

Information and Guidelines from the Lau Resource Center Ohio Department of Education

ACRONYMS AND DEFINITIONS

- **BICS**

Acronym for Basic Interpersonal Communicative Skills (BICS), part of a theory of language proficiency developed by Jim Cummins (1984), which distinguishes BICS from CALP (Cognitive Academic Language Proficiency – see definition below). BICS is often referred to as “playground English” or “survival English.” It is the basic language ability required for face-to-face communication where linguistic interactions are embedded in a situational context). This language, which is highly contextualized and often accompanied by gestures, is relatively undemanding cognitively and relies on the context to aid understanding. BICS is much more easily and quickly acquired than CALP, but is not sufficient to meet the cognitive and linguistic demands of an academic classroom. (Source: National Clearinghouse of English Language Acquisition, *Glossary of terms related to the education of linguistically and culturally diverse students*. http://www.ncele.gwu.edu/files/rcd/BE021775/Glossary_of_Terms.pdf)

- **Bilingual Education**

Bilingual education involves teaching academic content in two languages, in a native and secondary language with varying amounts of each language used in accordance with the program model.

- **CALP**

Acronym for Cognitive Academic Language Proficiency, part of a theory of language proficiency developed by Jim Cummins (1984), which distinguishes CALP from BICS (Basic Interpersonal Communicative Skills – see definition above). CALP is the language ability required for academic achievement in a context-reduced environment. Examples of context-reduced environments include classroom lectures and textbook reading assignments. (Source: National Clearinghouse of English Language Acquisition, *Glossary of terms related to the education of linguistically and culturally diverse students*. http://www.ncele.gwu.edu/files/rcd/BE021775/Glossary_of_Terms.pdf)

Note: Length of time needed for English Language Learners (ELLs) to acquire Cognitive Academic Language Proficiency (CALP)

According to a longitudinal study conducted by Wayne Thomas and Virginia Collier (School Effectiveness for Language Minority Students, 1997), it takes typical bilingually schooled students, those who are achieving on grade level in their native language, from 4-7 years to make it to the 50th Normal Curve Equivalent (NCE) in English. It takes typical “advantaged” immigrants with 2-5 years of on-grade-level home country schooling in their native language from 5-7 years to reach the 50th NCE in English when schooled in all English programs in the U.S. It takes the typical young immigrant schooled all in English in the U.S. 7-10 years or more to reach the 50th NCE, and the majority of these students do not ever make it to 50th NCE unless they receive support for native language academic and cognitive development at home.

- **Center for Applied Linguistics (CAL)**

The Center for Applied Linguistics is a nonprofit organization whose mission is to research and distribute information regarding language and culture. For more information, please visit the CAL website: <http://www.cal.org/>

- **Comprehensive Continuous Improvement Plan (CCIP)**

The Comprehensive Continuous Improvement Plan is Ohio’s unified grants application and verification system that consists of two parts: the Planning Tool and the Funding Application. For more information, click [here](#) or visit education.ohio.gov and search keyword: *comprehensive*.

- **Educational Management Information System (EMIS)**
 EMIS is a statewide data collection system for Ohio primary and secondary education. EMIS includes demographic, attendance, course information, financial data and test results. For more information, click [here](#), or visit education.ohio.gov and type “EMIS” in the search box.
- **English Learner (EL)**
 The term English Learner refers to those students whose native or home language is other than, or in addition to, English, and whose current limitations in the ability to understand, speak, read or write in English inhibit their effective participation in a school’s educational program and their ability to achieve the required academic standards. The terms English Language Learner (ELL) and Limited English Proficient (LEP) are other terms that refer to the same group of students. (See below.)
- **English Language Learner (ELL)**
 The term English Language Learner is another term used for English Learner (see definition above) and for Limited English Proficient (LEP) students. (Refer to the federal definition of LEP on the next page.)
- **English Language Proficiency (ELP) Standards**
 Ohio’s English Language Proficiency Standards describe the language competencies in the domains of listening speaking, reading and writing that English Language Learners need to develop to participate effectively in classrooms in which English is the language of instruction. To access Ohio’s English as a Second Language (ESL) Standards click [here](#) or visit education.ohio.gov and search keywords: *ELP Standards*.
- **English as a Second Language (ESL)**
 English as a second language is an educational approach in which English language learners are instructed in the use of the English language. Their instruction is based on a special curriculum that typically involves little or no use of the native language, focuses on language (as opposed to content) and is usually taught during specific school periods.
- **Immersion (structured)**
 In this program, language minority students receive all of their subject matter instruction in their second language. The teacher uses a simplified form of the second language. Students may use their native language in class; however, the teacher uses only the second language (Snow, 1986). The goal is to help minority language students acquire proficiency in English while at the same time achieving in content areas.
- **Lau v. Nichols**
 Lawsuit filed by Chinese parents in San Francisco in 1974 that led to a landmark Supreme Court ruling that identical education does not constitute equal education under the Civil Rights Act of 1964. School districts must take "affirmative steps" to overcome educational barriers faced by non-English speakers (Lyons, 1992).

