



Deborah A. Gist  
Commissioner

# Rhode Island

## Regulations Governing the Education of English Language Learners

Authorized by R.I.G.L. 16-54-2

**State of Rhode Island and Providence Plantations**  
**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  
255 Westminster Street  
Providence, Rhode Island 02903-3400

## INTRODUCTION

These amended rules and regulations, which are authorized by R.I.G.L.16-54-2, are promulgated in accordance with the obligation of the Rhode Island Board of Regents for Elementary Education to promulgate rules and regulations to govern educational programs for English Language Learners enrolled in the public schools of Rhode Island.

Pursuant to the provisions of R.I.G.L.42-35-3(c), consideration was given to: (1) alternative approaches to these regulations (2) duplication or overlap with other state regulations, and (3) significant economic impact placed on small business as defined in R.I.G.L.42-35-1, *et seq*, as a result of these regulations. No alternative approach, overlap, or duplication nor any significant economic impact was identified. These amended regulations are intended to govern educational placements, evaluations, and curriculum coordination for English Language Learners enrolled in the public schools of Rhode Island. Because these regulations deal with professional practice standards and curriculum coordination, they are not expected to occasion additional costs for school districts. These regulations do not exceed service levels required by Federal law.

These *Regulations Governing the Education of English Language Learners* (L-4-1, *et seq.*) shall supersede the Board's previous regulations entitled *Limited English Proficiency (LEP) Regulations, Chapter 16-54*, as adopted by the Rhode Island Board of Regents for Elementary and Secondary Education on September 14, 2000. These superseded regulations, with their provisions stricken, are attached to this document as Attachment 1.

## SHORT EXPLANATION OF WHY THESE REGULATORY CHANGES ARE NECESSARY

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

RHODE ISLAND BOARD OF REGENTS  
FOR ELEMENTARY & SECONDARY EDUCATION

REGULATIONS GOVERNING THE EDUCATION OF ENGLISH LANGUAGE LEARNERS

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**L-4-1. Authority, scope, and purpose.** — These regulations implement [R.I.G.L. 16-54-1, et seq.](#) and are intended to support compliance with Title VI of the Civil Rights Act of 1964 ([42 U.S.C. 2000d et seq.](#)) and the Equal Education Opportunities Act of 1974 See: [20 U.S.C. 1703 \(f\)](#). More particularly, these regulations are intended to:

1. Ensure that English Language Learners (ELLs) attain a level of proficiency in English and content knowledge that will permit them to (1) succeed in their school’s general-education program, (2) meet state graduation-by-proficiency requirements, (3) be prepared for post-secondary education and work, and (4) become an essential asset to Rhode Island’s economic and social well-being.
2. Require that English Language Learners be instructed, and their English language skills be annually assessed, in accordance with the [English Language Proficiency Standards \(ELPs\)](#) of the [World-Class Instructional Design and Assessment \(WIDA\) Consortium](#). The WIDA standards are hereby adopted by the Board of Regents as Rhode Island’s ELL proficiency standards. These standards also are intended to comply with Rhode Island’s obligation under the No Child Left Behind Act to, “establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of ... challenging State academic content and student academic achievement standards...” See: [20 U.S.C. 6823](#). WIDA is a consortium of states, including Rhode Island, that has developed English Language Proficiency Standards for English Language Learners.
3. Ensure that English Language Learners meet Rhode Island’s [Grade Level Expectations \(GLEs\)](#) and [Grade Span Expectations \(GSEs\)](#) in all subject areas.
4. Ensure that English Language Learners have access to a free, appropriate, public education equal to the education provided to all other students. This goal is to be reached by ensuring

that programs for English Language Learners are (1) based on sound educational theory; (2) appropriately supported, with adequate and effective staff and resources, so that the program may reasonably be expected to be successful; and (3) periodically evaluated and, if necessary, revised.

5. Facilitate the preservation and development of the existing native language skills of English Language Learners.
6. Help ensure English language proficiency in Rhode Island.

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

*PARENTS AND STUDENTS*

1. **ENGLISH LANGUAGE LEARNER** — an English Language Learner is a student (1) whose first language is not English or who speak a variety of English, as used in a foreign country or U.S. possession, that is so distinct that ELL instruction is necessary, (2) who is now learning English, but (3) who has not yet attained enough proficiency in English to allow him or her to fully profit from content area instruction conducted only in English.
2. **PARENT** — for purposes of these regulations the term PARENT includes the guardian of a child, anyone acting as a parent of a child, and anyone having control over a child, as defined in the compulsory-attendance laws of this state.

