# Athens Area Schools

# English Learner (EL) Program HANDBOOK



# (2023-24)

**Athens Area Schools**

**EL Program Handbook**

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### I. INTRODUCTION

## Mission Statement

The Athens Area Schools seeks to provide every child, regardless of national origin or native language, quality, and meaningful educational instruction. Consequently, students who are English Learners (ELs) are provided instructional services through an English as a Second Language (ESL) program which is designed to meet their unique needs.

Athens Area Schools has prepared this handbook of program policies and procedures to ensure that the Title III program or the ESL program in the district is consistent throughout the district.

The information contained herein has been compiled using the following sources:

Suzanne Toohey

Supervisor, Instruction & Pedagogy, Oakland Schools

Michigan Department of Education

Office of School Improvement

Title III Handbook

The following staff members are acknowledged for their efforts in developing this handbook:

Colleen Swank, Director of Grants

Walter Dubbeld

**II. DEFINITION OF ENGLISH LEARNERS (ELs)**

**ESSA Definition of an "English Learner" Student**

The term “English learner,” when used with respect to an individual, means an individual:

(A) who is 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 native language is a language other than English;

(ii)(I) who is a 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 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 English; or

(iii) the opportunity to participate fully in society. (ESEA Section 8101(20))

To be classified as EL, an individual must meet the criteria of A, B, C and D in the definition above. To meet the criteria for C, an individual can meet the criteria of any of i, ii or iii. If the criterion to meet C is ii, then the individual must meet the criteria of both I and II. To meet the criteria for D, an individual must be denied one of the three listed (i or ii or iii).

### III. LEGAL RESPONSIBILITIES

**A. Title I & Title III**

**PROGRAMS OF ENGLISH LEARNERS**

Under Title VI of the Civil Rights Act of 1964 and the EEOA, all States and LEAs must ensure that ELs can participate meaningfully and equally in educational programs and services. Students who meet the protocol requirements as English Learners (ELs) must be provided a language assistance program services, in addition to the basic/core education services (adopted by the local board of education) that all students in the LEA receive. This language assistance program services must provide meaningful access to the core curriculum and provide direct English language instruction. The intensity of language assistance program services provided is directly related to the individual student’s level of proficiency. The less English proficiency a student has, the more intense his or her program of language assistance program services should be. The language assistance program services could include research-based models such as bilingual education, ESL/ELD programs, and/or sheltered instruction. These federally required language assistance program services ensure that ELs have equitable access to the basic, local board of education-adopted curriculum provided to all students, and acquire English language proficiency.

To meet their obligations under Title VI and the EEOA, LEAs must, for example:

* Identify and assess all potential EL students in a timely, valid, and reliable manner;
* Provide EL students with a language assistance program that is educationally sound and proven successful, consistent with *Castañeda v. Pickard* and the Supreme Court decision in *Lau v. Nichols*;
* Provide sufficiently well prepared and trained staff and support the language assistance programs for EL students;
* Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
* Avoid unnecessary segregation of EL students;
* Ensure that EL students who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability related services because of their disability are considered in evaluations and delivery of services;
* Meet the needs of EL students who opt out of language assistance programs;
* Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
* Evaluate the effectiveness of a school district’s language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program is reasonably calculated11 to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time; and
* Ensure meaningful communication with parents of English Learners.

**WHAT YOU NEED TO KNOW**

Title III funds are to be used to provide language instruction educational programs — defined as courses in which EL students are placed for the purpose of attaining English proficiency, while meeting challenging State academic content and student academic achievement standards. These programs may make use of both English and the child’s native language to enable the child to develop and attain English proficiency, but school districts are required to “use approaches and methodologies based on scientifically-based research.” Each school or district using Title III funds must implement an effective means of outreach to parents of EL children. They must inform parents about how they can be active participants in assisting their children to learn English, achieve at high levels in core academic subjects and meet State standards.

**Title III Schools and School Districts Must:**

* Describe in their Title III application to the state how the district has consulted with teachers, researchers, administrators, and parents, and others in developing their Title III plan.
* Inform parents of a child identified for participation in a Title III program within 30 days after the beginning of the school year. For a child who enters school after the beginning of the school year, the school must inform parents within two weeks of the child's placement in such a program.
* Communicate with parents in an understandable and uniform format, which means communicating the same information to all parents, and in a method that is effective.

**Title III funds may be used for supplementing NOT supplanting school district and/or school activities.** (SeeAPPENDIX G)

**What Academic Information Does Your School District Have to Track About Their EL Students?**

* Must screen each EL student upon enrollment with the WIDA Screener.
* Must assess each student who qualifies for and receives service each year using the WIDA ACCESS for ELLs.
	+ Title I requires that States and Local Education Agencies (LEAs) annually report on ELs’ progress in achieving English language proficiency, attainment of English language proficiency, academic achievement, and high school graduation rates. (ESEA Section 1111(h)(1), (h)(2)). Under Title III, there are additional reporting requirements. LEAs must report to their States on:
		- Title III programs and activities
		- Number and percentage of ELs making progress toward English language proficiency
		- Number and percentage of ELs who attain proficiency and exit LIEPs
		- Number and percentage of former ELs who meet academic content standards (for 4 years)
		- Number and percentage of ELs who have not exited LIEPs after 5 years as an EL
		- Number and percentage of ELs with IEPs

**Accommodations** **on Assessments Required of EL Students:**

The EL director along with the individual EL student’s teachers and staff that have contact with the student will meet and decide appropriate accommodations for the state assessments and the testing coordinator will add those accommodations to the appropriate state assessment website. A student ticket will be generated and shared with the testing administrator ensuring that the accommodations are provided during testing.

**Assessments Required of EL Students:**

Title I Law requires that all EL students are assessed annually.

(b)Academic Standards, Academic Assessments, and Accountability –

(7)Academic Assessments of English Language Proficiency - Each state plan shall demonstrate that local educational agencies in the state will, beginning not later than school year 2002–2003, provide for an annual assessment of English proficiency (measuring students’ oral language, reading, and writing skills in English) of all students with limited English proficiency in the schools served by the state educational agency. (NCLB/ESEA Title I, Section. 1111(b)(7))

* ESSA requires states:
	+ to the extent practical, provide content area assessments in an appropriate language and form for ELs (ESEA Section 1111(b)(2)(B)(vii)(III))
	+ identify languages present to a significant extent in the state for which assessments are needed but not available and then work to develop those assessments (ESEA Section 1111(b)(2)(F))
* ESSA requires districts and schools:
	+ to implement reasonable adaptations and accommodations for students with diverse learning needs (inclusive of ELs who may also be students with disabilities) necessary to measure the achievement of such students relative to state content standards (ESSA Section 1111(b)(2)(B)(iii))
* ESSA allows states:
	+ to provide partial exclusion from content area assessment participation and accountability for ELs enrolled in the US for 12 months or less (ESEA Section 1111(b)(3)(A))
* Michigan has adopted the following exceptions for Newcomer ELs
	+ **Year one** (living in the US for 12 months or less)
		- exempt from ELA assessment, student takes English Language Proficiency Assessment and is included in English Language Progress indicator
	+ **Year two**
		- student takes ELA assessment and ELP assessment and is included in English Language Progress indicator
	+ **Year three**
		- Student takes ELA assessment and ELP assessment and is included in Academic Growth and English Language Progress indicators
	+ **Year four**
		- Student takes ELA and ELP assessments and is included in Academic Proficiency, Academic Growth, and English Language Progress indicators

**B. Federal Law**

There exists a substantial body of Federal law which establishes the rights of the LEP student and which defines the legal responsibilities of school districts serving these students. Note: the term Limited English Proficient (LEP) is a historic term where English Learner (EL) is currently accepted term and is therefore used throughout this document. EL is meant to counter the negative connotations of Limited English Proficient. Administrators and school boards who are responsible for local policies and programs can turn for guidance and direction to this body of law. It includes the following:

**1868 Constitution of the United States, Fourteenth Amendment**

“... No State shall ... deny to any person within its jurisdiction the equal protection of the laws.”