Limited English Proficient (LEP)

Ohio follows the same federal government definition of Limited English Proficient as described in the No Child Left Behind Act of 2001 [P.L. 107-110, Title IX, Part A, Sec. 9101, (25)], which is as follows:

“The term “limited English proficient,” 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; and

(C) (i) who was not born in the United States or whose native language is a language other than English; or

(ii) (I) who is a Native American or Alaska Native, or a native resident of 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 State’s proficient level of achievement on State assessments described in section 1111(b)(3);

(ii) the ability to achieve successfully in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.”

Increasingly, the terms English language learner (ELL) or English learner (EL) are used in place of LEP.

- **National Clearinghouse for English Language Acquisition**

The National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA) is funded by the U.S. Department of Education (www.ed.gov), Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) (www.ed.gov/offices/OELA) to collect, analyze, synthesize and disseminate information related to the education of linguistically and culturally diverse students. www.ncela.gwu.edu

- **Submersion**

The teaching of minority language students through the medium of a majority language (English in the U.S.) without special language assistance. Also referred to as “sink or swim”; violates civil rights guarantees under the Supreme Court’s *Lau v. Nichols* (1974) decision (Crawford, 1997).

- **Title III of the No Child Left Behind Act (2001)**

Covers Language Instruction for Limited English Proficient Students and Immigrants (U.S. Department of Education, www.ed.gov). Title III of the No Child Left Behind Act consolidates the 13 bilingual and immigrant education programs formerly entitled by Title VII of the Improving America's Schools Act of 1994 into a state formula program and increases flexibility and accountability. The focus of the title is on assisting school districts in teaching English to limited English proficient students and in helping these students meet the same challenging state standards required of all other students (U.S. Department of Education, www.ed.gov).

TOPICS

- **Assessment of English Language Learners (including test accommodations)**
- **English as a Second Language (ESL) courses for credit at the high school level**
- **Grade placement decisions for newly-enrolled English Language Learners**
- **Grade retention of English Language Learners**
- **Guidelines for Enrolling Students in Public Schools (including persons with student visas)**
- **Homeschooled students**
- **Identification and initial assessment of English Language Learners**
- **Foreign exchange students**
- **Nonpublic school students**
- **Preschool English Language Learners**
- **Promotion and transfer of English Language Learners**
- **Teacher-student ratio in programs serving ELLs**
- **Qualification requirements for teachers providing language support programs for English Language Learners**

Assessment of English Language Learners (including test accommodations)

Refer to pages 27-38 of the *Ohio Statewide Assessment Program Rules Book*, which is available [here](#), or by visiting education.ohio.gov and searching for keyword: *testing rules book*.

English as a Second Language (ESL) courses for credit at the high school level

Refer to the document *TESOL Courses for Credit for Students Learning English as a Second Language*, which is available [here](#) or by visiting education.ohio.gov and searching for keywords: *About the Lau Resource Center*.

Grade placement decisions for newly-enrolled English Language Learners

Regarding grade placement of newly enrolled English language learners (ELLs), grade decisions are made at the district level based on the district's evaluation of the students' academic records and also taking into account the students' age. The Lau Resource Center does not have any mandates regarding this issue. However, it is recommended that students learning English as new language be placed in a grade as close as possible to their age peers. The reason for this recommendation is that it is important for students to be placed with age peers to meet their socialization needs. The goal should be to place the student in a grade level that is appropriate for his or her age level, and then provide the additional support needed to address the student's English language acquisition needs.

Grade retention of English Language Learners

If an ELL student is retained solely on the basis of his/her lack of English proficiency, such retention would be discriminatory (based on *Lau v. Nichols*) because in effect, the ELL student would be retained for not having adequate prior exposure to English. So, to justify the retention of an ELL student, the district would need to give evidence that 1) the student has been provided with an educationally sound English language support program, and 2) the student is being retained for reasons other than lack of English proficiency (for example, if the student did not meet grade-level standards due to poor attendance, lack of effort, or poor study habits).