*ADMINISTRATIVE TERMS*

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

*PERSONNEL*

8. **ADMINISTRATOR OF PROGRAMS FOR ENGLISH LANGUAGE LEARNERS** – an individual certified as a principal or district-level administrator who is responsible for the district’s English Language Learner program. In a high-incidence district, the ELL Administrator must have (1) experience in teaching English Language Learners and (2) an English as a Second Language teaching (ESL) certificate or a bilingual endorsement on another teaching certificate. In low-incidence districts, an ELL program administrator who does not have English Language Learner teaching experience, or an ESL certificate or endorsement,

must have demonstrated professional development in the education of English Language Learners, as documented in an I-Plan.

9. **ASSESSOR** – a person who has been WIDA certified to administer prescribed ELL assessment tools and who is qualified to evaluate the results of these assessments. This person must have knowledge concerning the ways English Language Learners acquire English as a second language.
10. **ELL COORDINATOR** – an administrator or a teacher designated by a school district to coordinate the day-to-day operations of the school’s English Language Learner program. The ELL Coordinator must have English Language Learner teaching experience and an ESL or bilingual endorsement. The workday of a teacher or administrator who also serves as an ELL Coordinator must include enough time dedicated to coordinator duties to ensure that these duties are adequately carried out..
11. **ELL TEACHER** — an elementary or secondary teacher who holds (1) a Rhode Island certificate for the level and subject in which he or she teaches, and a Rhode Island endorsement as an ESL teacher or Bilingual teacher or Content Area teacher of ELLs or (2) the Rhode Island ESL certificate.
12. **ELL TEACHER ASSISTANT** – a teaching assistant who works under the supervision of an ELL teacher and an ELL Coordinator or Administrator. ELL teacher assistants must demonstrate proficiency in English on the state paraprofessional test as well as proficiency in at least one of the predominant languages of the district’s ELL student population. Demonstrated training in culturally responsive education practices may be substituted for proficiency in at least one of the predominant languages of the ELL student population.
13. **GUIDANCE COUNSELOR FOR ENGLISH LANGUAGE LEARNERS** – a person who has a Rhode Island guidance counselor certificate who, in addition, is (1) proficient in at least one of the predominant language(s) of the school district’s ELL student population or (2) who has received training in second-language acquisition and cultural competency.
14. **SCHOOL & COMMUNITY LIAISON** – a person who (1) facilitates communication with, and provides information to, the parents or families of a school district’s ELL student population and who (2) encourages involvement between the school and parents and among agencies, churches, and community groups. This liaison must have knowledge of the culture(s) of the school district’s ELL student population or have received cultural-competency training to enable him or her to carry out the duties of a school & community liaison.
15. **CULTURAL COMPETENCE** – ability of individuals and organizations to understand, communicate, operate, and provide effective services to people who differ from them culturally and linguistically.
16. **ENGLISH LANGUAGE INSTRUCTIONAL PROGRAM** –any program for English Language Learners employing one of the methods of instruction listed below.

*METHODS OF INSTRUCTION AND ASSESSMENT*

17. **BILINGUAL EDUCATION**— a method of instruction that provides literacy and content-area instruction in a student’s native language and English as a Second Language instruction at all proficiency levels. Bilingual-education teachers must meet state certification requirements, be highly qualified in their content area, and demonstrate proficiency in both English and the other language used in instruction.

