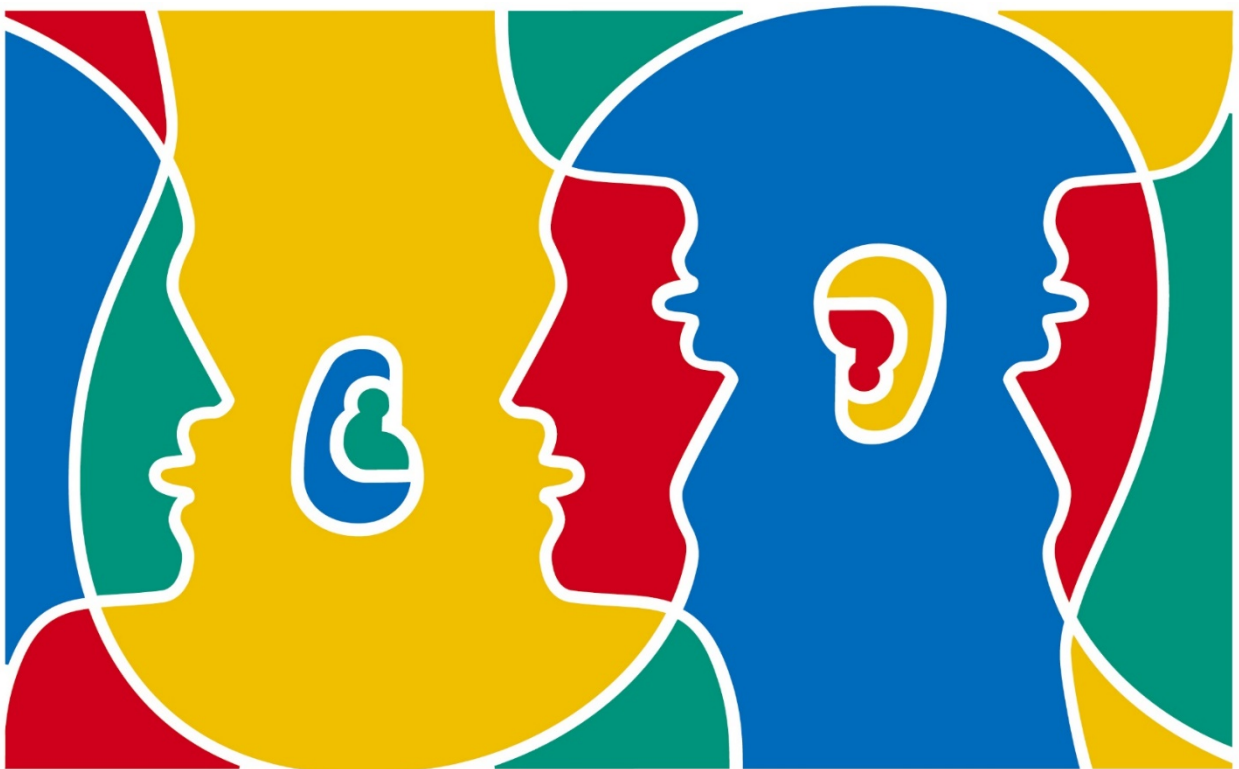


New Mexico Language Usage Survey: Tools for Identifying Potential English Learners



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New Mexico Public Education Department Guidance Handbook



The State of New Mexico

Tools for Identifying Potential English Learners Guidance Handbook

Issued Fall 2016

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Required Notice

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Notes

This document is available on the PED website at www.ped.state.nm.us. Click on the A–Z Directory to locate it under *Bilingual Multicultural Education Bureau*.

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Using the Language Usage Survey Guidance Handbook

This document is intended to be used as a guidance handbook for school and district personnel. There are two companion PowerPoints® available on the Bilingual Multicultural Education Bureau (BMEB) webpage at http://ped.state.nm.us/ped/Bilingual_index.html. A brief description of the two trainings is below.

1. A training for frontline staff who assist parents/guardians when enrolling their children in school for the first time.
2. An overview of this manual for district and school personnel who are part of the process of identifying potential English learners (ELs).

List of District and School Personnel that Should Be Trained to Ensure Compliance with Federal & State Requirements

- ☐ Bilingual Coordinator
- ☐ Bilingual & Title III Director
- ☐ Counselor
- ☐ Curriculum & Instruction Superintendent & Instructional Leaders
- ☐ District Test Coordinator
- ☐ Front Office Staff
- ☐ Lead Bilingual & ESL Teacher
- ☐ Literacy Coach
- ☐ Nurse
- ☐ Parent Liaison/Volunteer
- ☐ Principal
- ☐ Registrar
- ☐ SAT Team Leader/Coordinator
- ☐ School Psychologist, Diagnostician
- ☐ Special Education Director
- ☐ Superintendent
- ☐ Teacher
- ☐ Tribal Education Director
- ☐ Any other member of the education community that assists parents

Introduction

Under Title VI of the Civil Rights Act of 1964 and subsequent federal and state mandates, all districts in New Mexico must screen, identify, and provide services to ELs. Given this responsibility, districts are required to

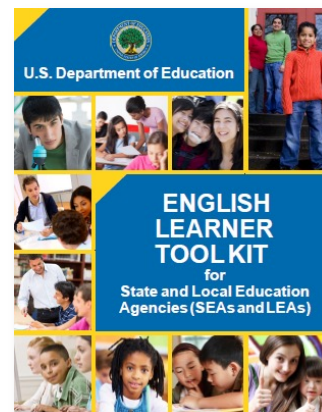
1. ask parents/guardians for the information needed to identify potential ELs using the New Mexico Language Usage Survey (LUS); and
2. assess potential ELs using the department-approved English language proficiency (ELP) screener (WIDA™ W-APT) to determine EL status.

The LUS is typically administered to parents/guardians at a student's initial school enrollment and should only be administered once in a student's school career. It includes a number of differently worded questions that essentially ask parents/guardians for the same information: to indicate whether a language other-than-English is used by the student and by the student's parents/guardians, in the home.

The *Every Student Succeeds Act* (ESSA) of 2015 requires states to adopt standardized statewide procedures and criteria for entry into, and exit from, EL status that are consistent across districts within the state. In order to ensure federal compliance, and in consultation with key stakeholders, the Public Education Department (PED) has designed the LUS form and companion LUS Guidance Handbook.

The majority of the guidance in New Mexico's LUS handbook has been adapted from the ED *English Learner Toolkit for State and Local Education Agencies (SEAs and LEAs)*.¹ This federal guidance handbook contains compliance information, district/school self-assessments, and resources.

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>



Purposes & Intended Uses of the Language Usage Survey

In designing this handbook, the BMEB incorporated the following resources: the previously mentioned EL Toolkit designed by the Office of English Language Acquisition (OELA), feedback from New Mexico's local, district-level bilingual and Title III directors that has been incorporated throughout this handbook, and a working paper by the Council of Chief State School Officers (CCSSO) titled *Common EL Definition Working Paper on CCSSO Guidance, Stage 1: Identifying Potential English Learners*.

¹ Office of Language Acquisition. <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>.

In 2013, the CCSSO held a national working session of state and consortium representatives, experts, and stakeholders on policies, practices, and tools for identifying potential ELs (CCSSO, 2014). Session participants reached a general consensus, agreeing that the purposes and intended uses of the LUS are to

1. work with school officials to identify potential members of that class of students protected under federal law who are entitled to, and may benefit from, specialized instruction for English language development and language support services that help ensure full access to the academic curriculum;
2. identify who should be assessed using the ELP screener (W-APT) to determine EL status; and
3. better understand students' language environments and use.

The CCSSO work session also determined that states should ensure that **language usage surveys are NOT intended as a measure of English proficiency**; rather, they are a tool to help gauge the language environments a student has been exposed to and, thus, the likelihood that a student has acquired English abilities prior to enrolling in a US school.

