL Advisory Council is composed of representatives from the various EL
864 constituent groups and that it shall meet on a regular basis no fewer than 4 times per year.
- 865 2. Inform school districts of their respective fiscal entitlements as soon as possible, but not later than
866 the beginning of the fiscal year.
- 867 3. Provide school districts with appropriate applications, forms, and timelines.
- 868 4. Provide school districts with technical assistance on program design, curriculum alignment,
869 professional-development strategies, program management and evaluation, testing and
870 instructional modifications, and parent involvement.
- 871 5. Encourage school districts to combine funds to establish collaborative programs to meet the needs
872 of ELs.
- 873 6. Coordinate a comprehensive effort to disseminate information about successful and promising
874 practices and procedures.
- 875 7. Prepare and submit to the Rhode Island General Assembly an annual financial and program-
876 evaluation report on the status of state and local efforts on behalf of English Language Learners.
- 877 8. Establish and maintain a monitoring system that will examine and report compliance with State
878 and Federal regulations and performance standards.

879
880 L-4-24.

881 ~~L-4-31.~~ Triennial review of regulations. — The Commissioner of Education shall review these
882 regulations every third year from the date of their promulgation. Through this review the Commissioner
883 will determine whether these regulations are sufficient to support the provision of a free, appropriate,

884 public education to all eligible ~~ELL students~~ELs. In making this review, the Commissioner shall consider
885 advice from school administrators, the ~~state and local ELL~~State EL Advisory ~~Committees~~Committee, and
886 the results of monitoring activities performed by RIDE staff. Recommendations for changes shall be
887 made by the Commissioner to the ~~Board of Regents~~Council on Elementary and Secondary Education.

888

889 **References**

890 ~~US Office for Civil Rights English Language Learner Resources~~

891 ~~Castañeda v. Pickard, 688 F. 2d 989, (5th Cir. 1981) ELL program requirements~~

892 ~~Office of English Language Acquisition US Department of Education~~

893 ~~National Clearing House for English Language Acquisition and Language Instruction Educational~~
894 ~~Programs~~

895 ~~ELL Glossary~~

896 ~~Office of Elementary and Secondary Education, Title I—Improving the Academic Achievement of~~
897 ~~the Disadvantaged; 34 CFR Part 200; Final regulations [OESE]~~

898 ~~The hyperlinks provided within this document are meant as additional resources only and are not to be~~
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