18. **COLLABORATIVE ESL INSTRUCTION** — a method of instruction that provides English Language Learners with ESL instruction taught by a certified and/or endorsed ESL teacher and content instruction provided through the school’s general-education program. The certified and/or endorsed ESL teacher works in close collaboration with the general-education teachers in delivering content instruction for ELLs.
19. **ENGLISH AS A SECOND LANGUAGE** — a method of instruction that develops an English Language Learner’s social, instructional, and academic proficiency in English in order to prepare the English Language Learner to succeed in the school’s general education program. ELL program objectives and curriculum for English Language Learners in grades K-12 must be aligned with WIDA standards, language domains, proficiency levels, and performance indicators. The core curriculum is to include English-language instruction in listening, speaking, reading, and writing that incorporates content knowledge and concepts aligned to Rhode Island’s GLEs and GSEs. Teachers must meet Rhode Island certification and/or endorsement requirements for ESL instruction.
20. **NEWCOMER INSTRUCTION** — a program of instruction designed to educate students who have recently immigrated to the United States who have had little or no formal schooling. Newcomer Instruction provides a special academic environment that addresses gaps in the newcomer’s schooling through intensive instruction in English literacy, numeracy, and participation in sheltered content instruction. Teachers must meet state certification requirements in ESL and/or content-area instruction for English Language Learners and be highly qualified, as defined by the Rhode Island Department of Education.
21. **SHELTERED CONTENT INSTRUCTION** — a method of instruction that provides a comprehensive set of grade-level core academic courses aligned with the WIDA ELP standards and Rhode Island’s GLEs and GSEs. These classes make their content comprehensible to English Language Learners through scaffolded and differentiated instruction in English and they help English Language Learners to become competent in the use of academic English in all language domains. Teachers must (1) meet appropriate state-certification requirements, (2) be highly qualified in their content area as defined by RIDE, and (3) participate in specialized training in ESL methods and techniques.
22. **TWO-WAY/DUAL LANGUAGE** — a method of instruction that promotes a student’s full proficiency in all aspects of English and another language. These programs educate English Language Learners using both English and a target language for academic instruction, usually dividing the day or week by language of instruction. Two-way bilingual programs teach students who are learning English alongside students who are native English-speakers who are learning the target language. Teachers must meet appropriate state certification requirements and be highly qualified as defined by RIDE in their content area.
23. **WIDA-ACCESS PLACEMENT TEST (W-APT)** — an initial screening instrument developed by the WIDA Consortium to measure a student’s ability to understand, speak, and read English at a level appropriate to the student’s age and grade placement.
24. **ACCESS (ELP ASSESSMENT)** — ACCESS for ELLs stands for ASSESSING COMPREHENSION AND COMMUNICATIONS IN ENGLISH STATE-TO-STATE FOR ENGLISH LANGUAGE LEARNERS. This WIDA-developed assessment instrument is administered annually and measures the social and academic English language proficiency of English Language Learners in four domains: speaking, listening, reading, and writing.
25. **HOME OR NATIVE LANGUAGE** — the language or languages that a child first learns or uses in the home and/or for daily communication, as recorded on file in the student’s permanent-

record file.

26. **HOME LANGUAGE SURVEY** — a survey instrument created by RIDE used to identify ENGLISH LANGUAGE LEARNERS.

**L-4-3. Language Identification.** — (a) A district shall determine the home/native language(s) of all public-school children when these children are registered into the district. This determination shall be made through the Home Language Survey developed by RIDE.

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

(c) Data from the Home Language Survey shall be filed in the student's permanent record.

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

**L-4-4. Initial Assessment for Program Placement** — The WIDA-ACCESS Placement Test or screener shall be used to measure the student's ability to understand, speak, and read English at a level appropriate to the student's age and grade placement. Tests and screeners must be administered by qualified assessors. For purposes of these regulations, the following levels of English proficiency shall be recognized:

- 1 - Entering
- 2 - Beginning
- 3 - Developing
- 4 - Expanding
- 5 - Bridging
- 6 - Reaching

To assist in program decisions, any student scoring at the Developing, Expanding, or Bridging Level shall be given an additional English reading assessment. When possible, a reading assessment in the first language of the student will be given to all ELLs regardless of English Proficiency level. All available test data from the student's previous schools shall be used in the placement process.

**L-4-5. Program standards.** — ELL programs shall:

1. Meet the linguistic and academic needs of the English Language Learners as indicated by the identification and assessment process.
2. Ensure that all English Language Learners attain proficiency in speaking, listening to, reading, and writing English at a level sufficient to enable them to succeed in the school's general academic program.