**1964 Title VI of the Civil Rights Act of 1964**

“No person in the United States shall, on the ground of race, color, or national origin be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

Two U.S. Supreme Court rulings, one interpreting the Fourteenth Amendment and one interpreting the Civil Rights Act of 1964, have exercised considerable influence over the educational rights of language minority students. These cases may be summarized as follows:

**1974 Lau v. Nichols**

The U.S. Supreme Court ruled that a school district’s failure to provide English language instruction to LEP students denied them meaningful opportunity to participate in the district’s educational program in violation of Title VI of Civil Rights Act of 1964; the Court further noted that equality of opportunity is not provided by giving the LEP student the same facilities, text books, teachers, and curriculum which non-LEP students receive.

**1982 Plyler v. Doe**

The U.S. Supreme Court ruled that the Fourteenth Amendment to the U.S. Constitution prohibits states from denying a free public education to undocumented immigrant children regardless of their immigrant status. The Court emphatically declared that school systems are not agents for enforcing immigration law and determined that the burden undocumented aliens may place on an educational system is not an accepted argument for excluding or denying educational service to any student.

### IV. PROCEDURES

The following procedures are established for Athens Area Schools to meet the requirements of Title I and Title III.

**A. Registration/Identification Using Home Language Survey**

The Home Language Survey approved by the Michigan Department of Education (APPENDIX A) is included in the Athens Area Schools registration form. It is to be completed at the time of registration. The building secretaries are responsible for ensuring that a home language survey is completed for all students at the time of enrollment. The completed registration forms shall be placed in student's permanent (CA-60) files.

If a student is identified as speaking a primary language other than English or as having a language other than English spoken in the home, as reported on the Home Language Survey, the student may be eligible for ESL services. If so, the Director of Grants in the district will be notified. The he/she will arrange for a prompt assessment of the student to determine eligibility for ESL services.

The district determines if a student meets the definition of an“immigrant”student (students from ages 3-21; enrolled in public or private school; not born in the United States; not attended school in the United States for more than three full years). A family interview is given to see if the student has been in the United States schools the entire time or if there has been some back and forth between the home country and in the United States. Once the student has been identified as being within the 3 year window for immigrant identification, the EL director flags the student as “immigrant”in the student information system and documents when the three years will expire. When the student reaches the end of the three year period, staff removes the immigrant flag from the student information system.

**B. Initial Assessment for Program Eligibility**

The EL Director and EL teacher will complete WIDA screener administration training annually in the WIDA Secure Portal. Training certificates will be stored in the WIDA Secure Portal and accessible by the district's assessment coordinator.

Within ten (10) school days of enrollment in our district, a student who is identified as potentially eligible on the Home Language Survey will be assessed by the EL Director or EL Teacher to determine if the student is eligible for Title III/ESL program services. Assessments assess a student’s language skills in listening, speaking, reading, writing, and comprehending in English using the WIDA ACCESS for ELLs or the WIDA Screener.

Staff is also encouraged to assess the reading and math abilities of the student using other standardized instruments to address learning needs across the content areas.

**WIDA ACCESS for ELLs/WIDA Screener & Levels of Proficiency**

The following chart shows level of proficiency correlated to the WIDA Standards. It may assist in determining the level of the student’s proficiency and the student’s placement into grade level or courses with appropriate ESL language and academic support.

|  |  |
| --- | --- |
| **WIDA ACCESS for ELLs/WIDA Screener****Score** | **Proficiency Levels WIDA Standards** |
| 6 | Reaching |
| 5 – 5.9  | Bridging |
| 4 – 4.9 | Expanding |
| 3 – 3.9  | Developing |
| 2 – 2.9 | Emerging |
| 0 – 1.9 | Entering |

**C. Eligibility for Title III/ESL Program Services**

A student who scores Entering through Expanding on the WIDA ACCESS ELLs or WIDA Screener is eligible for Title III/ESL Program Support. Michigan’s Entrance and Exit Protocol is followed for program services. This can be found at the following link.

 <https://www.michigan.gov/mde/-/media/Project/Websites/mde/OES/Programs/Title-III/EL_Entrance_and_Exit_Protocol.pdf>

**D. Procedures for Administering WIDA ACCESS Annually**

The WIDA ACCESS is administered to students identified as English Learners annually. The test is administered within the testing window in the spring. The test is administered by the EL Director or EL Teacher who is certified and trained through the WIDA Secure Portal.

**E. Early Childhood Transition Students**

The Athens Area Schools has an intentional systematic process for welcoming potential English Learner students into Kindergarten via transition meetings. Considerations for potential English Learners transitioning from Kid’s Time, Inc., Head Start and CISD Early Childhood Program(s) include: the language proficiency of the child and the prior supports utilized in the pre-k program. The district’s EL Director will conduct a transition meeting before the beginning of the school year to make a plan for potential English Learners as they transition from the pre-k program(s) into Kindergarten. The EL Director, EL teacher, kindergarten teacher and staff from the pre-k program will attend this meeting.

**F. Exiting from Title III/ESL Program Services**

Students who score at a 4.8 or higher on the WIDA ACCESS test are automatically exited from

the ESL program by the State of Michigan. These students must also be exited from EL status

in Skyward and MSDS.

**G. Monitoring Former English Learners (FELs)**

Identified students will be monitored for academic progress for four years by the EL Director. Data will be collected from local and state assessment, screening date, notification letter to parents, WIDA Access tests and scores, and EL services received. This data will be used to plan for appropriate interventions and supports for students it will be gathered on a spreadsheet located in the green folder in the student’s CA60.

**H. Placement in Title III/ESL Program**

Athens Area Schools provides an instructional program to meet the language and academic content needs of English Learners (ELs) enrolled in the district. The instructional needs of students at different levels of language proficiency and prior schooling are met differently. Below is the guide for Title III program instruction described by level of language proficiency and level of instruction.

The Athens Area School’s Title III/ESL program provides language and academic content support to ELs through SIOP trained teachers and reading and math intervention services. Athens Area Schools has hired an EL teacher. The EL teacher will provide direct instruction to students and provide instructional strategies for staff.

 **Language Instruction Educational Program (LIEP) Description (see APPENDIX H)**

**I. Parental Notification (See APPENDIX B)**

Athens Area Schools must inform parents of English Learners (ELs) identified for participation in the district's Title III/ESL program.

* no later than 30 days after the beginning of the school year for students who enter at the start of the school year.
* within the first two weeks (10 school days) of attendance for children who have not been identified as English Learners (ELs) prior to the beginning of the school year.

Parent Notification letters will be available in the child’s home language. The EL Director will mail the letters to the individually student’s home.

School Districts Must Inform Parents of:

* + - * The reasons for identifying their child as an English Learner and for placing their child in a language instruction educational program;
* The child’s current level of English proficiency, including how the level was assessed and the status of the child’s academic achievement;
* The method of instruction that will be used in the program, including a description of all language programs;
* How the program will meet the educational strengths and needs of the child;
* How the program will help the child learn English and meet academic achievement standards;
* How the program will meet the objectives of an individualized education program for a child with a disability;
* The program exit requirements, including when the transition will take place and when graduation from secondary school is expected; and
* The parents' rights, including written guidance that (A) specifies the right to have their child immediately removed from a language instruction educational program upon request, (B) describes the options that parents have to decline to enroll their child in such a program or to choose another program or method of instruction, if available, and (C) assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered. (ESEA Section 330 a-d)

Regular meetings are conducted for parents and families of EL students. These include Open House, Family Night,, and Semi-Annual Parent/Teacher Conferences. Periodic check-ins will be held individually with all of the parents of the EL families by the EL Director..