Choosing your LUS Ambassadors

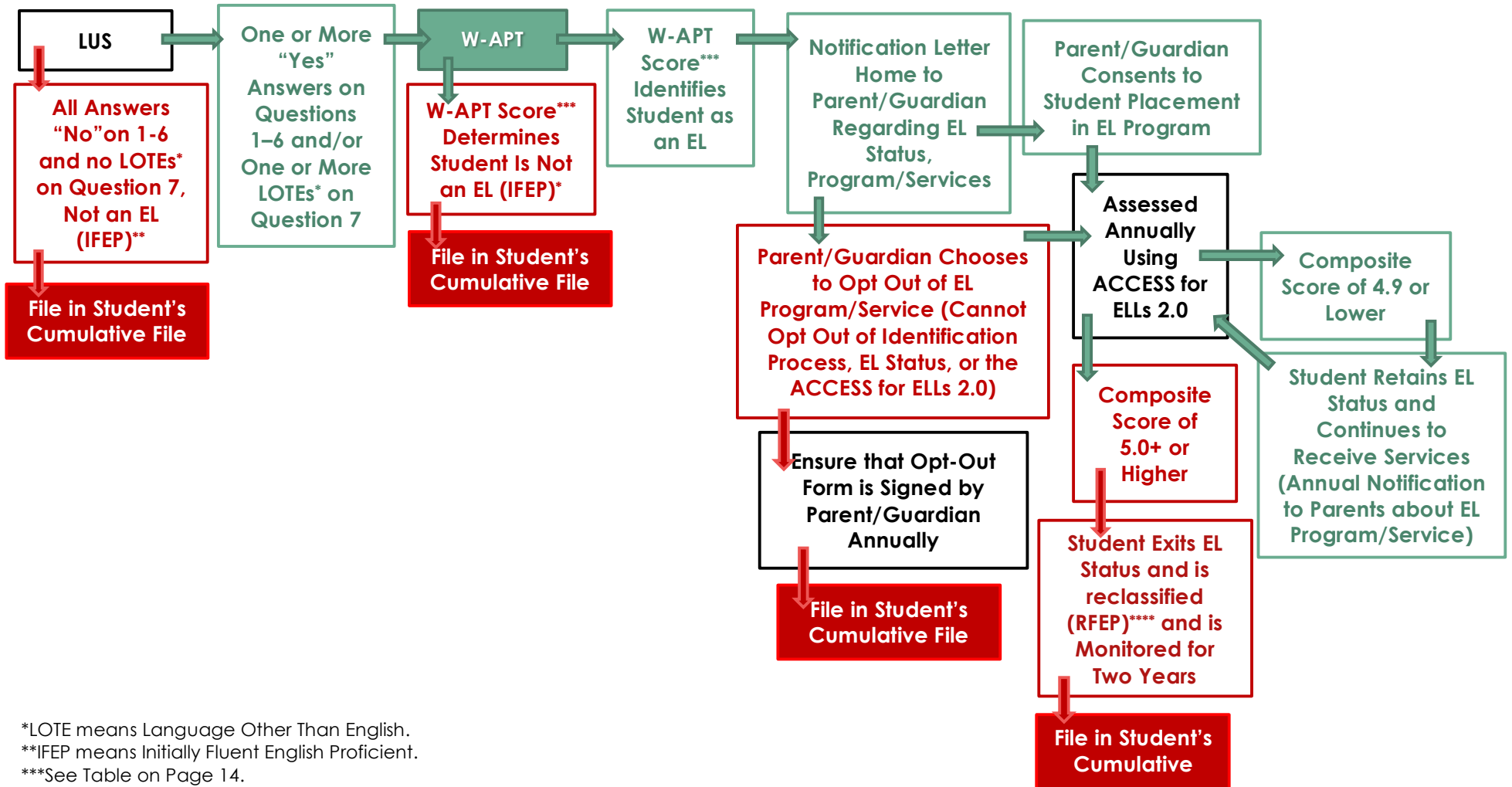
Every district and school has key personnel that help manage the LUS process.

1. **Frontline Staff:** These members of the school community are the first to greet and assist parents/guardians as they are enrolling their student(s) for the first time. These staff are integral to ensuring that parents feel welcomed in their school and supported when completing the LUS form. It is of utmost importance that frontline staff are trained, knowledgeable, and remain positive as they assist parents to complete the LUS.
2. **Go-To Staff:** These members of the school community are available to parents/guardians at specific junctures in the LUS process. At any point at which there might be confusion or uncertainty in completing the survey, these go-to staff are available to ensure parents/guardians are successfully directed. For example, parents may be asked to complete an extra step or talk with a specific person when answering "yes" on certain sections of the LUS, or perhaps, the parent/guardian has serious concerns about completing the form. Schools should appoint a go-to person that is knowledgeable, friendly, and happy to assist parents, ensuring that their experience is positive.

Select your ambassadors carefully. Ensure that they are people who see parents and students as important customers who deserve the best service. Please ensure that your ambassadors take the frontline staff and/or guidance handbook trainings available on the BMEB webpage: http://ped.state.nm.us/ped/Bilingual_index.html.

LUS Process Map

NEW STUDENT (No LUS on file)



*LOTE means Language Other Than English.

**IFEP means Initially Fluent English Proficient.

***See Table on Page 14.

****RFEP means Reclassified Fluent English Proficient.

Identifying Potential English Learners

- ☐ Districts/schools must identify potential EL students in need of language assistance services.
- ☐ The LUS is the most common tool used to identify potential ELs.
- ☐ The LUS must be administered effectively to ensure accurate results.

Districts/schools must identify EL students in need of language assistance services, and parents must be notified within 30 calendar days after the beginning of the school year, or within two weeks of initial enrollment if not enrolled at the beginning of the school year (federally required, Title I Section 1112 (e)(3)(A) <http://www2.ed.gov/documents/essa-act-of-1965.pdf> and [6.29.5.11 NMAC](#)). The LUS is a questionnaire given to parents or guardians to assist districts/schools identify which students are potential ELs, and who will require assessment of their English language proficiency. Proficiency is determined using the W-APT to establish whether potential ELs are eligible for language assistance services.

Districts/schools should use the following LUS process check list as a self-assessment to ensure that they are in compliance with federal and state law, that their processes and procedures are efficient, and that they are focused on ensuring that students receive the services and instruction they need for language and academic success. This self-assessment should be completed before district/school staff are trained in order to determine growth areas or challenges that can be addressed during training.

District and School LUS Process Checklist

Use this checklist to ensure that your school-level process is community- and parent-friendly, organized, efficient, that your front-line staff is trained and ready to communicate with parents/guardians, and that the LUS is a helpful tool for ensuring that students receive the best education possible.

Content of the Language Usage Survey	Yes	No	If No, Plan to Remedy
1. Is the purpose and use of the LUS clearly communicated to both families and those who administer the survey?			
2. Has the district contacted local tribes to ensure that the purpose and use of the LUS is communicated clearly to families?			
Translation of the Language Usage Survey	Yes	No	If No, Plan to Remedy
3. Is the LUS translated into the home languages of school and district students, parents, and guardians?			
4. Are qualified, oral interpreters available, when needed to help families complete the LUS?			
Procedures for Administering, Interpreting, and Managing Results of the Language Usage Survey	Yes	No	If No, Plan to Remedy
5. Has a welcoming and culturally and linguistically responsive environment been established in which the LUS is disseminated, made available, and administered?			
6. Are there standard and uniform procedures for administering and interpreting the LUS results?			
7. Do the procedures describe whose responsibility it is to administer the LUS, the procedures for administration, and the formats in which it should be administered (i.e., oral, written, in English, or in a home language translation)?			

Procedures for Administering, Interpreting, and Managing Results of the Language Usage Survey	Yes	No	If No, Plan to Remedy
8. Are there procedures in place that describe and document how staff are trained to administer the LUS, including time frames for providing refresher training?			
Procedures for Administering, Interpreting, and Managing Results of the Language Usage Survey—cont.	Yes	No	If No, Plan to Remedy
9. Do procedures provide specific guidelines for interpreting LUS responses that include, but are not limited to, the following considerations: (a) Which responses indicate that a student will take an ELP placement test. (b) How responses are interpreted as a whole. (c) What the next steps are if responses are unclear or contradictory.			
10. Do procedures provide the process for keeping the LUS and related documents in the student's cumulative file, as well as entering the translation and interpretation needs of that student's parents in to the student information system?			
11. What is the continuous review process? Is there a process to gather feedback from parents and school personnel?			
Linguanti, R., & Bailey, A.L. (2014).			

Language Usage Survey

All district and school staff, who guide families as they complete this form², should have sufficient training to understand the purpose, how the results are used, and the importance of providing accurate information in order to ensure that students receive all services for which they are eligible (see the training PPT available at: http://ped.state.nm.us/ped/Bilingual_index.html). To obtain accurate information, schools should reassure parents that the LUS is used solely to offer appropriate educational services, **not for determining legal status or for immigration purposes**. Parents and guardians should also be informed that, even if their child is identified as an EL, they may decline the EL program or particular EL services in the program. The LUS

- ☐ should be completed at initial enrollment in public school;
- ☐ should be filled out only **ONE time**, not at every enrollment;
- ☐ should be filled out **in person**, not sent home;
- ☐ must be signed (electronically or on paper) and dated by the parent or guardian;
- ☐ must be kept in the student's cumulative file; and
- ☐ should be translated into as many languages (as appropriate) and as needed by your district/school.

The CCSO recommends states to capture what are called ESSENTIAL CONSTRUCTS in the LUS (CCSO, 2014). Essential constructs can be measured by answers to questions that identify student's current language(s), frequency of English language use by the student, and the frequency of English language exposure provided by others. Questions 1-7 of the LUS are considered essential construct questions. **A parent answering yes to one or more of questions 1-6, or indicating on question 7 that a language other-than-English is used by the student, results in administering the W-APT.**

The "OTHER QUESTIONS" section (8-12) of the LUS form are purely informational and **are not** connected to the EL identification process. Question 8 asks if the student is a transfer student, which helps schools determine if the student has an LUS on file and/or if the student has previously taken a language screener assessment such as the W-APT. Question 9 asks about possible schooling in a language other than English for the purpose of developing and/or offering various language programs. Questions 10-12 ask about how the parent would like to communicate with the school and if there is anything about the student the parent would like to share. The bottom of the LUS form requires a parent signature and includes a place for the name of the translator and the language translated, when appropriate.

² The Language Usage Form is available in English and Spanish. A Navajo language version of the LUS will be available in December 2016.



NEW MEXICO PUBLIC EDUCATION DEPARTMENT LANGUAGE USAGE SURVEY

~for parent or guardian to complete~

The purpose of this survey is to ensure that your child receives the highest quality education and services to which he or she is entitled. The information you provide will be used only to assist the school in making program decisions. You will complete this form only once in your child's educational career.