3. Be aligned with (1) Rhode Island's English-language proficiency standards, (2) Rhode Island's GRADE LEVEL EXPECTATIONS and GRADE SPAN EXPECTATIONS, and (3) content area standards not addressed by Rhode Island Grade Level Expectations and Grade Span Expectations (National Education Technology Standards [www.CNET.ISTE.org/students/s\\_stands.html](http://www.CNET.ISTE.org/students/s_stands.html); Fine Arts Standards of the RI Arts Learning Network [www.riartslearning.net/proficiency/](http://www.riartslearning.net/proficiency/); National Standards for History Basic Edition, 1996 <http://nchs.ucla.edu/standards/>; National Council for the Social Studies - NCSS Standards [www.ncss.org/standards/](http://www.ncss.org/standards/)).
4. Provide clear pathways for each student to meet the Rhode Island Graduation-by - Proficiency Requirements.
5. Use research-based instructional practices recognized as sound by experts in the education of English Language Learners at the elementary, middle, and high-school levels.
6. Provide opportunities for achievement in all content-area classes or courses through specialized language instruction for English Language Learners until the student has reached a level of English-language proficiency permitting him or her to succeed in the school district's general academic program.
7. Ensure equitable access to all services, and materials that are provided to all other students.
8. Include sufficient personnel and resources to effectively implement the program.
9. Provide for the maintenance, analysis and use of data concerning student academic progress to help close all gaps in English Language Learner achievement levels.
10. Ensure that specialized language instruction for English Language Learners is provided by appropriately certified and endorsed teachers who are highly qualified and who are provided with regular, sustained, high-quality, job-embedded professional development.
11. Be designed by local school-district administrators in consultation with (1) certified or endorsed ESL teachers, (2) endorsed bilingual-education teachers, (3) parents of English Language Learners, (4) ELL students, and (5) building administrators.
12. Be distributed in the school district's facilities in such a way that English Language Learners are not inappropriately clustered away from students in the school's regular education programs or assigned to only a restricted range of schools, when other school-housing options are available to provide quality services based on students' educational needs and scientifically research based instructional models. Cooperative service agreements between districts shall not operate in a way that abridges this principle.

**L-4-6. Student Placement Standards.** — (a) Whenever an identified English Language Learner is placed in an ELL instructional program, the ELL Administrator and/or the Coordinator shall review all the student's identification and assessment data. This data shall include:

1. the student's English-proficiency level
2. the student's literacy level in her or his native language or languages
3. number of years the student has attended school
4. continuity of the student's schooling
5. student retention-information
6. information on whether the student is receiving special education, whether the student may be in need of special education, or whether the student has a disability that affects

his or her academic performance or limits his or her access to school facilities.

(b) A student's instructional placement must address his or her academic needs. To meet these needs:

1. An English Language Learner shall be classified in accordance with these regulations and shall be placed in the appropriate grade for his or her age, except when the learner's educational background indicates a need for an alternative placement as a result of limited formal schooling.
2. The student shall not be placed more than one grade level below that appropriate to his or her age except as provided for in L-4-5 (1), above.
3. At the secondary level, districts must review the English Language Learner's previous educational records to ensure that the student receives appropriate credit for prior course-work.
4. The placement decision shall respect the right of an English Language Learner to participate in other programs and services for which he or she is eligible or entitled to (e.g., special education, targeted interventions, gifted programs) so as to ensure that the student's educational needs are met on a basis equal to that provided to other students.
5. All English Language Learners shall receive an assessment of their home/native language literacy when valid evaluation instruments are available.
6. Placement of English Language Learners in a specialized instructional program for English Language Learners shall be made within twenty (20) school days of the completion of the Home Language Survey. See also: Section L-4-3 (d) [English Language Learners entitled to immediate tentative placement.]
7. All student assessment and placement data, including questions of exceptionality, shall be sent to the appropriate district administrator. These data shall be recorded in the student's permanent record.
8. The district shall provide a student's parents with a complete description of the student's placement and the reasons for that placement referral. This notice shall be in English and in the home/native language of the parents unless it can be demonstrated to RIDE that this requirement would place an unreasonable burden on the school district. When possible, RIDE shall provide sample notification letters for use by low-incidence districts.
9. Parents shall be informed of the date of their child's placement and of their right to approve or waive the proposed placement. If the parents choose to waive the child's ELL program placement, the district is responsible for assessing the English Language Proficiency of the student on the annual ELP assessment as well as for conducting a six month monitoring of the student's academic progress without benefit of ELL services. Parents must be notified of the results of both the ELP assessment and monitoring so that the placement decision might be reviewed.