Here are some questions that need to be answered before deciding to retain an ELL student:

- Does the district have a retention policy that takes into account different factors that may impact students' academic progress?
- Is the reason for retaining the student **other** than the student's lack of English proficiency?
- Has the student been given meaningful access to the district's academic program through language support strategies based on sound theory and widely accepted good practice?
- Has the student been given academic performance-based assessments that are based on the student's level of English proficiency, and that take into consideration the instructional strategies used to give the student meaningful access to the academic content?
- Is the student making less progress than what would be expected of students with similar language background and academic experiences?

If the answer to all the above questions is "yes," then the district may consider retention as a possible option for helping the student achieve English proficiency and make academic progress. Of course, the district will need to make sure that in whichever grade the student is placed, an appropriate, comprehensive and research-based language support program is provided.

Guidelines for Enrolling Students in Public Schools (including persons with student visas)

Refer to the document *Guidelines for Enrolling Students in Public Schools*, which is available on the About the Lau Resource Center [page](#) of education.ohio.gov.

Homeschooled students

For purposes of determining testing accommodations and service for English Language Learners, experience and time spent in a home education program do NOT count when determining time in a U.S. school. Home education programs are not defined as schools in Ohio law, not even as nonpublic schools. Therefore, "home-schooled" students should be considered as new to U.S. schools when transferring to Ohio public or private schools. They should be able to access testing accommodations allowable to ELL students with three years or less in a U.S. school, regardless of the time they spent in a home education program.

Identification and initial assessment of English Language Learners

Refer to the document *Guidelines for the Identification and Assessment of Limited English Proficient Students*, which is available [here](#) on the ODE website.

Foreign exchange students

Identification as Limited English Proficient (LEP) – Guidance

It is not mandated that districts formally assess foreign exchange students as potential Limited English Proficient LEP students. The assumption is that students selected to participate in foreign-exchange programs in U.S. schools should have sufficient English skills to participate effectively in U.S. mainstream classes. Consequently, and in accordance with federal guidelines on serving foreign-exchange students under No Child Left Behind, districts are not required to assess and serve foreign-exchange students as LEP.

However, a district may choose to give an initial English language assessment to foreign-exchange students, especially if the students are struggling in their classes due to limited English proficiency. If the results of the initial English language assessment indicate that a student does in fact have limited English proficiency to the extent in which they are not able to participate effectively in

mainstream classes, then the district can identify the student as LEP and provide appropriate English language support.

The decision to assess and identify foreign exchange students as LEP should be made for the best interest of the student, and not based merely on accountability consequences. Students who are identified and served as LEP by the district through this process are allowed the appropriate LEP accommodations on the OAA/OGT. Also, foreign exchange students identified as LEP are required to take the Ohio Test of English Language Acquisition (OTELA) .

On the other hand, if a district chooses not to assess or serve foreign-exchange students as LEP, the foreign-exchange student taking the OGT is not allowed any accommodation (dictionary, extended time, use of a foreign-language CD or English audio CD, or a translator using a translation language script or a test administrator reading the test aloud).

Testing and Accountability

Based on numerous inquiries about the administration of the Ohio Graduation Tests (OGT) to foreign exchange students, the Office of Assessment provides the following information to clarify how these students are to be considered in the accountability system:

- All foreign exchange students are required to take all OGT sections if they are in grades 10, 11 or 12 and previously have not passed all the tests. There is one exception to this rule. If a foreign exchange student is classified as limited English proficient (LEP), and if the student has been in a U.S. school for 180 or fewer days, state and federal rules allow the student to be exempted from taking the reading and writing sections of the test. This student is still required to take all other OGT sections (mathematics, science and social studies).
- Any 10th grade foreign exchange student enrolled in a U.S. school for fewer than 180 days will be included in the school's and district's Annual Yearly Progress participation rate calculation for the OGT mathematics and reading tests, unless the student is exempt from taking the reading test because of LEP status.
- A foreign exchange student in any grade will be excluded from his or her grade's accountability calculations for proficiency, as long as the student has been in a U.S. school for 180 days or less and does not plan to obtain an Ohio diploma.
- A foreign exchange student who has been in a U.S. school for 180 days or longer and a foreign exchange student who plans to graduate from an Ohio school will be included in the appropriate school- and district-level proficiency calculations based on the grade level of the student.

Please direct any questions to the Office of Assessment at (614) 466-0223.

Nonpublic school students

Refer to the documents *Private School Participation in Title III Programs* which are available on the U.S. Department of Education website. Click [here](#).

Preschool English Language Learners

Refer to the document *Guidelines for Addressing the Needs of Preschool English Language Learners*, which is available on the [About the Lau Resource Center page](#) at education.ohio.gov.