Student's Name:

Date of Birth:

Answer each question by marking either the **yes** or **no** box.

YES

NO

1. Does the student use a language(s) other than English with his/her family and friends?

2. Do you use a language(s) other than English with the student?

3. Does the student understand when someone communicates with him/her in a language other than English?

4. Does the student read in a language(s) other than English?

5. Does the student write in a language(s) other than English?

6. Does the student interpret for you or anyone else in a language(s) other than English?

7. What language(s) does the student use most frequently at home? Choose up to three.

☐ American Sign Language (ASL)

☐ Arabic

☐ Cantonese

☐ Diné

☐ English

☐ French

☐ Greek

☐ Hmong

☐ Jicarilla Apache

☐ Italian

☐ Keres

☐ Khmer

☐ Korean

☐ Mescalero Apache

☐ Mandarin

☐ Portuguese

☐ Russian

☐ Somali

☐ Spanish

☐ Tiwa

☐ Tewa

☐ Towa

☐ Vietnamese

☐ Zuni

☐ Other _____

One or more "yes" on #1–6, then W-APT

One or more languages other than English on #7, then W-APT

OTHER QUESTIONS

8. Is the student transferring from another state, district, or school?

If yes, please provide location and name of school:

9. Has the student received schooling/education in a language(s) other than English? If YES, which language(s)?

10. In what language do you prefer to receive communication from the school?

11. In what language would you prefer to communicate with school staff?

12. Is there anything else we should know about how to best serve your child?

Signature of Parent or Guardian:

Date:

Translator:

Language:

Date:



ENCUESTA DEL USO DEL IDIOMA DEPARTAMENTO DE EDUCACIÓN PÚBLICA DE NUEVO MÉXICO

~ padres o tutores deben llenar~

El propósito de esta encuesta es asegurar que su hijo/hija reciba una educación de la más alta calidad y los servicios que tiene el derecho de recibir. La información que usted proporcione será utilizada solamente para ayudar a la escuela a tomar decisiones programáticas. Responderá a este formulario solamente una vez en la trayectoria de educación de su hijo/hija.

Nombre del estudiante:	Fecha de nacimiento:
------------------------	----------------------

Responda a cada pregunta marcando la casilla bajo SÍ o NO	SÍ	NO
---	----	----

1. ¿Usa el/a estudiante otro idioma(s) además del inglés con su familia o sus amigos?	SÍ	NO
---	----	----

2. ¿Habla usted otro idioma(s) además del inglés con el estudiante?	SÍ	NO
---	----	----

3. ¿Comprende el estudiante cuando alguien se comunica con él o ella en un idioma además del inglés?	SÍ	NO
--	----	----

4. ¿Lee el/a estudiante en otro idioma(s) además del inglés?	SÍ	NO
--	----	----

5. ¿Escribe el estudiante en otro idioma(s) además del inglés?	SÍ	NO
--	----	----

6. ¿Le interpreta o traduce el estudiante a usted o a alguna otra persona en otro idioma(s) además del inglés?	SÍ	NO
--	----	----

7. ¿Cuál idioma habla el estudiante con más frecuencia en su casa? Escoja hasta tres:

<input type="checkbox"/> árabe <input type="checkbox"/> cantonés <input type="checkbox"/> diné <input type="checkbox"/> español <input type="checkbox"/> francés <input type="checkbox"/> griego <input type="checkbox"/> hmong <input type="checkbox"/> inglés <input type="checkbox"/> italiano <input type="checkbox"/> jemer	<input type="checkbox"/> Jicarilla apache <input type="checkbox"/> keres <input type="checkbox"/> koreano <input type="checkbox"/> lengua de señas americana (ASL) <input type="checkbox"/> mandarín <input type="checkbox"/> mescalero apache <input type="checkbox"/> portugués <input type="checkbox"/> ruso <input type="checkbox"/> somali	<input type="checkbox"/> tewa <input type="checkbox"/> tiwa <input type="checkbox"/> towa <input type="checkbox"/> vietnamés <input type="checkbox"/> zuni <input type="checkbox"/> Otros _____
---	---	--

OTRAS PREGUNTAS

8. ¿Se traslada el estudiante de otro estado, distrito o escuela? Si este es su caso, favor de proveer la ubicación y el nombre de la escuela:
--

9. ¿Ha recibido el estudiante instrucción escolar en otro(s) idioma(s) además del inglés? ¿Si la respuesta es sí, cuál idioma(s)?

10. ¿En cuál idioma prefiere recibir información de la escuela?

11. ¿En cuál idioma prefiere comunicarse con los empleados de la escuela?

12. ¿Hay algo más que deberíamos saber para servir mejor a su hija/hijo?
--

Firma del padre o tutor:	Fecha:
--------------------------	--------

Traductor/intérprete:	Idioma:	Fecha:
-----------------------	---------	--------

EL Identification Using the WIDA™ W-APT

- ☐ All potential ELs must be assessed with a valid and reliable assessment to determine if they are in fact ELs.
- ☐ Parents and guardians must be informed in a timely manner of their child's ELP level and EL program options.
- ☐ Districts are required to communicate information regarding a child's ELP level and EL program options in a language the parent understands.

Within the first 30 calendar days of the start of the school year—or within two weeks of placement, if not identified prior to the beginning of school year (as is required by Title I Section 1112(e)(3)(A) <http://www2.ed.gov/documents/essa-act-of-1965.pdf> and [6.29.5.11 NMAC](#))—students who are identified as potential ELs must be assessed with a valid and reliable assessment, the W-APT. If the results of the W-APT determine that the student is an EL, parents or guardians must be notified of services available within those first 30 calendar days.

GRADE	DOMAINS	W-APT SCORE IDENTIFIES STUDENT AS AN EL	W-APT SCORE INDICATES STUDENT IS NOT AN EL
Kindergarten 1 st Semester	Listening & Speaking	26 or lower	27 or higher
Kindergarten 2 nd Semester and Grade 1 1 st Semester	Listening & Speaking	26 or lower	27 or higher
	Reading	13 or lower	14 or higher
	Writing	16 or lower	17 or higher
Grade 1 2 nd Semester and Grades 2–12	All Four Domains (listening, speaking, reading, and writing)	Composite score of 4.9 or lower	Composite score of 5.0 or higher

Purpose and use of the WIDA™ W-APT:

- Used to determine eligibility for language support services
- An indicator of a student's language proficiency level (1 through 6) on the WIDA™ continuum
- An aid to determining appropriate levels and quantity of language support services

- A guide for placement on the ACCESS for ELLs® annual assessment (In the 2015–2016 school year, NM began using the Access 2.0® on-line assessment, which is a computer-adaptive assessment.)

W-APT test items are written from the model performance indicators of WIDA's™ five English language development (ELD) standards:

1. Social and Instructional Language
2. Language of Language Arts
3. Language of Mathematics
4. Language of Science
5. Language of Social Studies

Test forms are divided into five grade-level clusters:

1. Kindergarten (assessments also evaluate speaking, listening, pre-reading, and pre-writing for entering kindergarten students with a primary or home language other than English)
2. Grades 1–2
3. Grades 3–5
4. Grades 6–8
5. Grades 9–12

Each form of the test assesses the four language domains of listening, speaking, reading, and writing. The W-APT is designed to be individually administered and adaptive, meaning that parts of the test may be discontinued as soon as the student reaches his or her performance ceiling.

The kindergarten W-APT is meant to be administered to second semester PreK, K, and first semester 1st grade students. It is organized as a single, individually administered test with a combined speaking/listening component. The reading and writing tests comprise a separate test that is optional and intended for students with some literacy skills.

The kindergarten W-APT does not assign scores across the full range of WIDA™ ELP levels, 1–6. Instead, scores for speaking and listening are categorized as low, mid, high, or exceptional proficiency. Scoring details can be found in the W-APT Test Administration Manual and on the scoring sheets.

The W-APT may be downloaded for free by the district test coordinator from the WIDA™ website. If you need access to download the test, please contact your district test coordinator. For more information, visit the PED's ACCESS for ELLs® webpage at <http://ped.state.nm.us/BilingualMulticultural/ACCESS-ELL/index.html>. Please contact the WIDA™ Client Services Center if you have questions at 1-866-276-7735 or by email at help@wida.us.

The PED requires that those administering and scoring the test receive training. For information on who can administer and score assessments and what training is required to

ensure valid and reliable results, please visit New Mexico's webpage on the WIDA™ website at <https://www.wida.us/membership/states/NewMexico.aspx>.

Test administrator certificates should be kept on file at the local level for compliance and monitoring purposes.

Notifying Parents of EL Status

Under the Title I Parent Notification Requirements, districts must—no later than 30 days after the beginning of the school year—inform a parent or the parents of an EL identified for participation in, or participating in, a program of language instruction. Below is a checklist of the requirements. Parents/guardians must be informed of the following:

- ☐ The reasons their child was identified as an EL and in need of placement in a language instruction educational program
- ☐ Their child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement
- ☐ The method of instruction used in the program in which their child is—or will be—participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and use of English and a native language in instruction
- ☐ How the program in which their child is, or will be, participating will meet the educational strengths and needs of the child
- ☐ How the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation
- ☐ The specific exit requirements for the program, the expected rate of transition from the program into classrooms that are not tailored for ELs, and the expected rate of graduation from secondary school from such program
- ☐ In the case of a child with a disability, how the program meets the objectives of the individualized education program of the child
- ☐ Written guidance detailing the right that parents have to decline enrollment of their child in the program; the ability to choose another program or method of instruction, if available; and the option to immediately remove their child from the program upon their request
- ☐ Information that assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the school/district.