**I. ELs who are Struggling Learners**

When indicators suggest that an English Learner (EL) is having difficulties attaining linguistic, academic and social expectations, which are unrelated to the student’s English Language Proficiency, the student will be referred to the school Child Study Team which includes the EL teacher for intervention strategies. Periodic reviews will be conducted to determine the success or failure of the strategies. The Athens Area Schools has an established protocol for referring students for special education evaluations. These special intervention strategies must be utilized to determine what further strategies may be necessary. These special intervention strategies must be utilized to ensure that a student is not referred for formal Special Education Multidisciplinary Team evaluations when the lack of academic progress is primarily related to language background or a need for more Title III/ESL support services. In the event the various strategies are not successful, the student may be referred for a special education evaluation. The student may require an evaluation administered in his/her native language.

**J. Provision of Services**

The Athens Area Schools has evidence of policies and provision of services on an equitable

basis to EL children enrolled in participating private schools. The Athens Area Schools

facilitates meaningful and timely consultation with area private schools regarding the

participation of EL students, their teachers, or other educational personnel in Title III

programming.We currently have no private schools within our district that participates in our

Title III program. If a private school decides to participate with our district a meeting will be

scheduled to determine the services that will be provided. A meeting schedule will be established

to ensure services are being met.

**K. Student Folder Contents and CA-60**

Each English Learner will have a folder maintained by the ESL director. The folder will contain:

* + Home language survey ***APPENDIX A***
	+ Parent notification letter ***APPENDIX B***
	+ Sample of student’s schedule for ESL services
	+ WIDA ACCESS for ELLs & WIDA Screener testing results
	+ Student Profile (for Students moving from elementary to middle school and from middle school to high school)
	+ Monitoring records
	+ Record of placement decisions (Description of program for individual student, including type and amount of alternative program services)

### V. STAFF Roles

**A. ESL**

The ESL teacher is certified in his/her teaching area and has an ESL endorsement. The ESL teacher has primary responsibility for providing English language instruction to the EL. The ESL teacher also shares the responsibility with mainstream general education teachers for ensuring that the EL receives content instruction while learning English.

The ESL teacher supports the instruction of the mainstream class by discussing the content using ESL, sheltered or content specific instruction taught in the student’s home language and English. The ESL teacher is responsible for language development and content specific instructional support.

**ESL teacher:**

* + provides content instruction and language development;
	+ assumes the same functions as the mainstream teacher when they are the teacher of record in the classroom;
	+ meets regularly with the mainstream teacher to determine the academic needs of English Learners enrolled in their classes;
	+ teaches basic survival skills to the most limited English proficient students;
	+ assists general education staff about culture and language of the EL and the family;
	+ provides the mainstream teacher with the cultural and linguistic background of the language minority students in the class;
	+ works collaboratively with staff to develop curriculum;
	+ identifies, assesses, teaches, and counsels each EL; and
	+ provides staff development on English language instruction and cultural awareness.
	+ provides lesson plans to paraprofessionals that are working with the EL students.

**B. Role of ESL Paraprofessional/Tutor/Aid**

The ESL/Bilingual paraprofessional supports and reinforces the English language acquisition and content instruction provided by ESL/Bilingual teacher and mainstream teachers.

**Responsibilities of the ESL Paraprofessional/Tutor/Aid are to:**

* + assist ESL/Bilingual teachers and mainstream teachers in providing content instruction and language development;
	+ meet regularly with ESL/Bilingual teachers and mainstream teachers to determine the academic needs of ELs enrolled in their classes;
	+ assist teaching basic survival skills to the most limited English proficient students;
	+ inform general education staff about culture and language of the ELs and their families;
	+ provide mainstream teachers with cultural and linguistic background of the language minority students in their classes;
	+ provide input to staff regarding curriculum development;
	+ assist in identification, assessment, teaching, and counseling each EL; and
	+ assist in providing staff development on English language instruction and cultural awareness.

**C. Role of Mainstream General Education Teacher**

The mainstream teacher into whose class the student is enrolled has primary responsibility for the instruction of the EL. The student spends a significant part of the day in the mainstream classroom with this teacher and classmates. Because of this, the mainstream teacher is responsible for the delivery of the curriculum to ALL students in his/her class. The mainstream teacher does not accomplish this alone.

**The mainstream teacher and the ESL staff are the ones who decide:**

* what should be taught;
* how the mainstream class content should be supported by ESL/bilingual staff;
* what the essential concepts in the lessons are;
* how lessons should be differentiated and accommodated;
* how to make appropriate accommodations for assessments; and
* how to assess achievement.

**In addition, the mainstream teacher:**

* is a full partner with the ESL staff in educating ELs in his/her class;
* demonstrates sensitivity and awareness of cultural and linguistic differences;
* individualizes instruction to meet the needs of each student;
* uses visuals/hands-on activities to facilitate learning;
* provides materials for the ESL staff that support the mainstream instruction;
* helps language minority students make friends and be part of the social interaction in the classroom;
* promotes intercultural discussion; and,
* suggests the type of help the EL needs to be successful in his/her class to the ESL teacher.

**D. Role of Special Services Staff**

Special Services staff members are essential for the success of English Learners in elementary, middle, and high schools in Athens Area Schools Counselors, social workers and curriculum support personnel are a very new phenomena for many ELs and their families. The role of the special services staff needs to be explained to bilingual parents and students so that the bilingual families will have a complete understanding of that person’s role in the school and will be able to utilize his/her expertise.

**Support Staff for English Learners:**

* work in conjunction with the ESL and mainstream staff to provide appropriate scheduling of students;
* need to develop an awareness of the culture and language abilities of language minority students;
* provide social and academic guidance to help English Learners become familiar with school culture and academic opportunities;
* have current language proficiency assessment accessible; and,
* provide academic information to parents/guardians.

**E. Professional Learning for Staff**

The School District provides high quality ***supplemental*** professional development and SIOP training, available to all instructional staff of ELs, administrators, parents, family and community. Professional learning for educators of ELs is evaluated to ensure effectiveness.

### VI. PARENTAL INVOLVEMENT

**A. Parental Communication/Interpreter Services**

Parents of English Learners will receive readily understood notices of school programs and activities impacting their child's education. Interpreters and or translators will be provided, if necessary, through Propio Language Services, 913-381-3143. All written documents that require a parent signature will be translated through the Propio Language Services, 913-381-3143.. If a parent can not speak the English language and needs to communicate through the telephone we will have a phone interpreter service assist with the communication between the parent and the school district.

**B. ESL/Title 1 Parent Advisory Committee**

Parents of identified students will be included in the Title I Parent Advisory Committee. Parents

 will have the opportunity to have input on programming.

**C. Code of Conduct**

The Code of Conduct will be translated into the major languages and distributed to parents of ELs. This will assure that students and parents are informed in their first language.

**D. Family Engagement**

Open House, Family Engagement Nights which include math and literacy, Parent and Teacher Conferences, EL specific meetings will be planned according to the family needs that will include the specific topics and resources to assist families. Interpreters will be provided to assist with families that need those services. Surveys will be given to parents to fill out at each meeting to give feedback on the services provided and ideas for next topics/services.

### VII. PERSONNEL PRACTICES

**A. Postings**

Athens Area Schools will, when seeking new applicants for all content area positions, actively recruit those people speaking the language of our student population. This is recommended for all vacancies, not just ESL positions.

Athens Area Schools will encourage the designation of ESL paraprofessionals as a distinct category. This will provide trained personnel and consistent instruction. Presently, the paraprofessionals are highly trained with specific skills to meet the needs of ELs.

### VIII. PROGRAM EVALUATION

A District Evaluation Committee which includes parents, teachers, EL teacher, EL director, and principals will meet each spring to assess student progress using standardized test scores and writing samples. The district will include an evaluation of the effectiveness of parent outreach during the program evaluation process. They will also assess the program's effectiveness, resources and staff needs. This committee will make any necessary program recommendations to the Superintendent, Executive Director of Instruction and the Board of Education. Monitoring data such as district-wide test results, dropout and retention rates, and grades will be included in the periodic program evaluation.

The Athens Area Schools uses MDE’s Program Evaluation Tool to determine the effectiveness of programs and initiatives in assisting ELs toward achieving State content standards and attaining English language proficiency.

