



CESA 2 Information Brief

ELL Legal Reminders for Administrators

The State of Wisconsin defines a student with limited-English proficiency as a pupil “who has difficulty with reading, writing, speaking or comprehending in English within the academic classroom setting.” PI 13.03

- Title III ELL **funding aid** will be allocated **ONLY** for those students assessed for English Language Proficiency (ELP) with the ACCESS test.
- **Native American** students **should be assessed** for ELP **if another language is spoken** in the home (as indicated on the Home Language Survey), or if there is evidence of below proficient performance in reading/language arts.
- A **Home Language Survey** must be completed for ALL students enrolled in a public school.
- **“Plan of Services” (PI-1849)** must be prepared and submitted to DPI for ELL students if any school in the district meets the following “trigger” numbers:
 - 10 students at grades K-3 speaking the same non-English language
 - 20 students at grades 4-8 speaking the same non-English language
 - 20 students at grades 9-12 speaking the same non-English language
 - Districts may combine student numbers across different schools to meet the minimum threshold for state-assistance – but this is not an obligation. Districts who meet the trigger numbers must provide:
 - Licensed bilingual teachers – or ESL teachers with bilingual aides when bilingual teachers are not available
- Administer the English Language Proficiency test (ACCESS) annually to all language minority students
- Create and maintain an Individual Record Plan (IRP) for ELL students that documents the individual plan of service and assessment data – that outlines clear long-range strategies
- Making sure that no ELL student spends all or a large part of the day in a self-contained classroom with unlicensed staff
- Not retaining any ELL students based solely on their English proficiency
- Maintain ELL support services until students have progressed beyond Level 5
- Translate documents for parents and provide interpreters at conferences and meetings

Federal Laws

1964 – Civil Rights Act, Title VI

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

1974 – Equal Educational Opportunities Act (EEOA)

“No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex or *national origin*, by . . . the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.”

Districts who do **NOT meet the trigger numbers comply by ...**

- Completing a Home Language Survey upon enrollment

DPI’s “*Legal Responsibilities When Serving Limited-English Proficient (LEP) Students in K-12 Schools*, Bulletin No. 3 or go to

<http://www.dpi.state.wi.us/ell/doc/legalrsp.doc>