NOTE: For a child who has not been identified for participation in a language instruction, educational program prior to the beginning of the school year, the district shall notify parents within two weeks, giving parents the choice of the child being placed in such a program.

Suggestions for Communicating with Parents/Guardians of ELs

Districts and schools must provide parents with the required information in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand. Once this information has been provided to parents, they may have questions or concerns. Here are some effective ways to communicate with parents/guardians.

1. Call parents/guardians after the parent notification letter has been sent home. Ask them if they have questions or concerns.
2. Host a community meeting/forum with a Q&A session.
 - a. Ask tribes to help you communicate with parents.
 - i. Invite the tribal education director to the community forum.
 - ii. Ask that a community forum be hosted by the tribe.
 - b. Have translators available.
 - c. Have childcare available.
 - d. If possible, have beverages and snacks available.
3. Design a brochure about the available programs and share with parents.
 - a. Translate the brochure into as many languages as possible.
 - b. Post the brochure on your webpage.

Sample Parent Notification Letter for a Child's Participation in an English Learner Program and/or Language Support Services

[SCHOOL NAME, ADDRESS, CONTACT INFORMATION]

Date:

Dear Parent,

When you enrolled your child in school this year, you noted on the Language Usage Survey (LUS) that your child understands/speaks a language other than English. Based on the responses, the law requires us to test your child's English language proficiency to determine if s/he is legally entitled to English language support services. We used the W-APT language screener results to determine the best English learner (EL) program and/or language support services for your child. We are required to inform you of the test results, our program recommendation, and all of the program and service options available for your child. That information appears below.

Based on your child's W-APT language screener results, your child qualifies for an EL program and/or language support service. English language development instruction is instrumental in increasing a student's English language proficiency and ability to acquire grade-level academic content. We highly

recommend that your child participate in and receive the benefits from an EL program and/or language support service.

1. Your child's English language proficiency assessment scores for this school year and the proficiency level score are as follows:

Area	Level/Score	Proficiency level Score
Listening		
Speaking		
Reading		
Writing		
Overall		

2. Your child's EL program and/or language support service will entail the following types of instruction:
[insert available EL programs and/or language support services here]

3. The overall goal of the EL program and/or language support service is for students to become fully proficient in English and to meet grade-level state academic achievement standards. In New Mexico a student who has an overall score of 5.0 or higher on the annual ACCESS for ELLs® assessment is considered English language proficient.

4. If your child has an Individualized Education Program (IEP), the EL program and/or language support service will assist in meeting the IEP goals in the following ways: [Insert description here]

As mentioned, we highly recommend that your child participate in, and receive the benefits from, this EL program and/or language support service. However, you have the right to decline your child's participation in — opt your child out of — the EL program or language support services. Please contact the school at [Insert telephone number] or contact your child's teacher if you would like to schedule a parent conference to discuss options for your child or if you wish to opt your child out of the EL program or language support services.

Sincerely,

DISTRICT/SCHOOL OFFICIAL

Translating this information into the family's home language is critical for meaningful communication with all parents. When written translation is not provided, an oral interpretation should be provided, where appropriate.

A Spanish language version of this sample letter is on page 19 of this handbook. A Navajo language version of this sample letter will be available in December 2016.

Muestra de la carta de aviso a los padres para la participación de su hija/hijo en un programa EL y/o servicios de apoyo de idioma

[NOMBRE DE LA ESCUELA, DIRECCIÓN, INFORMACIÓN DE CONTACTO]

Fecha:

Estimado Padre,

Cuando matriculó a su hijo en la escuela este año, indicó en la Encuesta del Uso del Idioma (*LUS* por sus siglas en inglés) que él o ella entiende/habla otro idioma además del inglés. Basado en sus respuestas, la ley requiere que sea evaluada la competencia en inglés de su hija/hijo para determinar si él/ella legalmente tiene el derecho de recibir servicios de apoyo de idioma para el inglés. Utilizamos la evaluación lingüística/idiomática W-APT para determinar cuál es el mejor programa para estudiantes que están aprendiendo inglés (*EL* por sus siglas en inglés) y/o servicio de apoyo de idioma. Estamos obligados a informarle acerca de los resultados de la evaluación, nuestra recomendación de un programa, y todas las opciones de programas y servicios disponibles para su hija/hijo. Esta información aparece abajo.

Basado en los resultados de la evaluación lingüística/idiomática W-APT, su hija/hijo califica para un Programa EL y/o servicio de apoyo de idioma. La instrucción en el desarrollo del idioma inglés es fundamental para aumentar la competencia en inglés de un estudiante y su habilidad para adquirir el contenido académico de su nivel escolar. Le recomendamos ampliamente que su hija/hijo participe y reciba los beneficios de un Programa EL y/o servicios de apoyo de idioma.

1. Los resultados de la evaluación del idioma inglés de su hijo/a para este año escolar y los niveles de competencia son los siguientes:

Area	Nivel/Calificación	Calificación de nivel de competencia
Escuchar		
Hablar		
Lectura		
Escritura		
Total (compuesto)		

2. El Programa EL y/o servicios de apoyo de idioma para su hija/hijo incluirá los siguientes tipos de instrucción: [Indique aquí los Programas EL y/o servicios de apoyo de idioma disponibles.]

3. La meta general del Programa EL y/o servicios de apoyo de idioma es que el estudiante llegue a ser completamente competente en inglés y que domine los estándares de aptitud académica estatales de su nivel escolar tan pronto sea posible. En Nuevo México un estudiante que obtiene un total (compuesto) de 5.0 o más alto en la prueba anual ACCESS for ELLs® se considera competente en inglés.

4. Si su hija/hijo tiene un plan de educación individualizada (*IEP* por sus siglas en inglés), el Programa EL y/o servicios de apoyo de idioma ayudará en obtener las metas del IEP de la siguiente manera: [Describa aquí.]

Como se mencionó anteriormente, recomendamos altamente que su hija/hijo participe y reciba los beneficios de este programa y/o servicios de apoyo de idioma. Sin embargo, usted tiene el derecho de rehusar la participación de – optar por retirar a –su hija/hijo en el Programa EL o servicios de apoyo de idioma. Favor de ponerse en contacto con la escuela en [Indique aquí el número telefónico de la escuela] o ponerse en contacto con la maestra/el maestro de su hija/hijo si desea hacer una cita para una conferencia de padre y maestro para hablar sobre las opciones para su hija/hijo o si desea optar a su hijo/hija del programa EL o servicios de apoyo de idioma.

Atentamente,

Director/a del Título III

Tools and Resources for Addressing ELs with Disabilities

In accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, districts must address the following:

- ☐ Identify, locate, and evaluate ELs with disabilities in a timely manner
- ☐ Consider the English language proficiency of ELs with disabilities in determining appropriate assessments and other evaluation materials
- ☐ Provide and administer special education evaluations in the child's native language, unless it is clearly not feasible to do so, to ensure that a student's language needs can be distinguished from a student's disability related needs
- ☐ Refrain from identifying or determining that EL students are students with disabilities because of their limited English language proficiency (ELP)
- ☐ Provide EL students with disabilities with both the language assistance and disability related services they are entitled to under federal law—**One does not supersede the other.**

The IDEA and Section 504 address the rights and needs of students with disabilities in school and other educational settings. If school staff think an EL may have one or more disabilities, the district must evaluate the EL promptly to determine if the EL has a disability or disabilities and whether the EL needs disability-related services (which are special education and related services under IDEA, or those guaranteed under Section 504 and Title II of the Americans with Disabilities Act (ADA) of 1990). For more information on Section 504, please see the Guidelines for Educators and Administrators for Implementing Section 504 of the Rehabilitation Act of 1973—Subpart D at:

<http://ped.state.nm.us/Rtl/dl10/Section504.pdf>.

Disability evaluations may not be delayed because of a student's EL status or a student's participation in a language instruction educational program. **Also, a student's ELP cannot be the basis for determining that a student has a disability.** It is important for educators to accurately determine whether ELs are eligible for disability-related services. Research shows that there is variability in how districts identify ELs as eligible for special education services; some districts over-identify and others under-identify ELs as eligible for special education services when compared to non-ELs (Artiles, Rueda, Salazar, & HigaReda, 2005; Zehler et al., 2003). Researchers have identified four potential factors that tend to contribute to the misidentification of special education needs and learning disabilities, in

particular, among students who are ELs: (1) the evaluating professional's lack of knowledge of second language development and/or disabilities; (2) poor instructional practices; (3) weak intervention strategies; and (4) inappropriate assessment tools (Sánchez, Parker, Akbayin, & McTigue, 2010).