As a part of the annual evaluation of the district EL program, the Athens Area Schools monitors the progress of ELs regarding:

* the number and percent of ELs making progress toward attaining English language proficiency (based on the WIDA) in the aggregate and disaggregated (e.g. by disability; by recently arrived)
* the number and percent of ELs who have attained full English Language proficiency, are exited from the program and placed on a four-year monitoring status
* the number of ELs who have not attained English language proficiency within five years of initial classification as an EL and first enrollment in the LEA
* the number and percent of students who have been reclassified as EL
* the number and percent of ELs participating in AP, CTE, extracurricular programs to ensure parity.

### APPENDIX A HOME LANGUAGE SURVEY QUESTIONS

 **Athens Area Schools**

# 4320 K Drive South, East Leroy, MI 49051

(269) 729-5427

### Joe Huepenbecker, Superintendent

[www.athensk12.org](http://www.athensk12.org)

**HOME LANGUAGE SURVEY QUESTIONS**

Name of student\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Birth date\_\_\_\_\_\_\_\_\_\_\_\_

Male\_\_\_\_ Female\_\_\_\_ Building: (East Leroy Elementary) *or* (Athens Jr./Sr. High)

 Parent Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Is your child’s native tongue a language other than English?

\_\_\_\_\_ yes \_\_\_\_\_no What is that language?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Is the primary language used in your child’s home or environment a language other than English?

\_\_\_\_\_ yes \_\_\_\_\_no What is that language? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Which language does your child prefer? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Please describe the language understood by your child. (Circle only one)

1. Understands only the home language and no English.
2. Understands mostly the home language and some English.
3. Understands the home language and English equally.
4. Understands mostly English and some of the home language.
5. Understands only English.

5. Country of birth \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. If child was born outside of the United States or Puerto Rico, when did the student first enter school in the

United States? \_\_\_\_\_\_\_\_\_\_\_\_\_ (Date including year)

**APPENDIX B PARENT LETTERS**

**Parent notification and permission for services letter**

# Athens Area Schools

# 4320 K Drive South, East Leroy, MI 49051

(269) 729-5427

### Joe Huepenbecker, Superintendent

[www.athensk12.org](http://www.athensk12.org)

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Student Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Athens Area Schools

4320 K Drive South, East Leroy, MI 49051

(269) 729-5427

Joe Huepenbecker, Superintendent

www.athensk12.org

WIDA Overall Proficiency Level: \_\_\_\_\_\_\_\_\_\_

Dear Parent or Guardian,

The Athens Area Schools is committed to providing instructional and enrichment programs that will meet the needs of all students in our schools. We have developed an ESL program of academic instruction that addresses the special English language needs of our students. Based on enrollment information, your student is eligible for services that support classroom instruction and provide additional opportunities for your student’s academic growth and language proficiency. This letter is intended to clarify information about the program and options for your child.

**What are ESL support services?**

ESL support services are specialized programs funded by local, state and federal funds. Each year, we are required by federal legislation (ESEA & ESSA) to inform you of the services we are providing for your child. The purpose is to enable students to read, write and communicate in the English language as well as learn subject matter at the same time. The teachers are specially trained to help students acquire language and subject matter skills that are based on the state and district curriculum standards and benchmarks. Our testing indicates that our students in the program are making progress at every grade level.

**How are students identified as having limited English proficiency?**

Many students are potentially eligible for services in the ESL program. Students identified on the Home Language Survey as having a first language other than English or if a language other than English is spoken regularly in the home will be screened by the WIDA screener to determine their eligibility.   The state mandates the administration of the English Language Proficiency assessments (WIDA Screener and/or WIDA ACCESS for ELLs) to determine student’s listening, speaking, reading, and writing skills.

**How can I find out my child’s language proficiency level?**

Your child’s proficiency level is located at the top of this letter. Please contact your child’s teacher for a full explanation of your child’s scores or progress made.

**What types of programs are available?**

Athens Area Schools offer a transitional program with very intensive help for students with little or no English. As the student progresses in English, he or she will transition into the general education program.

Some options include programs as listed below:

* A structured research based program of teaching the English language through science, math, social studies and language arts.
* A summer school program and/or after school programs whenever needed.
* Small group instruction that aims at developing fluency and literacy in English.
* Computer assisted instruction that allows for individual learning, problem solving, and acceleration of students’ language and skills.
* Use of students’ home language as needed to assist students in understanding and acquiring new concepts in subject areas like math, science and social studies.
* Provision of additional books, games and family learning activities which include workshops, field trips, and family projects.
* Opportunities to be included in all district interventions, enrichment and accelerated programs

Your child has been selected for a program based specifically on his or her learning needs. Please talk to your child’s teacher at parent conferences or by making an appointment if you wish specific information about your child’s progress.

**How do students exit the program?**

Our transitional model allows students to progress into general education steadily as they develop English Language Proficiency. Students can exit the program officially in a number of ways:

* The parent has the right to refuse services for their son or daughter from ESL services at any time, but the student will still be tested annually and be considered an English Language Learner. Please see the attached waiver of services form.
* Any student who scores at the proficient levels on the WIDA ACCESS for ELLs and state/district tests will be recommended for exit.

We will monitor student progress for four years following exit from the ESL program. Report cards and test results will be used to monitor progress. This information will be used to determine further support for your child. If you need any further information, please contact your child’s teacher or school.

Sincerely,

# Athens Area Schools

## 4320 K Drive South, East Leroy, MI 49051

(269) 729-5427

### Joe Huepenbecker, Superintendent

www.athensk12.org

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Student Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WIDA Overall Proficiency Level: \_\_\_\_\_\_\_\_\_\_

Dear Parents,

 Athens Area Schools provide ESL supplemental service to selected students who come from language backgrounds other than English. Above is your child’s English Language Proficiency level. Based on enrollment information and your student’s WIDA level, your student qualifies for ESL services. This program supports classroom instruction and provides additional opportunities for students’ academic growth and language proficiency.

 It is your right as a parent to withdraw your child from ESL services. If you DO NOT want your child to receive the services, you can withdraw your child by filling out the information below and returning this letter to your child’s school.

 Please note that our federal government mandates the continued testing of any student, active or parent exited, whose home or primary language is other than English, until that student demonstrates proficiency on the WIDA ACCESS for ELLs annual assessment.

 If you need additional information, please contact the EL Director..

Sincerely yours,

\*\*Put original in the student’s cumulative file and send one copy to the ESL teacher or Title III Coordinator

**Parent refusal letter**

# Athens Area Schools

# 4320 K Drive South, East Leroy, MI 49051

(269) 729-5427

### Joe Huepenbecker, Superintendent

[www.athensk12.org](http://www.athensk12.org)

Date:

Dear Parent,

We understand that you would like to decline participation in the Title III program or particular EL services proposed for your child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (insert child’s name). EL services are specifically designed to help your child obtain English language proficiency as well as acquire grade-level content. However, as stated in our conversation, you have the legal right to opt your child out of the program or particular services.

If you still wish to opt your child out of the Title III program or particular EL services, please initial next to each item on the checklist below. Doing so will indicate that you fully understand and agree with each statement. After you have initialed next to each of the statements, please sign, date, and return the form to your child’s school. We will keep this document on file stating that you have declined or do not want these indicated EL services for your child.

\_\_\_\_\_I am aware of my child’s English language assessment score and other information about my child’s current academic progress, and understand why he/she was recommended for additional English language instruction.

\_\_\_\_\_I am familiar with the Title III program and services the school has available for my child.

\_\_\_\_\_I have had the opportunity to discuss the available Title III program and services with the school.

\_\_\_\_\_I understand that the school believes its recommendation is the most academically beneficial for my child.

\_\_\_\_\_I understand that my child will still be designated an “English Learner” and have his or her English proficiency assessed once per year until he/she no longer meets the definition of an English Learner. All of this information has been presented to me in a language I fully understand.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(insert name), with a full understanding of the above information, wish to

\_\_\_\_\_ decline all of the Title III program and EL services offered to my child.