**L-4-7. Time requirements.** — ENTERING AND BEGINNING-LEVEL ENGLISH LANGUAGE LEARNERS must receive a minimum of 3 periods (or the equivalent) of ESL instruction a day. DEVELOPING ENGLISH LANGUAGE LEARNERS must receive a minimum of 2 periods (or the equivalent) of ESL instruction a day. EXPANDING AND BRIDGING ENGLISH LANGUAGE LEARNERS must receive a

minimum of 1 period (or the equivalent) of ESL instruction a day. This ELL instruction must (1) develop the English Language Learner's ability to understand, speak, read, and write academic English, (2) be aligned with WIDA standards, and (3) incorporate content knowledge and concepts aligned to Rhode Island's GLEs and GSEs. The ELL instructional period shall have the same length as the school's general content-area periods.

**L-4-8. Class size.** (a) Class size shall be kept at a student-to-teacher ratio that permits effective instruction as defined in these regulations in section L-4-5. It is the responsibility of the public agency to assess the needs of English language learners, assign personnel in accordance with those needs, and evaluate the delivery of services to determine whether the agency's program conforms to the requirements of these regulations.

(b) Every public agency shall provide RIDE with the agency's policy to determine the number and types of personnel required under this section, and a description of the public process the agency used to develop its policy. Every public agency shall report annually to RIDE the agency's plan, pursuant to said policy, to comply with this regulation, including the number of full-time equivalent positions of staff it uses to meet the needs of English language learners.

(c) The Commissioner of Education may establish a class size maximum and/or staffing ratios for any group(s) of personnel, class, school, or district, if the commissioner determines that:

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

**L-4-9. Coordination with other requirements.** — (a) All programs in districts receiving Title III funds are expected to meet the state's [Annual Measurable Achievement Objectives](http://www.ride.ri.gov/assessment/accountability.aspx) (AMAO) (<http://www.ride.ri.gov/assessment/accountability.aspx>) as required by Title III of the No Child Left Behind Act. After districts receive notification of their AMAO status, those districts that have failed to meet their AMAOs must prepare a revised improvement plan and inform parents of the district's status within 30 days.

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

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

1. English as a Second Language
2. Sheltered Content Instruction
3. Collaborative ESL & General Education

4. Bilingual Education
5. Two-Way/Dual Language
6. Newcomer Program

**L-4-11. Personnel — administrators.** — (a) A school district with an English Language Learner program shall designate an administrator to be responsible for this program. An administrator in a low-incidence district who does not have an English as a Second Language teaching certificate or an English as a Second Language endorsement must appoint an ELL Coordinator, who must have at least one of these credentials. High-incidence school districts must appoint a full-time ELL Administrator whose primary responsibility is the development and management of the district's ELL program. Low-incidence districts that utilize an ELL Administrator on a less than full-time basis must also appoint an ELL Coordinator. When districts enter into a Cooperative Service Agreement under R.I.G.L.16-3.1-1 to provide ELL services, the agreement should be formulated with input from RIDE to ensure that ELLs receive quality services. The Commissioner shall determine through the Cooperative Service Agreement approval process whether the Agreement is so comprehensive that appointment of an ELL Administrator is required.

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

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

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

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

1. Research-based instructional methods and assessment practices for ELLs and ELLs with disabilities
2. Second-language acquisition
3. Culturally Responsive Education Practices.
4. Family and Community involvement strategies
5. Language minority issues in education

(b) During their first year of employment, all district staff who work with English Language Learners shall be trained in ELL program requirements as well as in district practices and procedures for English Language Learners.

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

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

**L-4-14. Annual assessment of student progress.** — All English Language Learners shall be evaluated at least once a year through the state's English-language proficiency test, ACCESS for English Language Learners. When a student fails to progress appropriately within the ELL program, other assessment procedures shall be used to determine the reason for the lack of progress. Appropriate instructional interventions shall be provided. An English Language Learner shall not be retained solely on the basis of his or her English-language proficiency status. ELL students shall participate in the State Assessment Program in accordance with state assessment policies, and their progress shall be reported as required by [RIGL 16-7.1-13](#)

**L-4-15. Participation in general education.** — An English Language Learner shall be eligible to participate without ESL support in any content area when there is documented evidence of the student's ability in English to be successful. Parents must be informed of any change in the English Language Learner's program or service. Written notification concerning any significant change in a student's program or services must be sent to the parent with a simple description of the rationale for the program or service change and must include information about the student's new program or service. A record of this notification shall be maintained by the district in the student's permanent record. Notification to parents shall be in English and the home/native language of the parents, unless it can be demonstrated to RIDE that this requirement would place an unreasonable burden on the district.