Assessment of students who are culturally and linguistically diverse is a process that explores language, culture, and acculturation issues. This assessment requires gathering diagnostic data from numerous sources, in different contexts, and through a variety of techniques. Specific information concerning a student's language proficiency levels, sociolinguistic background, cultural background, and acculturation should be gathered and analyzed. A comparison to the development of other students from a similar background is imperative. Language and cultural issues must permeate the multilingual diagnostic evaluation and interpretation of findings. For more information, please read the New Mexico Technical Evaluation and Assessment Manual (NMTEAM) at the PED webpage. Click on the red *A–Z Directory* button, scroll to S, and navigate to the *Special Education* link. Locate and click on the *Technical Manual*. Or simply click on this link <http://ped.state.nm.us/ped/SEBdocuments/technical/NMTeamManual.pdf>

Appropriate disability identification processes that evaluate the student's disability and related educational needs—and not the student's English language skills—assist school personnel accurately identify students in need of disability-related services. Whenever feasible, and to ensure accurate measures, districts must administer a student's special education assessments in the student's native language or other mode of communication most likely to yield accurate information about what the student knows and can do. This common sense approach helps educators ascertain whether a need stems from lack of ELP and/or a student's disability-related educational needs.

IDEA and Section 504 require that schools provide a free appropriate public education (FAPE) to eligible or qualified students with disabilities. FAPE requires, among other things, the provision of special education and related services at no cost to the parents in conformity with an Individualized Education Program (IEP) or a Section 504 Plan (504 Plan). An IEP is a written document, developed at a meeting of the IEP team, that draws from test results, strategies previously tried in the classroom, teacher and parent observations, and includes specialized instruction and related services to address the student's needs resulting from the student's disability. Districts must develop and implement the IEP under IDEA. A 504 Plan is a blueprint or plan for how a child will have access to learning at school, and provides for services and changes to the learning environment to meet the needs of the child as adequately as other students.

When an EL student is determined to be a child with a disability as defined in IDEA or Section 504, both **the student's language and disability-related educational needs must be addressed**. For EL students, in addition to the required IEP team participants under IDEA, it is essential that the IEP team and the Section 504 team include participants who have

knowledge of the student's language needs. It is also important that both teams include professionals with training and—preferably expertise—in second language acquisition and in how to differentiate between the student's needs stemming from a disability and those from a lack of ELP.

In addition, under IDEA and Section 504, the district must take whatever action is necessary to ensure that the student's parents understand the proceedings of the IEP or Section 504 Plan team meeting, including arranging for an interpreter for parents with limited English proficiency or parents who are deaf or hearing impaired. Under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act, for a parent of an EL to have meaningful access to the meeting, it also may be necessary to have the IEP or the Section 504 Plan and related documents translated into the parent's primary language. For more information on the separate Title VI obligations of school districts to communicate with parents of ELs, see Chapter 10 of the EL Tool Kit: *Ensuring Meaningful Communication with Limited English Proficient Parents*, or at <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf>.

Should parents decline disability-related services under IDEA or Section 504, the district remains obligated to provide appropriate language assistance services to ELs. If parents opt out of specific EL programs and services, but have consented to the provision of disability-related services, the district remains obligated to provide such services as required in the IEP or Section 504 Plan and to conduct ELP monitoring and/or provide language assistance as appropriate. See Chapter 7 of the EL Tool Kit for information on obligations to students who opt out of EL programs and services.

The following checklist is intended to help districts serving ELs who also have a disability. The checklist provides suggested questions only. Districts and schools should check their state policies and procedures to ensure alignment with state and federal policy.

Identifying Whether an EL Has a Disability	YES	NO	If NO, Plan to Remedy
1. When qualified district and school staff believe a student may have a disability, is the assessment administered within required timelines once required notices have been provided and parental consent has been obtained?			
2. Is the reason for the disability evaluation based on the disability and need for disability-related services and not on the student's ELP?			
3. Does the evaluation use appropriate methods to measure the student's abilities and not the student's English language skills?			
4. Is the disability evaluation administered in the child's native language, unless clearly not feasible to do so, to avoid misclassification?			
5. Can the disability evaluation be conducted in more than one form, such as orally and in writing?			
6. Did the IEP or Section 504 team gather information from the student, parents, and school records regarding the student's previous educational experiences, language assessments, and special education assessments?			
Analyzing and Utilizing the Results of the Disability Evaluation	YES	NO	If NO, Plan to Remedy
7. Are evaluators trained to conduct the evaluation and interpret the results, including knowing how to differentiate between language needs and a disability?			
8. Does the IEP or Section 504 team include participants who have knowledge of the student's language needs and training in special education and related services and professionals with training in second language acquisition and EL services?			

Analyzing and Utilizing the Results of the Disability Evaluation	YES	NO	If NO, Plan to Remedy
9. Do these participants have the knowledge to recommend an educational program or plan that provides the student with appropriate services and/or supports based on the student's disability and English language acquisition needs?			
10. Do these participants also understand how language, cultural differences, and acculturation may impact an individual student?			
11. Have the parents been invited to participate in the planning process and informed of their rights, in a language they understand?			
12. Have a trained interpreter and translated documents been made available for parents with limited English proficiency when required (i.e., parent notices under IDEA) or when determined necessary to ensure effective communication? Is a qualified sign language interpreter available for parents who have hearing loss and need such services?			
13. Does the LEA's educational program address the EL's language needs and include disability-related services designed to address those needs?			
14. Does the IEP or Section 504 Plan outline when and by whom the accommodations, modifications, and supports in the plan will be provided?			
15. Will the recommended services allow ELs with a disability to be involved and make progress in the general education curriculum and to participate in extracurricular activities?			
16. Is there a formal plan to monitor the progress of ELs with disabilities with respect to language and disability-based goals?			
17. Have the student's general education teachers and related service providers been made aware of the IEP or Section 504 services for the EL?			

The Office of English Language Acquisition provides a set of tools intended to help schools and districts in appropriately identifying and serving ELs with disabilities. The tools provide examples of how schools can refer, assess, and identify ELs who may have a disability; how to write an IEP or Section 504 Plan and select accommodations and/or modifications for ELs with disabilities; and how to compare data about EL students with disabilities from district-to-district. Please see page 4 of the following link:

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf>

Language Usage Survey (LUS) FAQ

The following frequently asked questions are provided to assist personnel who administer the LUS at the district and school levels. This FAQ is a compilation of questions drafted by New Mexico's district level Title III and bilingual education directors with federal and state guidance.

What a parent may ask:	What school personnel can say when answering a parent's questions:
1. What is the purpose of the LUS form?	The LUS is part of a process that helps the school in understanding what your child's language needs are.
2. What does it mean for my child?	The LUS form provides the school with a snapshot of what your child's language needs are and helps the school decide how to best meet his/her needs.
3. I refuse to complete the LUS.	<p>The LUS protects your right to receive communication in a language you understand. It also protects your child's right to learn English and become English language proficient, so that he/she can meaningfully participate in the grade-level standard instructional program.</p> <p>If a parent still refuses, refer them to your go-to person.</p> <p>If the parent still refuses, please document the refusal in detail and keep the documentation in the child's cumulative file.</p>
4. What happens if I answer "yes" ?	Your child will be tested using the department-approved English language proficiency screener.
5. Does this mean my child will be labeled ?	We believe our students deserve the best education. If your child is identified as an English learner, he/she will not be treated differently. Languages are an asset; therefore, the school will ensure that your child receives the language support services that he/she needs to become proficient in English.
6. Can I refuse the language screener?	No, you cannot refuse the screener (test). But I can refer you to our go-to person if you want to learn more about the test.
7. What happens if my child doesn't score very high on the test?	Your child will be identified as an English learner. This means that your child does not yet understand, speak, read and/or write English at a level comparable to their grade-level English proficient peers. You will receive a parent notification letter about what programs and/or language support services are available for your child.
8. Can I refuse the EL program and/or language support services participation?	Yes, you can choose to opt-out if/ when you receive the parent notification letter. It does not happen today at registration. With that said, the district is required by federal law to ensure that your child receives the best education possible, and this includes language support services to increase your child's English language proficiency.
9. Who will have access to the information on the survey?	<ul style="list-style-type: none"> • School officials with legitimate educational interest • Other schools to which a student is transferring • Specified officials for audit or evaluation purposes • Appropriate parties in connection with financial aid to a student • Organizations conducting certain studies for, or on behalf of, the school • Accrediting organizations • Those who are assisting the school to comply with a judicial order or lawfully issued subpoena

What a parent may ask:	What school personnel can say when answering a parent's questions:
	<ul style="list-style-type: none"> • Appropriate officials in cases of health and safety emergencies • State and local authorities, within a juvenile justice system, pursuant to specific state law
10. Should I be worried about immigration issues? Or, will I be in trouble if I fill out this form?	The information will not be used for determining legal status or for immigration purposes.