\_\_\_\_\_ decline some of the Title III program and/or particular EL services offered to my child.

I wish to decline (List program/services)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent’s Signature Child’s Name Date

**Parent notification letter for potentially eligible kindergarten students screened prior to December 1st**

# Athens Area Schools

# 4320 K Drive South, East Leroy, MI 49051

(269) 729-5427

### Joe Huepenbecker, Superintendent

[www.athensk12.org](http://www.athensk12.org)

Date:

To the Parents of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

When you enrolled your child in Athens Area Schools, you indicated that your child’s native language is a language other than English, and/or that the primary language used in your home is a language other than English.

As a result, because of state and federal law, Athens Area Schools was obligated to administer the WIDA Screener. The purpose of administering the WIDA Screener was to assess your child’s level of proficiency in English and to determine if your child qualifies for support from the English as a Second Language Department (ESL)

Your child scored exceptional on the Listening and Speaking sections of the WIDA Screener. This means that your child’s listening and speaking skills are comparable to native speaking peers. Additional data needs to be gathered before classifying your student as an English Learner (EL). Therefore, over the next couple of months, the ESL department will collaborate with your child’s classroom teacher and monitor benchmark assessments to make that determination. Once a determination is made, you will be notified in writing.

If you have any questions or concerns, please contact me, ESL Colleen Swank, at (269) 729-5427 or via e-mail at swankc@athensk12.org

Sincerely,

### APPENDIX C DESCRIPTIONS OF ENGLISH LANGUAGE PROFICIENCY LEVELS

To meet the instructional needs of English learners (ELs) in Michigan, six (6) levels of English language proficiency are used to more accurately describe student proficiency in listening, speaking, reading, writing skills. Included in the table below is a general description of the characteristics of ELs at each level of proficiency.

|  |  |
| --- | --- |
| **Michigan English Proficiency Levels (WIDA English Language Proficiency Levels)** | **Description of English Learners (ELs)** |
| **Level 1 Entering** | **Students with limited formal schooling**Level 1 may include students whose schooling has been interrupted for a variety of reasons, including war, poverty or patterns of migration, as well as students coming from remote rural settings with little prior opportunity for sequential schooling. These students may exhibit some of the following characteristics: pre- or semi-literacy in their native language; minimal understanding of the function of literacy; performance significantly below grade level; lack of awareness of the organization and culture of school. (TESOL, 1997, p.21) Because these students may need more time to acquire academic background knowledge as they adjust to the school and cultural environment, English language development may also take longer than other EL beginning students at Level 1. Level 1 students may lack sufficient English literacy for meaningful participation in testing even at the most minimal level.**Recently arrived student** (less than 30 days) These students have not been assessed with the WIDA Screener and/or other tests used for placement.**Beginning (Pre-production** **and early production)** Students initially have limited or no understanding of English. They rarely use English for communication. They respond non-verbally to simple commands, statements and questions. As their oral comprehension increases, they begin to imitate the verbalization of others by using single words or simple phrases, and begin to use English spontaneously (WIDA, 2012).At this earliest stage these students start to construct meaning from text with non-print features (e.g., illustrations, graphs, maps, tables). They gradually construct more meaning from the words themselves, but the construction is often incomplete (WIDA, 2012).They are able to generate simple written texts that reflect their knowledge level of syntax. These texts may include a significant amount of non-conventional features, invented spelling, some grammatical inaccuracies, pictorial representations, surface features and rhetorical features of the native language (i.e., ways of structuring text from native language and culture) (TESOL, 1999, p.20). |

|  |  |
| --- | --- |
| **Level 2 Beginning** | **Early intermediate (Speech emergent)**Students can comprehend short conversations on simple topics. They rely on familiar structures and utterances. They use repetition, gestures, and other non-verbal cues to sustain conversation (WIDA, 2012).When reading, students at this level can understand basic narrative text and authentic materials. They can use contextual and visual cues to derive meaning from texts that contain unfamiliar words, expressions and structures. They can comprehend passages written in basic sentence patterns, but frequently have to guess at the meaning of more complex materials. They begin to make informed guesses about meaning from context. They can begin to identify the main idea and supporting details of passages (WIDA, 2012)..Students can write simple notes, make brief journal entries, and write short reports using basic vocabulary, and common language structures. Frequent errors are characteristic at this level especially when student try to express thoughts that require more complex language structures. (State of Virginia, pp. 4-9) |
| **Level 3 Developing** | **Intermediate**At this level students can understand standard speech delivered in most settings with some repetition and rewording. They can understand the main ideas and relevant details of extended discussions or presentations. They draw on a wide range of language forms, vocabulary, idioms, and structures. They can comprehend many subtle nuances with repetition and/or rephrasing. Students at this level are beginning to detect affective undertones and they understand inferences in spoken language. They can communicate orally in most settings (WIDA, 2012).Students can comprehend the content of many texts independently. They still require support in understanding texts in the academic content areas. They have a high degree of success with factual information in non-technical prose. They can read many literature selections for pleasure. They can separate main ideas from supporting ones. They can use the context of a passage and prior knowledge to increase their comprehension. They can detect the overall tone and intent of the text (WIDA, 2012).Students can write multi-paragraph compositions, journal entries, personal and business letters, and creative passages. They can present their thoughts in an organized manner that is easily understood by the reader. They show good control of English word structure and of the most frequently used grammar structures, but errors are still present. They can express complex ideas and use a wide range of vocabulary, idioms, and structures, including a wide range of verb tenses. (Virginia, pp. 11-14) |

|  |  |
| --- | --- |
| **Level 4 Expanding** | **Transitional Intermediate**At this level students’ language skills are adequate for most day- to-day communication needs. Occasional structural and lexical errors occur. Students may have difficulty using and understanding idioms, figures of speech and words with multiple meanings. They communicate in English in new or unfamiliar settings, but have occasional difficulty with complex structures and abstract academic concepts (WIDA, 2012).Students at this level may read a wide range of texts with considerable fluency and are able to locate and identify the specific facts within the texts. However, they may not understand texts in which the concepts are presented in a de-contextualized manner, the sentence structure is complex, or the vocabulary is abstract. They can read independently, but may have occasional comprehension problems (WIDA, 2012).They produce written text independently for personal and academic purposes. Structures, vocabulary and overall organization approximate the writing of native speakers of English. However, errors may persist in one or more of these domains (listening, speaking, reading, and writing) (TESOL, 1999, p. 21). |
| **Level 5 Bridging**  | **Proficient**At this proficient level students demonstrate English proficiency similar to native speakers. They use specialized or technical language of the content areas. Students at this level write using a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays or reports (WIDA 2012).Students at this level may read a wide range of texts with considerable fluency and are able to locate and identify the specific facts and draw conclusions within the texts. They may understand texts in which the concepts are presented in a de-contextualized manner, the sentence structure is complex, or the vocabulary is abstract. They can read most grade level texts independently (WIDA, 2012).They produce oral and written language approaching comparability to that of English-proficient peers when presented with grade level material (WIDA 2012). |
| **Level 6 Reaching** | **Monitored (Advanced Proficiency)**Students at this advanced level have demonstrated English proficiency as determined by state assessment instruments (WIDA ACCESS for ELLs and are on grade level in assessments such as the MSTEP, Common Assessments, SAT, and DRA). They are expected to be able to participate fully with their peers in grade level content area classes. The academic performance of these students is monitored for two years as required by federal law. |

### APPENDIX D PUBLIC COMPLAINTS

BookPolicy Manual

Section9000 Relations

TitlePUBLIC COMPLAINTS

Codepo9130

StatusActive

Legal

20 U.S.C. 1232h

AdoptedFebruary 16, 2004

9130 - **PUBLIC COMPLAINTS**

Any person or group, having a legitimate interest in the operations of this District shall have the right to present a request, suggestion, or complaint concerning District personnel, the program, or the operations of the District. At the same time, the Board of Education has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

 It is the desire of the Board to rectify any misunderstandings between the public and the District by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

 Any requests, suggestions, or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

 **Matters Regarding a Professional Staff Member**

1. First Level

If it is a matter specifically directed toward a professional staff member, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority and District administrative guidelines.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by school officials prior to approaching the professional staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the principal.
2. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor and in compliance with provisions of a collective bargaining agreement, if applicable.
3. Third Level

If a satisfactory solution is not achieved by discussion with the supervisor, a written request for a conference shall be submitted to the Superintendent. This request should include:

	1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
	2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
	3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.
4. Should the matter be resolved in conference with the Superintendent, the Board shall be advised of the resolution.
5. Fourth Level

Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a hearing by the Board.