Promotion and transfer of English Language Learners

General district policy regarding the instruction and assessment of ELLs:

- All ELLs will be provided with an educationally sound English language support program to help them make progress in learning English.
- All ELLs will be given meaningful access to the district's academic program through appropriate instructional strategies/modifications based on the students' level of English proficiency.
- All ELLs will be given the opportunity to demonstrate what they know and can do in academic content areas through a variety of assessments designed with appropriate accommodations. Accommodations will take into consideration the students' level of English proficiency and the instructional strategies used to help give them meaningful access to the academic content.

Note: For resources on instructional and assessment strategies for English Language Learners, refer to the documents [Strategies for Diverse Learners](#) and [Strategies for Diverse Learners – Focus on English Language Learners](#), which are available on the [Revised Academic Content Standards and Model Curriculum Development page](#) under Model Curriculum Resources.

ELLs and grade promotion

- Assuming that all ELLs have been provided the instructional and assessment support indicated above, those ELLs who have met their district's and the state's grade-level standards will be promoted to the subsequent grade.
- Decisions regarding the promotion of ELLs will not be based solely on the students' level of English proficiency.

ELLs and grade transfer

- Assuming that all ELLs have been provided the instructional and assessment support indicated above, those ELLs who have not met the district's and state's grade-level standards **may** be transferred to the subsequent grade.
- Decisions regarding the transfer of ELL students to the subsequent grade will be in accordance with the district's grade-transfer policy for all students.
- Decisions regarding the transfer of ELLs to the subsequent grade will not be based solely on the students' levels of English proficiency.

The following is the policy of one school district's grade transfer policy: *Students who have not met the requirements for promotion and would not benefit from retention are transferred to the next grade. The parent/guardian will sign a form indicating that he or she was notified of the transfer. The form must be filed in the child's cumulative folder. Both the cumulative folder and the student's report card indicate that the child was transferred, and not promoted, to the next grade. The cumulative folder should indicate a "T".*

Teacher-Student Ratio in Programs Serving ELLs

There is no legally prescribed teacher-student ratio for English Language Learners (ELL) students in Ohio. Districts determine the level of language support service based on the needs of ELL students and use state and federal guidelines to meet the educational needs of the students. Guidance from the Lau Resource Center concerning this matter is similar to that provided by the U. S. Office for Civil Rights regarding programs and staff that serve ELLs. That is, districts must develop and implement a language instruction educational program which, in the view of experts in the field, has a reasonable chance for success, and they must ensure that necessary staff, curricular materials and facilities are in place and used properly.

So, even though districts have flexibility in ELL program design and the number of staff implementing the program, the district must be able to give evidence that: the program is based on sound theory and good practice; staff are qualified to implement the program; students have access to meaningful educational

experiences while in the program; and students are making adequate progress in learning English and achieving Ohio's content standards.

Qualification requirements for teachers providing language support programs for English Language Learners

School districts must ensure that teachers have the qualifications necessary to implement the alternative program chosen to assist its English Language Learners (ELL). As evidence of these qualifications, the state of Ohio has established standards for teachers with teaching certification to obtain endorsements in the areas of Teaching English to Speakers of Other Languages (TESOL) and Bilingual Education. Also, the state of Ohio has established standards for obtaining a multi-age license in the teaching fields of TESOL and Bilingual Education. The endorsements and licenses are given following completion of coursework from a university or college with an approved training program.

If the district does not have, or cannot find, a teacher with the credentials indicated above, then the district can use a person with a supplemental teaching license for TESOL or Bilingual Education. A person can obtain a supplemental teaching license if he or she holds a standard teaching license in some other area, has completed at least six semester hours of TESOL or Bilingual Education coursework and is hired by a school district to teach TESOL or Bilingual Education. The supplemental license is valid for one year and in order to renew it for a second year, the person needs to pass the Praxis II subject assessment for TESOL and complete an additional six semester hours of TESOL coursework. A person can teach under a supplemental teaching license for a maximum of three years while they are working towards full licensure in the area.

The Ohio Board of Regents' (OBRs') website contains several relevant documents. To view the Ohio Educator Licensure Program Standards for TESOL Endorsement, click [here](#), and for the Ohio Educator Licensure Program Standards for Bilingual Education Endorsement, click [here](#).

Also on the OBR website, you may view the current list of Ohio universities and colleges with approved TESOL endorsement programs [here](#). To view the current list of Ohio universities and colleges with approved Bilingual Education programs, click [here](#).

Ohio Department of Education (ODE) Contact Guide by Topics

A comprehensive guide to ODE staff contacts, organized by topic, is available on the ODE website. The guide is designed to make inquiries on a wide range of topics easier and will be updated regularly. To access the *Contact Guide for External Users* click [here](#).