Questions school & district staff may have:	Response based on federal law, state law, or federal/state non-regulatory guidance.
11. How do we set up our processes so that parents/guardians feel welcome ?	<ul style="list-style-type: none"> • Receptionists and front office staff greet parents warmly. • Welcome sign is on the door. • Area for parents to sit comfortably is provided. • Pamphlets, flyers, etc. available for parents. • School leadership is available to talk to parents if parents have questions outside the purview of the front office staff. • Snacks are provided.
12. How do we make sure that parents don't feel like taking the survey is going to label or hinder their child ?	<p>Make sure that your processes and procedures are culturally and linguistically responsive.</p> <p>Partner with the community, tribes, parent volunteers, etc. to ensure that parents understand what the LUS, EL identification, the W-APT, and the ACCESS for ELLs® mean for their child.</p>
13. What if a parent answers, " a little bit " to questions of language use? Do we still need to test the student?	Yes. <i>A little bit</i> is a yes.
14. Must parents fill out an LUS every year ?	No. The LUS is a document that should only be filled out once in a student's public education career.
15. Sections vary. What if section three of the form is completed in Spanish but sections one and two point to English only?	<p>District and school go-to staff should be available to talk with parents about the LUS and what it means, as well as to ensure that parents fill it out correctly.</p> <p>Talk with parent to clarify. The LUS should be filled out in person in order to obtain the best responses (districts using online registration should ensure that staff is trained to clarify with parents over the phone).</p>
16. What if siblings have different answers?	Please call parents to clarify. However, different language abilities in siblings might be expected depending on age and experiences.
17. What if a parent	Front office staff should be trained to interview the parent using the LUS

Questions school & district staff may have:	Response based on federal law, state law, or federal/state non-regulatory guidance.
or guardian cannot speak, read, or write in English ?	questions in a language in which both the parent and school personnel are comfortable. School personnel should also have a list of interpreters that can be contacted for help.
18. How do we best accommodate a parent that is deaf or hearing impaired ?	School personnel should have a list of interpreters that can be contacted for help. If a deaf or hearing impaired parent has questions about the LUS, please show them the “what a parent may ask” section of this FAQ. Also, although the LUS overview presentation that is on the BMEB webpage is designed specifically for school and district staff, it does contain closed captions and could be shown to a deaf or hearing impaired parent if necessary.
19. Can a parent change their answers on the LUS form after the student takes the W-APT and has been identified as an EL?	No, a parent cannot change the answers to the LUS after it is filed.
20. Can the LUS be sent home with the new student registration packet?	No, to obtain the best possible response, and to ensure it is completed only once, do it in person. If your district uses online registration, please make sure that your LUS has a solid introduction and that your staff is trained to work with parents and clarify if needed. In the past, we have found that sending the form home has led to confusion and misunderstandings.
21. What about transfer students ? Do they take the LUS again?	If the student is enrolling in your school from a school within New Mexico, then the original LUS must be obtained (it will be in the student's cumulative folder). Call the district and ask that it be scanned and emailed ASAP. If a student is transferring from out-of-state, contact the previous school to obtain a copy of their LUS and any screener (W-APT) results. Call and ask that they be scanned and emailed. If the student is transferring from another school/district, the receiving school and/or district must request the student records from the sending school/district. If after at least three documented request attempts no records are received, and you (as the receiving school/district) cannot yet access the necessary student information in the STARS Student Display template, then proceed with administering the LUS.
22. What is the deadline for identifying, screening, and notifying a parent of a student that enrolls after the	District/schools must screen using the W-APT and provide written notification to parents of their child's recommended placement in an EL program within two weeks for later-arriving students (Title I Section 1112 (e)(3)(A) http://www2.ed.gov/documents/essa-act-of-1965.pdf)

Questions school & district staff may have:	Response based on federal law, state law, or federal/state non-regulatory guidance.
first 30 days of the school year?	
23. Is the identification and notification window 30 days or 20 days?	The identification and parent notification window is 30 calendar days (which is approximately 20 school days).
24. Once the LUS is completed and the student identified as an EL, can a parent opt out of or refuse program and/or services?	Yes, parents can opt out. However, the student will retain his/her EL status and will be assessed annually using the ACCESS for ELLs® assessment, until he/she meets the exit criteria, which is a composite (overall) score of 5.0 or higher. A parent must complete and sign the opt-out form: Notification to Opt a Child Out of EL Programs or Language Support Services . Simply put, public schools are partially funded by the federal government and therefore are required to obey federal law. Federal law requires that all public schools serve ELs and monitor their progress.
25. Does a teacher observation form qualify as a W-APT screening ?	No, federal law requires that potential ELs be assessed using an English language proficiency (ELP) test or "screener". New Mexico uses the WIDA™ W-APT to determine EL status. For more information on this process, please refer to the <i>Serving English Learners Technical Assistance Manual</i> : http://ped.state.nm.us/ped/BilingualDocs/Serving_ELLs_TA_Manual_2016.pdf .
26. Can a parent choose to opt out or refuse the ACCESS for ELLs® annual assessment ?	No. The only opt out allowed by federal law is from the offered EL programs and/or language support services. Please see the section in the handbook regarding <i>opt out</i> on page 36.
27. What do I do with the LUS form ?	Place it in the student's cumulative folder.
28. What if we can't find the answers to our question in this FAQ, the Guidance Handbook, the Technical Assistance Manual, or the BMEB website?	You can call the BMEB: (505) 827-6505

Preguntas frecuentes sobre la Encuesta del Uso del Idioma

Las siguientes preguntas frecuentes (FAQ por sus siglas en inglés) se proporcionan para ayudar al personal que administra la Encuesta del Uso del Idioma (LUS por sus siglas en inglés) a nivel del distrito y de las escuelas. Este FAQ es una compilación de preguntas elaboradas por los directores de Title III y de educación bilingüe de los distritos escolares de Nuevo México con orientación federal y estatal.

Lo que podría preguntar un padre:	Lo que puede decir el personal escolar al responder a las preguntas de los padres:
1. ¿Cuál es el propósito del formulario LUS?	El LUS es parte de un proceso que ayuda a la escuela a entender cuáles son las necesidades lingüísticas/idiomáticas de su hija/hijo.
2. ¿Qué significa para mi hija/hijo?	El formulario LUS proporciona a la escuela una foto instantánea de las necesidades lingüísticas/idiomáticas de su hija/hijo y le ayuda a la escuela a decidir cómo cubrir sus necesidades.
3. No quiero/me niego (rehusó) a llenar el formulario	<p>El LUS protege su derecho a recibir comunicaciones en el idioma que usted entiende. También protege el derecho que su niña/niño tiene de aprender inglés y llegar a ser competente en inglés, para que ella/él pueda participar de una manera significativa en el programa de instrucción de su nivel escolar.</p> <p>Si un padre aún se rehúsa, diríjalo a la persona de autoridad en la que usted confía para ayudarlo en estos casos.</p> <p>Si el padre sigue rehusándose, favor de documentar el rechazo en detalle y mantenga la documentación en el expediente acumulativo del niño/niña.</p>
4. ¿Qué sucede si respondo que " sí "?	Su hija/hijo será evaluada/o con la evaluación de competencia lingüística/idiomática del inglés aprobada por el estado.
5. ¿Esto quiere decir que mi hija/hijo será etiquetada/o ?	Creemos que nuestros estudiantes merecen la mejor educación. Si su hija/hijo es identificada/o como un estudiante que está aprendiendo inglés (EL por sus siglas en inglés) no la/lo trataremos de una manera distinta. Los idiomas son una ventaja; por lo tanto, la escuela se asegurará de que su hija/hijo reciba los servicios de apoyo de idioma que él/ella necesite para llegar a ser competente en el inglés.
6. ¿Puedo rechazar la evaluación de competencia lingüística/idiomática?	No, no puede rechazar la evaluación. Pero lo/la puedo dirigir a la persona de autoridad si usted quiere aprender más sobre la evaluación.
7. ¿Qué sucede si mi hija/hijo no obtiene un puntaje muy alto en la evaluación?	Su hija/hijo será identificado como EL. Esto significa que su hijo aún no entiende, habla, lee y/o escribe inglés a un nivel comparable a sus compañeros de su nivel escolar que son competentes en inglés. Usted recibirá una carta de aviso a los padres sobre los programas y/o servicios de apoyo de idioma disponibles para su hija/hijo.
8. ¿Puedo rehusarme a participar en el programa EL y/o los	Sí, usted puede optar por no participar si/cuando reciba la carta de aviso a los padres. Esto no sucede ahora durante la matrícula. De cualquier manera, el distrito escolar está obligado por la ley federal a asegurar que su hija/hijo reciba la mejor educación posible,

Lo que podría preguntar un padre:	Lo que puede decir el personal escolar al responder a las preguntas de los padres:
servicios de apoyo de idioma?	y esto incluye servicios de apoyo de idioma para aumentar la competencia en inglés de su hija/hijo.
9. ¿Quién tendrá acceso a la información de este formulario?	<ul style="list-style-type: none"> • Oficiales escolares con interés educacional legítimo • Otras escuelas a donde se traslade el estudiante • Oficiales especificados con el propósito de auditoría o evaluación. • Las partes apropiadas en relación a ayuda financiera para el estudiante. • Organizaciones que conducen ciertos estudios por, o en representación de, la escuela. • Organizaciones de certificación. • Aquellos que ayudan a la escuela a cumplir con una orden judicial o una citación legal. • Oficiales apropiados en casos de emergencias de salud y seguridad. • Autoridades estatales y locales, dentro del sistema judicial para menores, de acuerdo con la ley estatal específica.
10. ¿Debo preocuparme por razones de inmigración ? ¿Me puedo meter en líos al llenar este formulario?	La información no será utilizada para determinar estado legal o para propósitos de inmigración.