The Board, after reviewing all material relating to the case, may provide the complainant with its written decision and/or grant a hearing before the Board.

The complainant shall be advised, in writing, of the Board's decision no more than ten (10) business days following the next regular meeting. The Board/s decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

**Matters Regarding the Superintendent**

Should the matter be a concern regarding the Superintendent which cannot be resolved through discussion with the Superintendent, the complainant may submit a written request for a conference to the Board. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
3. the reason that matter was not able to be resolved with the Superintendent;
4. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a hearing before the Board or a committee of the Board or refer the matter to an executive session.

The complainant shall be advised, in writing, of the Board's decision within thirty (30) business days. The Board's decision will be final and not subject to appeal.

**Matters Regarding an Administrative Staff Member**

Since administrators are considered members of the District's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed.

**Matters Regarding a Support Staff Member**

In the case of a support staff member, the same procedure is to be followed as for "Matters Regarding a Professional Staff Member."

**Matters Regarding District Services or Operations**

If the request, suggestion, complaint, or grievance relates to a matter of District procedure or operation, it should be addressed, initially, to the program supervisor and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

**Matters Regarding the Educational Program**

If the request, suggestion, complaint, or grievance relates to a matter of District program, it should be addressed, initially, to the principal and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

**Matters Regarding Instructional Materials**

The Superintendent shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their right to inspect instructional materials and the procedure for completing such an inspection. (see AG 9130A and Form 9130F3)

If the request, suggestion, complaint, or grievance relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the District, the following procedure shall be followed:

1. The criticism is to be addressed to the curriculum director, in writing, and shall include:

	1. author;
	2. title;
	3. publisher;
	4. the complainant's familiarity with the material objected to;
	5. sections objected to by page and item;
	6. reasons for objection.
2. Upon receipt of the information, the curriculum director may, after advising the Superintendent of the complaint, and upon the Superintendent's approval, appoint a review committee which may consist of:

	1. one (1) or more professional staff members;
	2. one (1) or more lay persons knowledgeable in the area.
3. The Superintendent shall be an ex officio member of the committee.
4. The committee, in evaluating the questioned material, shall be guided by the following criteria:

	1. the appropriateness of the material for the age and maturity level of the students with whom it is being used
	2. the accuracy of the material
	3. the objectivity of the material
	4. the use being made of the material
5. The material in question may be withdrawn from use pending the committee's recommendation to the Superintendent.
6. The committee's recommendation shall be reported to the Superintendent in writing within five (5) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.
7. The complainant may appeal this decision, within thirty (30) business days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.
8. The Board shall review the case and advise the complainant, in writing, of its decision within ten (10) business days.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

**APPENDIX E DEFINITIONS**

***ACCESS for ELLs*** refers to the annual assessment given to all students participating in the Title III/ESL program.

***Basic Interpersonal Communication Skills******(BICS)*** refers to a student’s social English language skills. Research indicates that a student takes 1-3 years to acquire functional social language skills. (Cummins, 1981)

***Bilingual Instruction***

Bilingual instruction is defined as instruction in curricular content areas, including instruction in English language skills (listening, speaking, reading, writing, and comprehension), through a combination of a student’s native language and English language.

***Bilingual Paraprofessional***

A bilingual paraprofessional provides support services to the LEP student. Language proficiency must demonstrate in listening, speaking, reading, writing, and comprehension both the English language and the native language for which they provide support services.

***Bilingual Program***

Bilingual programs use a student's native language, in addition to English, for instruction by bilingual staff.

***Bilingual Teacher***

A Bilingual teacher is required to be certified in the area of instruction and in addition have a bilingual endorsement. This teacher may provide bilingual or ESL instruction or support services to the ELs. Frequently, this teacher will provide consultative services to the regular classroom teacher.

***Building Instructional Team***

The following staff should be part of the team working with ESL students:

 • Classroom Teacher

 • Counselor

 • Social Worker

 • Psychologist

 • ESL Instructor/Paraprofessional

 • General Education Resource Teacher

 • Principal

The ESL teacher and ESL paraprofessionals assigned to the building will provide instructional support and materials.

When concerns arise regarding a student’s program, curriculum or placement, the team outlined above will address these issues at a Building Instructional Team meeting. The Building Instructional Team referrals may be requested by any staff member. The District ESL Title III supervisor will be notified when a particular ELs problem persists after interventions have been implemented as recommended by the Building Instructional Team.

***CA-60 File***

This file is kept in the school office and is the official record of the student. It contains: birth certificate, immunization records, registration documents, standardized test scores, report cards, and other official school documents.

***CALP***

Cognitive Academic Language Proficiency (CALP) refers to the English language skills necessary to function successfully in an academic/school environment. Research indicates that it takes a student from 3-7 or more years to acquire such academic language skills. (Cummins, 1981)

***Content-based Language Development Programs***

Content-based Language Development programs group ELs from different languages together in classes where teachers use English as the medium for providing content area instruction. Teachers modify classroom language to the proficiency level of the students.

***Co-Teaching***

Co-teaching is defined as having an ESL/Bilingual teacher assist in the instruction for content area classes whenever there is a significant population of ELs in the building.

***ELs (English Learners)***

ELs refers to students whose first language is not English, and encompasses both students who are just beginning to learn English (often referred to as limited English proficient or LEP) and those who have already developed considerable proficiency. The term underscores the fact that, in addition to meeting all the academic challenges that face their monolingual peers, these students are learning English.

***ESL/ELD***

English as a Second Language (ESL)/English Language Development (ELD) instruction is used to teach English language components (grammar, vocabulary, and pronunciation) and language skills (listening, speaking, reading, writing, and comprehension) as well as content areas.

***ESL Programs***

ESL programs emphasize learning English for both social and academic purposes. English is the language of instruction.

***ESL Class Period***

A student receives ESL instruction during a regular class period, often grouped by English language proficiency levels.

***ESL Instruction***

ESL is defined as a structured language acquisition program designed to instruct a student in the English language (speaking, reading, writing, and comprehending) and core academic content.

***ESL Newcomer's Center***

ESL Newcomer's Center is an ESL classroom that enrolls non-English-speaking students from many or all schools of the same grade level (elementary, middle or high school). The Center provides intensive English language and academic content instruction.

***ESL Resource Center***

Students from several classrooms come together for English language and academic content instruction. The resource center concentrates ESL materials and staff in one location.

***ESL Student File***

This file is kept by the Bilingual/ESL teacher at the building of enrollment. It contains a copy of the district registration, assessment data, and family information.

***ESL Teacher***

An ESL teacher is required to be certified and have specific training in ESL instruction. The ESL teacher may provide ESL instruction or support services to LEP students and may provide consultative services to regular classroom teachers.

***ESSA***

The Every Student Succeeds Act (ESSA) is the most recent reauthorization of the Elementary and Secondary Education Act (ESEA).

***FEL Students***

A Former English Learner (FEL) has been exited from Title III/ESL program because:

The student has scored proficient on the ACCESS, W-APT, and multiple district assessments.

***Inclusion***

An EL is placed in general education and may receive tutorial support or receive service through a team approach.