Preguntas que puede tener el personal de la escuela y del distrito:	Respuesta basada en la ley federal, la ley estatal, o la guía federal/estatal que no es reglamentaria.
11. ¿Cómo diseñamos nuestros procesos para que los padres/tutores se sientan bienvenidos ?	<ul style="list-style-type: none"> • Los recepcionistas y el personal de la oficina saludan a los padres de una manera acogedora. • Un letrero en la puerta dándoles la bienvenida. • Se proporciona un área donde los padres se pueden sentar cómodamente. • Folletos, volantes, etc. disponibles para los padres. • Los líderes escolares están disponibles para hablar con los padres si tienen preguntas fuera del conocimiento del personal de la oficina. • Se proporcionan bocaditos.
12. ¿Cómo aseguramos que los padres no crean que el responder a la encuesta etiquetará o le causará dificultades a su hija/hijo ?	Asegúrese que sus procesos y procedimientos sean receptivos a las culturas y los idiomas. Asóciese con la comunidad, las tribus y los padres voluntarios, etc. para asegurar que los padres comprendan lo que significa el formulario LUS, la identificación EL, la evaluación W-APT y la prueba ACCESS for ELLs® para su niña/niño.
13. ¿Qué pasa si un padre responde “un poquito” a preguntas del uso	Sí. <i>Un poquito</i> quiere decir sí.

Preguntas que puede tener el personal de la escuela y del distrito:	Respuesta basada en la ley federal, la ley estatal, o la guía federal/estatal que no es reglamentaria.
del idioma? ¿Necesitamos evaluar al estudiante?	
14. ¿Deberán completar los padres un formulario (LUS) cada año ?	No. El formulario LUS es un documento que se debe completar sólo una vez en la trayectoria de educación pública del estudiante.
15. Las secciones difieren. ¿Qué pasa si la sección tres del formulario se completa en español pero las secciones una y dos indican únicamente inglés?	El personal de autoridad indicado del distrito y la escuela deben estar disponibles para hablar con los padres sobre el formulario LUS y lo que significa, tanto como para asegurarse de que los padres lo llenen correctamente. Hable con los padres para aclarar dudas. El formulario LUS debe llenarse en persona para obtener las mejores respuestas (los distritos que tienen matrícula en línea deben asegurarse que el personal esté capacitado para aclarar dudas por teléfono).
16. ¿Qué pasa si se indican respuestas distintas para un hermano/hermana ?	Por favor llame a los padres para aclarar esto. Sin embargo, se puede esperar que haya distintas habilidades lingüísticas/idiomáticas entre hermanos dependiendo de la edad y la experiencia.
17. ¿Qué pasa si el padre/tutor no habla, lee, o escribe inglés ?	El personal de la oficina debe estar capacitado para entrevistar al padre utilizando el formulario LUS en un idioma en el cual tanto el personal como los padres se sientan cómodos. El personal escolar también debe tener una lista de intérpretes a quienes puedan llamar para recibir ayuda.
18. ¿Cuál es la mejor manera de servir a un padre que es sordo o tiene deficiencias auditivas ?	El personal escolar debe tener una lista de intérpretes a quienes puedan llamar para recibir ayuda. Si un padre sordo o con deficiencias auditivas tiene preguntas sobre el formulario LUS, por favor muéstrela la sección de "lo que podría preguntar un padre" de este FAQ. También, aunque la presentación de resumen general sobre el formulario LUS que aparece en la página web de BMEB está diseñada específicamente para el personal de la escuela y del distrito, lleva subtítulos y se podría mostrar a los padres sordos o con deficiencias auditivas si es necesario.
19. ¿Es posible que el padre cambie las respuestas en el formulario LUS después de que el estudiante haya tomado la evaluación W-APT?	No, un padre no puede cambiar las respuestas del formulario LUS después de haberse archivado.

Preguntas que puede tener el personal de la escuela y del distrito:	Respuesta basada en la ley federal, la ley estatal, o la guía federal/estatal que no es reglamentaria.
y haya sido identificado como EL?	
20. ¿Se puede enviar el formulario LUS a casa con el paquete de matrícula del estudiante nuevo?	No, para obtener la mejor respuesta posible, y asegurar que se complete una sola vez, hágalo en persona. Si su distrito utiliza matrícula en línea, asegúrese que su formulario LUS tenga una introducción firme y que su personal esté capacitado para trabajar con padres y aclarar preguntas si es necesario. En el pasado, nos hemos dado cuenta de que mandar el formulario a casa ha causado confusión y malentendidos.
21. ¿Qué tal un estudiante que se traslada de otra escuela? Vuelve a tomar el formulario LUS?	Si el estudiante se matricula en su escuela de otra escuela dentro de Nuevo México, se debe obtener el formulario LUS original (se encuentra en el expediente acumulativo del estudiante). Llame al distrito y pida que sea escaneado y enviado por correo electrónico tan pronto les sea posible. Si el estudiante se traslada de otro estado, póngase en contacto con la escuela anterior para obtener una copia de su LUS y cualquier resultado de su evaluación de competencia (W-APT). Llame y pida que sea escaneado y enviado por correo electrónico. Si el estudiante se traslada de otra escuela u otro distrito, la escuela y/o distrito que recibe al estudiante debe pedirle el expediente acumulativo del estudiante a la escuela/distrito anterior. Si después de al menos tres intentos documentados no se reciben los registros, y usted (como la escuela/distrito que recibe al estudiante) aún no pueden acceder a la información necesaria del estudiante en la plantilla de visualización estudiantil de STARS (<i>Student Display template</i>), entonces proceda con la administración del LUS.
22. ¿Cuál es la fecha límite para identificar, evaluar y dar aviso a los padres del estudiante que se inscribe después de los primeros 30 días del año escolar?	El distrito/las escuelas deben evaluar utilizando el W-APT y proporcionar aviso por escrito a los padres sobre la recomendación de poner al niño/niña en el programa EL dentro de un plazo de dos semanas para los estudiantes que llegan tarde. (Title I Section 1112 (e)(3)(A) http://www2.ed.gov/documents/essa-act-of-1965.pdf)
23. ¿La ventana de identificación y aviso es de 30 o 20 días?	La ventana de identificación y aviso al padre es de 30 días corridos (que es aproximadamente 20 días escolares).

Preguntas que puede tener el personal de la escuela y del distrito:	Respuesta basada en la ley federal, la ley estatal, o la guía federal/estatal que no es reglamentaria.
24. Una vez que se complete el formulario LUS y se identifique al estudiante como EL, ¿puede el padre optar por salir de o rehusar el programa y/o los servicios?	<p>Sí, los padres pueden optar por salirse. Sin embargo, el estudiante seguirá con su estado EL y será evaluado anualmente utilizando la prueba ACCESS for ELLs® hasta que él/ella cumpla con el criterio de salida, que es lograr un total (compuesto) de 5.0 o más alto.</p> <p>El padre debe llenar y firmar el formulario de optar por salir: Aviso de la opción para que el niño/a salga de los Programas o Servicios Particulares para el estudiante que está aprendiendo inglés (EL).</p> <p>Para decirlo de manera sencilla, las escuelas públicas reciben ayuda financiera del gobierno federal y por lo tanto deben obedecer la ley federal. La ley federal requiere que todas las escuelas públicas sirvan a los EL y le dé seguimiento a su progreso.</p>
25. ¿Califica un formulario de observación del maestro como la evaluación W-APT?	<p>No, la ley federal requiere que todos los posibles estudiantes EL sean evaluados utilizando la prueba o evaluación de competencia lingüística/idiomática del inglés (ELP por sus siglas en inglés). Nuevo México utiliza WIDA™ W-APT para determinar el estado EL. Para más información sobre este proceso, por favor consulte el manual de asistencia técnica para servir estudiantes EL (<i>Serving English Learners Technical Assistance Manual</i>):</p> <p>http://ped.state.nm.us/ped/BilingualDocs/Serving_Els_TA_Manual_2016.pdf</p>
26. ¿Puede el padre optar por salir de o rehusar la prueba anual ACCESS for ELLs®?	<p>No, la única opción para optar por salir que permite la ley federal es de los programas EL y/o los servicios de apoyo de idioma.</p> <p>Favor de consultar la sección del manual sobre optar por salir (<i>opt out</i>) en la página 32.</p>
27. ¿Qué hago con el formulario LUS ?	Póngalo en el expediente acumulativo del estudiante.
28. ¿Qué hago si no puedo encontrar respuestas a nuestras preguntas en este FAQ, el manual de orientación, y el manual de asistencia técnica, o el sitio web BMEB?	<p>Llame a BMEB: (505) 827-4270 (para servicio en español)</p>

Serving ELs Who Opt Out of EL Programs

- ☐ Parents have the right to opt their children out of EL programs or particular EL services. This decision must be voluntary and based on a full understanding of the EL child's rights, the range of services available to the child, and the benefits of such services to the child.
- ☐ If a parent decides to opt his or her child out of EL programs or particular EL services, that child still retains his or her status as an EL and must be assessed annually using the ACCESS for ELLs®.
- ☐ Districts/schools must continue to monitor the English language proficiency (ELP) and academic progress of students who opt out of EL programs or services. If a student does not demonstrate appropriate growth in ELP or maintain appropriate academic levels, the district/school must inform the parents of this lack of progress in a language they understand and again offer EL services.

Any parent whose child is receiving, or is eligible to receive, EL programs or services has the right to decline or opt his or her child out of the EL programs or particular EL services being offered. Districts/schools may not recommend that a parent opt a child out of EL programs or services for any reason.