***Language Instruction Educational Program (LIEP)***

Under Title VI and the EEOA LEAs must provide a language assistance program that is effective—educationally sound and proven successful. Consistent with ESEA section 3124, the Department does not recommend any particular curricula, program of instruction, or instructional materials, nor does it prohibit any language instruction educational program used with ELs that is consistent with Title III of the ESEA and other laws, including Title VI and the EEOA.

***Title III***

Title III is an entitlement program under the Elementary and Secondary Education Act. The purpose of Title III, Part A, is to help ensure that children and youth who are limited English proficient, Native American and/or immigrants, attain English language proficiency, develop high levels of academic attainment in English, and meet the same challenging academic standards that all children are expected to meet. Title III funds are directed to states and eligible local districts or consortia through a formula grant allocation to:

* Develop high-quality language instruction educational programs
* Assist SEAs, LEAs and schools to build their capacity to establish, implement, and sustain language instruction and development programs
* Promote parental and community involvement
* Hold SEAs, LEAs, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by:
* Demonstrated improvement in the English proficiency of limited English proficient children each fiscal year; and
* Adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2).

***Woodcock-Muñoz***

Woodcock-Muñoz is an assessment used to determine English language proficiency.

***WIDA Screener*** refers to the English language screening assessment given to students new to Bloomfield Hills Schools, when indicated on the home language survey, that a language other than English is spoken in the home.

***WIDA*** refers to a consortium of states with the purposes of advancing academic language development and academic achievement for linguistically diverse students through high quality standards, assessments, research, and professional development for educators.

### APPENDIX F GUIDELINES

* Most students should be placed in an age-appropriate classroom. Even if the student has not attended school before, the social nature of schooling cannot be ignored. It is important to place students with their peers and allow them to interact naturally. Exceptions may include students who have not attended school for more than a year.
* A student should be placed in classrooms that utilize the most interactive methods of teaching. English Learners (ELs) need to listen, speak, read, and write in meaningful contexts to acquire English. Teachers who rely mainly on lecture, memorization, and worksheets may be least appropriate for second language learners.
* Bilingual para-educators or instructional assistants may work directly with a student in the classroom in conjunction with the classroom teacher. In this way, para-educators or instructional assistants have a better understanding of what, why, and how content material is being studied and can provide support that is directly connected to classroom goals.
* Previous schooling is considered. The academic backgrounds of students vary greatly. Some students may have studied advanced algebra while others may never have attended school.
* All students need time to learn how to interact in an American school setting. Consideration is given to having the ESL/Bilingual staff explicitly teach about the culture and language of schools.
* Initial placement decisions for the middle and high school student should take into account native language literacy skills, previous schooling, interests and goals, and opportunities within classes for hands-on interactive learning. While a student is often placed in physical education, art, and music classes, when taught appropriately with the support of ESL teachers or tutors, other content area classes such as science and math may be crucial to maintaining student's interest in school.
* Consideration is given to alternative means of assessment for the English Learner. Portfolio assessments that include a broad range of student work, teacher observations, and even audio and videotapes of the student's work will offer a vision of student's progress over time. The placement team recognizes that every test is a language test; the student may understand content but be unable to decipher a multiple-choice test. Finally, the team assists teachers in inventing ways of allowing the student to demonstrate what they have learned without using complex English.

The placement team encourages the English Learner’s involvement in extracurricular activities at all grade levels. A student learns English and feels connected to school when he/she is playing soccer, acting in the school play, preparing something for a bake sale, or singing in the choir. The English Learner needs to be invited to participate.

Additional standardized and curriculum-based assessments inform the decision of the team. Criteria used to exit a student will be placed in the student’s CA 60 and ESL file.

**APPENDIX G TITLE III FUNDS**

**Allowable Uses of Title III Funds**

**Title III English Language Acquisition: Generally Allowable Expenditures**

Title III funds are supplemental and are to be used over and above the district’s required services and resources provided to ELs and their families. **Required** activities include:

1. High quality language instruction educational programs that demonstrate effectiveness by increasing English proficiency and student academic achievement in the core academic subjects.
2. High quality professional development of sufficient intensity and duration that demonstrates effectiveness in improving instruction and assessment and which enhances the ability of teachers to understand and use curricula, assessment measures, and instructional strategies.
3. High quality activities that include parent, family, and community engagement and coordination, and coordination and alignment of related programs (ESEA Section3115(c)(3)).

Title III supplemental EL funds can be used, in priority order, for the following:

1. Services before and after school such as tutoring, academic assistance, supplementary instructional materials for English language acquisition as well as for summer school programs for ELs. Districts need to identify the students served and the method used to assess and monitor their progress.
2. Professional development that is planned based on students achievement data and provided in a systemic and sustained manner to improve instruction and assessment of ELs. Staff training could include bilingual/ESL classroom teachers, bilingual/ESL teacher coaches, paraprofessionals, regular education teachers, administrators, and other school based or community-based organizational personnel who serve ELs.
3. Hiring bilingual/ESL coaches whose role is to acquire scientific-based research practices, provide professional development, mentor and coach teachers who are working directly with ELs. Additionally, such funds can be used to provide stipends to teachers to assist them in completing and obtaining bilingual/ESL endorsements.
4. Parent involvement activities including family literacy (ESL) and parenting classes. Additionally, funds can be used for speakers who conduct informative parent sessions that enhance student language acquisition and mastery of core academic subjects. Districts may purchase supplemental instructional materials to support child’s English language learning at home, materials and books on parenting skills. A Parent Involvement Liaison can be hired or contracted to enhance ongoing parent engagement in school activities, committees and functions, facilitate planning and conducting parent meetings, connecting families to community resources, and interpreting to parents during Title III meetings.
5. Cost for educational field trips if part of high quality language instruction educational programs/activities (buses and admission).
6. Administrative and indirect costs of III/Immigrant may NOT exceed 2% of the total allocation (ESEA Section 3115(b)).

**Title III Non-Allowable Expenditures:**

1. Title III funds may NOT be used to pick up a cost that was previously funded by general funds.
2. Title III may NOT supplant any other federal, state or local expenses.
3. All test administration cost (ACCESS for ELLs, W-APT, other state assessments) must be paid by general fund, including the pay for proctors, assessors and substitute teachers.
4. Translation of documents, parent handbooks, and assessments are funded by general funds and NOT with Title III funds.
5. Title III funds may NOT be used for Intake/Eligibility or Annual progress assessments.

**Immigrant Program: Generally Allowable Expenditures:**

Sub-grants to LEAs and ISDs are made if significant increase is experienced in numbers of immigrant students from ages 3-21; enrolled in public or private school; not born in US; not attended US school for more than three full years. Purpose of Immigrant sub-grants is to pay for activities that provide enhanced instructional opportunities for immigrant children and youth (ESEA Section 3115 (C)).Allowable activities include:

1. Support for personnel, including paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth.
2. Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth (career exploration and shadowing experiences, college visits, etc.) throughout the day and before/after school.
3. Identification and acquisition of bilingual curricular materials, bilingual educational software and technologies to be used in the program carried out with these funds.
4. Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.
5. Family literacy, parent outreach liaison and activities, training activities designed to assist parents in adjusting to and understanding the American culture and school system in order to become active participants in the education of their children.
6. Administrative and indirect cost to Title III Immigrant may NOT exceed 2% of the total allocation.

**Title III Immigrant Non-Allowable Expenditures:**

1. Title III Immigrant funds may NOT be used to pick up a cost that was previously funded by general funds.
2. Title III Immigrant funds may NOT supplant any other federal, state or local expenses.
3. All test administration cost (ACCESS for ELLs, W-APT, other state assessments) must be paid by general fund, including the pay for proctors, assessors and substitute teachers.
4. Title III Immigrant funds may NOT be used for Intake/Eligibility or Annual progress assessments.
5. Translation of documents, parent handbooks, and assessments are funded by general funds and NOT with Title III immigrant funds.

### APPENDIX H LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM

**LANGUAGE ASSISTANCE PROGRAM PROVIDED TO ENGLISH LEARNERS**

**Instructions:** Complete the entire table. Examples are included on the Help screen. Services described must reflect what the district is providing to English language learners with general funds in order to fulfill the ‘supplement, not supplant’ ESEA requirements. Section 31a and any of the federal funds may be used over and above district’s services funded from general funds.

|  |  |
| --- | --- |
| **Name of the Title III/EL Contact Person** Colleen Swank |  |
| **Email Address of the Title III/EL Contact Person swankc@athensk12.org** |  |
| **Telephone Number of the Title III/EL Contact Person****269-729-5427** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Proficiency Levels** | **Level of Service/Number of Hours Daily (from General Funds)** | **Mode of Delivery (from General Funds)** | **Staff Providing Service (from General Funds) This includes the EL Director, El Teacher, Gen. Ed. teachers and paraprofessionals.** |
| Entering/Emerging | Entering:K-12 EL instruction and support provided in a pullout setting provided by certified ESL teacher, paras, SIOP Trained teachers.Grade K - consultation with classroom teachers provided by Three Rivers Consortium.Grades 1-2Daily, Minimum of 3 hours per week.Grades 3-8Daily, Minimum 4 hours per weekGrades 9-12 As needed during the regular instructional day. |  Direct instruction along with Accommodations and modifications provided by the ESL certified teacher, paras, SIOP Trained teachers in the core curriculum.Consultation with the Three Rivers as needed. | Consultation provided by the Three Rivers Consortium. Services will be provided ESL certified teacher, paras, SIOP Trained teachers.  |
| Developing |  Entering:K-12 EL instruction and support provided in a pullout setting.Grade K - consultation with classroom teachers provided by Three Rivers Consortium.Grades 1-2Daily, Minimum of 2 hours per week.Grades 3-8Daily, Minimum 3 hours per weekGrades 9-12 As needed during the regular instructional day. |  Accommodations and modifications provided by the ESL certified teacher, paras, SIOP Trained teachers. Consultation with the Three Rivers as needed. |  Consultation provided by the Three Rivers Consortium. Services will be provided ESL certified teacher, paras, SIOP Trained teachers.  |
| Expanding | Entering:K-12 EL instruction and support provided in a pullout setting.Grade K - consultation with classroom teachers provided by Three Rivers Consortium.Grades 1-2Daily, Minimum of 1 hours per week.Grades 3-8Daily, Minimum 2 hours per weekGrades 9-12 As needed during the regular instructional day.  |  Accommodations and modifications provided by the ESL certified teacher, paras, SIOP Trained teachers. Consultation with the Three Rivers as needed. | Consultation provided by the Three Rivers Consortium. Services will be provided ESL certified teacher, paras, SIOP Trained teachers.   |
| Bridging/Reaching |  Entering:K-12 EL instruction and support provided in a pullout setting.Grade K - consultation with classroom teachers provided by Three Rivers Consortium.Grades 1-2As neededGrades 3-8As neededGrades 9-12 As needed during the regular instructional day. 15 of 1000 |  Accommodations and modifications provided by the ESL certified teacher, paras, SIOP Trained teachers. Consultation with the Three Rivers as needed. |  Consultation provided by the Three Rivers Consortium. Services will be provided by ESL certified teacher, paras, SIOP Trained teachers.  |
|   |   |   |   |

### APPENDIX I NOTICE OF NON-DISCRIMINATION

BookPolicy Manual

Section2000 Program

TitleNONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Codepo2260

StatusActive

Legal

M.C.L. 380.1146, 380.1704, 37.1101 et seq., 37.2402, 37.1402, 37.2101-37.2804

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendments Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 C.F.R. Part 110 (7/27/93)

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

AdoptedFebruary 16, 2004

Last RevisedJanuary 21, 2019

2260 - **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth.

As such, the Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

1. **Curriculum Content**
review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes, ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;
2. **Staff Training**
develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon Protected Classes in all aspects of the program;
3. **Student Access**
	1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
	2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of School Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;
4. This language does not prohibit the District from establishing and maintaining a single-gender school, class, or program within a school if a comparable school, class, or program is made available to students of each gender.
5. **District Support**
verify that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;
6. **Student Evaluation**
verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

**District Compliance Officers**

The Board designates the following individuals to serve as the District’s "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Walter Dubbeld

Compliance Officer

269-729-5427

4320 K Drive South

East Leroy MI 49051

dubbeldw@athensk12.org

Jennifer Bittner

Counselor

269-729-5427

4320 K Drive South

East Leroy MI 49051

bittnerj@athensk12.org

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The District will accommodate the use of certified service animals when there is an established need for such supportive aid in the school environment. Certain restrictions may be applied when necessary due to allergies, health, safety, disability or other issues of those in the classroom or school environment. The goal shall be to provide all students with the same access and participation opportunities provided to other students in school. Confirmation of disability, need for a service animal to access the school programming, and current certification/training of the service animal may be required.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 0-25, who reside in the District but do not receive public education.

In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225).

**Reports and Complaints of Unlawful Discrimination and Retaliation**

Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO.

Members of the School District community, which includes students or third parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one (1) of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the CO’s written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide him/her with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one (1) of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the student, if age eighteen (18) or older, or the student's parents if the student is under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged wrongdoing.

**Investigation and Complaint Procedure**

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual’s claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: http://www.ed.gov/ocr.

**Informal Complaint Procedure**

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the parties (the alleged target of the discrimination and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one (1) of the COs.

All informal complaints must be reported to one (1) of the COs who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one (1) or more of the following:

1. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
2. Distributing a copy of Policy 2260 – Non-Discrimination and Access to Equal Educational Opportunity as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
3. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

**Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District employee at the student’s school, the CO, Superintendent, or another District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District employee at the student’s school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person alleged to have engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent") that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

1. interviews with the Complainant;
2. interviews with the Respondent;
3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
4. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

**Privacy/Confidentiality**

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board’s legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

**Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

**Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

**Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The District will endeavor to assist the student and/or his/her parents in their access to District programs by providing notices to the parents and students in a language and format that they are likely to understand.

Materials approved by the State Department of Education describing the benefits of instruction in Braille reading and writing shall be provided to each blind student’s individualized planning committee. The District shall not deny a student the opportunity for instruction in Braille, reading, and writing solely because the student has some remaining vision.

**Retention of Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation, which may include, but not be limited to:

1. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
2. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
3. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District’s response to the alleged violation of this policy;
4. written witness statements;
5. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
6. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
7. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
8. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
9. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
10. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no-contact orders were issued, and the dates the parties acknowledged receipt of the no-contact orders;
11. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
12. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board’s expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);
13. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

These investigative records and materials created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District’s records retention schedule.

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### APPENDIX J PROGRAM ENTRY AND EXIT SUMMARY CHART

May change with updated Michigan Department of Education Entrance and Exit Protocol.

|  |  |  |
| --- | --- | --- |
| **WIDA ELD Levels** | **WIDA Screener (Placement)** | **WIDA ACCESS for ELLs** |
| Level 1: Entering | 1 | 1 |
| Level 2: Emerging | 2 | 2 |
| Level 3: Developing | 3 | 3 |
| Level 4: Expanding | 3-4 | 3-4 |
| Level 5: Bridging | 5 | 5 |
| **Exit Criteria***Students must reach* ***4.8 overall proficiency on the WIDA ACCESS*** *or* ***P2 on the WIDA Alternate*** *in order to qualify to exit the ESL/ELD/Bilingual Program.* *Students in grades 3 - 12, scoring at or above 4.8 overall proficiency on the WIDA ACCESS or P2, on the WIDA Alternate, will "auto exit”. “Auto exit” refers to the process of automatically exiting a student from EL status in the Michigan Student Data System when they reach the WIDA ACCESS Overall Score of 4.8 or higher or the WIDA Alternate ACCESS overall score of P2. Auto exit is completed by the state (CEPI) over the summer. At present, auto exit does not include students in grades K-2 that meet these predetermined thresholds.*  |