The district/school must provide guidance in a language parents can understand to ensure that parents understand their child's rights, the range of EL services that their child could receive, and the benefits of such services. This ensures that the parents' decision to opt out is voluntary and informed. District/schools must screen using the W-APT and provide written notification to parents of their children's recommended placement in an EL program within 30 days of the start of the school year (or within two weeks for later-arriving students) (Title I Section 1112 (e)(3)(A) <http://www2.ed.gov/documents/essa-act-of-1965.pdf>). The notification must include all of the statutorily required elements, including the right to opt out. The district/school should retain appropriate documentation to demonstrate that a parent knowingly and voluntarily opted his or her EL child out of EL programs or particular EL services. It is important to note that opting out of EL programs or particular EL services does not affect a student's ability to participate in any other programs or services, such as special education services.

If a parent decides to opt his or her child out of EL programs or particular EL services, that child retains his or her status as an EL. The district/school remains obligated to take affirmative steps and appropriate action required by civil rights laws to provide the EL student meaningful access to its educational programs. Thus, the district/school must continue to periodically monitor the opted-out student's academic progress.

Specific monitoring practices vary from district to district. But the practices should all include a combination of performance data—such as information on assessment results, grades, courses taken, observations, attendance, and parent meeting notes—along with possible comparisons to other EL students of similar ELP levels. Appropriate personnel should analyze this information throughout the year and make recommendations based on the student's current ELP level and ability to perform at grade level.

If a district/school finds that a student is struggling, it should take appropriate steps to assist the student. These steps may include, but are not limited to, further assessing the student's ELP; notifying the student's parent about his or her child's lack of progress, and encouraging him or her to opt the child into EL programs and services; and providing supports for the student's language acquisition, such as offering professional development in second language acquisition to the student's core curriculum teachers.

ELs, who opt out of services, must—like those receiving programs or services—have their ELP reassessed annually, until they exit EL status. After it is determined that the EL no longer qualifies as an EL, the district/school **must continue to monitor the student for at least two years**, just as it would an EL who has received EL programs and services.

If a parent would like to opt their child back in to EL programs, please use the sample form provided here:

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap7.pdf>

Notification to Opt a Child Out of EL Programs or Language Support Services

Date:

Dear Parent,

We understand that you would like to decline the English learner (EL) program or language support service proposed for your child [insert child's name]. EL programs and services are specifically designed to help your child attain English language proficiency as well as meet grade-level state academic achievement standards. However, as stated in our conversation, you have the legal right to opt your child out of the program or service.

If you still wish to opt your child out of the EL program or language support service, 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 programs or services for your child.

___ I have been informed of my child's English language proficiency assessment score and of other information about my child's current academic progress, and I understand why he/she was recommended for English language development instruction.

___ The school staff has explained to me the EL programs and language support services the school has available for my child.

___ I have had the opportunity to discuss the available EL programs and language support 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 language 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, [insert language], I fully understand.

___ I have had the opportunity to ask questions, and my questions have been answered to my satisfaction.

I, [insert name], with a full understanding of the above information, wish to

- ☐ decline all of the EL programs and language support services offered to my child.
- ☐ decline some of the EL programs and/or language support services offered to my child.
I wish to decline [List program/services]]

Parent's Signature

Child's Name

Date

Notificación para optar por retirar a un estudiante de los programas EL o servicios de apoyo de idioma

Fecha:

Estimado Padre,

Entendemos que desea rehusar el programa para los estudiantes que están aprendiendo inglés (EL por sus siglas en inglés) o servicios de apoyo de idioma que se han propuesto para su hijo/hija [Indique el nombre del niño/niña]. Los programas y servicios EL están diseñados específicamente para ayudar a su hijo/hija a llegar a ser competente en inglés y también para que domine los estándares de aptitud académica estatales de su nivel escolar. Sin embargo, como lo hemos comentado en nuestra conversación, usted tiene el derecho bajo la ley de optar por retirar a su niño/niña del programa o de servicios.

Si usted aún desea retirar a su hijo/hija del programa EL o servicios de apoyo de idioma, favor de poner sus iniciales al lado de cada punto en la lista de abajo. Al poner sus iniciales indica que comprende y está de acuerdo con cada declaración. Después de poner sus iniciales al lado de cada frase, favor de firmar, poner fecha, y entregar el formulario a la escuela de su hijo/hija. Archivaremos este documento que declara que usted ha rechazado o no desea estos programas o servicios indicados para su hijo/hija.

___ Estoy al tanto de los resultados de la evaluación de competencia lingüística/idiomática del inglés de mi hijo/hija y de otra información sobre el progreso académico actual de mi hijo/hija, y comprendo por qué él/ella fue recomendado para instrucción en el desarrollo del idioma inglés.

___ El personal de la escuela me ha explicado los programas EL y servicios de apoyo de idioma que la escuela tiene disponible para mi hijo/hija.

___ He tenido la oportunidad de hablar con la escuela sobre los programas EL y servicios de apoyo de idioma.

___ Entiendo que la escuela cree que su recomendación es la que aporta más beneficio académico para mi hijo/hija.

___ Entiendo que mi hijo/hija aún seguirá con su estado de estudiante que está aprendiendo inglés (EL) y será evaluado una vez al año hasta que él/ella ya **no** cumpla con la definición de un EL.

___ Toda esta información se me ha presentado en un idioma, [Indique idioma], que entiendo plenamente.

___ He tenido la oportunidad de hacer preguntas, y mis preguntas han sido contestadas a mi satisfacción.

Yo, [Indique nombre], con pleno entendimiento de la información arriba mencionada,
__deseo rehusar todos los programas EL y servicios de apoyo de idioma que se le ofrecen
a mi hijo/hija.

__rehusar algunos de los programas EL y/o servicios de apoyo de idioma que se le
ofrecen a mi hijo/hija. Deseo rehusar [lista de programa/servicios].

Firma del padre/madre

Nombre de niño/a

Fecha

Opt-Out Checklist for Districts & Schools

Communicating with Parents	Yes	No	If No, Plan to Remedy/Answer
1. Are parents informed of their children's EL status and the right to opt their children out of the EL programs or particular EL services being offered?			
2. Are there procedures in place to ensure that parents do not opt their children out of any EL programs or services, based on inadequate information about those programs or services or on unanswered questions about their children's EL status?			
3. Are there procedures in place to ensure that parents do not opt their children out of any EL programs or services, based on schedule conflicts with other programs (such as special education programs), insufficient space in the available EL programs, or insufficient offerings within the EL program?			
4. Are there procedures in place to address parental concerns about the quality of the EL services and programs being offered?			
5. Is information provided in a language that parents understand?			
6. Does the district have a formal mechanism for documenting which students opted out of services, including tracking communications to and from the ELs' parents in the appropriate languages?			
7. Is there a process (perhaps during parent-teacher conferences or after report cards are issued) for informing parents—who opted their children out of EL programs or services—that their children are not making progress in ELP or academic content areas, when applicable?			
8. Is there a process for parents to revisit their opt-out decision and opt their children back into EL programs or particular EL services?			
9. Is there a process for the district/school to explore the cause of high opt-out rates for EL services if and when they occur?			
Addressing ELs' Needs			
10. If a parent opts his or her child out of EL services, is there a process to ensure and monitor that (1) the child maintains his or her EL status, (2) the district is fulfilling its obligation of meeting the child's language and academic needs, and (3) the child still has appropriate access to the general curriculum?			
11. Are ELs who have opted out being assessed for ELP at least annually?			
12. If a parent continues to opt his or her child out of EL programs and services after being notified of that child's insufficient progress, is the district providing additional training to the student's classroom teacher(s) in EL instructional strategies?			

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Glossary of Acronyms and Terms

ACRONYM/TERM	INTERPRETATION
ACCESS for ELLs®	New Mexico's state-wide standards-based, criterion referenced English language proficiency assessment designed to annually measure K–12 English language learners' social and academic proficiency in English.
ADA	Americans with Disabilities Act of 1990
BMEB	Bilingual Multicultural Education Bureau
CCSSO	Council of Chief State School Officers
ED	US Department of Education
EL/ELL	English learner/English language learner
ELP	English language proficiency
ESSA	Every Student Succeeds Act of 2015
ESEA	Elementary and Secondary Education Act of 1965
FAPE	Free and appropriate public education
IDEA	The Individuals with Disabilities in Education Act of 1975
LEAs	Local education agencies
LOTE	Language other-than-English
LUS	Language Usage Survey—a survey designed to ascertain if a student has been exposed to LOTE and is, potentially, an EL
OCR	Office for Civil Rights—US Department of Education entity ensuring equal access to education for all
OELA	Office of English Language Acquisition—US Department of Education entity supporting English learners.
Opt Out	A parent's right to refuse particular services or program participation. A parent CANNOT refuse or opt out of EL status or the ACCESS for ELLs®
Parent	For the purposes of this handbook, <i>parent</i> means <i>parent, foster parent, or legal guardian</i>
PLCs	professional learning communities
PPT	PowerPoint software
Q&A	Question and answer
SAT	Student assistance team
SEAs	State education agencies
Section 504	Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.
Title III (of ESEA)	Former federal law replaced by Title I of ESSA. Supplemental federal funding to support English Learners to develop English proficiency and meet academic achievement standards
Title I (of ESSA)	Title I of the ESSA provides financial assistance to local educational agencies (LEAs) and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards

ACRONYM/TERM	INTERPRETATION
W-APT WIDA™ Test	An English language proficiency screening test administered to incoming students who may be designated as English learners
WIDA	WIDA— a multi-state consortium whose purpose is to develop standards and assessments for English learners.