**L-4-16. Exit.** — (a) A student shall be eligible to exit from an ELL program when she or he has met all state-defined required exit criteria as described in the [English Language Instructional Program Exit Criteria document](#).

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

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

**L-4-17. Monitoring student performance.** — (a) The performance of all exited students shall be monitored for a minimum of two years to determine whether they are succeeding in the school's general-education program. The district shall continuously evaluate and document a student's progress, through review of the student's most recent report cards, parental feedback, teacher

evaluations, and the student's recorded performance level on state and local assessments. Monitored students shall be appropriately identified during the state assessment process.

(b) When an exited student fails to progress in her or his current general-education placement, the district shall implement appropriate procedures or assessments in order to determine whether additional interventions or other supports are needed, including the provision of further ELL instruction.

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

**L-4-19. Responsibilities of school districts.** — Each district with ELL students must write an annual action plan to ensure that all ELLs meet the AMAOs to be included in the District Strategic Plan. The action plan must include the program-design components, outcomes, staffing, professional development, parent-engagement initiatives, and steps to close gaps in ELL performance on state assessments. The action plan must be revised if the district failed to meet its AMAOs.

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

**CRITERIA FOR PARENT INVOLVEMENT**  
[R.I.G.L.16-54-3(6)]

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

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

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

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

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

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

(f) Parents shall be informed of their right to decline to have their child participate in English Language Learner programs and to remove their child from English Language Learner programs. [\(20 U.S.C. 7012 \(a\)\(7\)\)](#) Parents will also be informed that even though ELL program services are waived, the student will still be considered to be an English Language Learner who must be assessed on the state's annual English Language Proficiency assessment. If a family does not participate in the identification, assessment and placement process, the student shall not be penalized; additional outreach and attention shall be given to the family to educate them about the process and to encourage participation.

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

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

**L-4-25. Functions and responsibilities of advisory committees.** — The Committee shall advise the

LEA and individual schools in matters concerning: the ELL programs currently offered, unmet needs of ELL students, the development and implementation of future plans, local compliance with state and federal laws and regulations, applications for state and federal funding; and evaluation of ELL programs. The school district shall provide information to the parents of ELL students about the advocacy roles of the District Liaison and the Advisory Committee when their children enter the school system.

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

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

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

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

1. Send the general timelines and criteria for monitoring to superintendents
2. Establish specific monitoring dates in cooperation with local administrators
3. Notify district superintendents of monitoring visitation dates and purposes
4. Conduct periodic monitoring visitations to ensure that each local district is performing according to the standards and procedures prescribed by law and by regulation governing ELL instruction
5. Monitor the quality of the programs or services including the rate of student English language and academic growth as indicated by statewide tests and graduation rates.
6. Ensure that all statewide assessment reports include data disaggregated by ELL status in accordance with R.I.G.L. 16-7.1-13. This disaggregation shall include separate statements of data describing students in the program and students that have been exited from program. Reporting of data will be in accordance with State ELL assessment policy
7. Notify district superintendents and appropriate administrators in writing of monitoring-visitiation findings
8. Provide technical assistance and support to schools and school districts to help them (1) comply with these regulations, (2) provide effective ELL services to students, and (3) reach their school improvement goals, specifically as these goals relate to ELL students and the ELL program.
9. If a RIDE monitoring visit demonstrates that a school district is not in compliance with these regulations, a corrective action plan shall be developed in concert with the district. Where appropriate, this corrective action plan may become part of a Negotiated Agreement with the district. Ride will monitor compliance with the corrective action plan for an agreed upon period of time. Nothing herein shall be construed to prevent the Commissioner from implementing other enforcement procedures.

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

1. Include in its annual action plan for ELL services the expected outcomes, which shall be in accordance with the program outcomes for all students as reflected in the state standards
2. Determine the process for program improvement, which shall be in accordance with closing the gaps for all students as required by [R.I.G.L. 16-7.1-1](#) and by federal laws applicable to the education of ELL students
3. Provide RIDE with an annual evaluation report which will include recommendations for improvement should the school district not achieve the expected outcomes. Upon implementation of these recommendations, if the school district still does not achieve the expected outcomes, RIDE shall provide technical assistance for program improvement or recommend the development of a corrective action plan.
4. Ensure that all schools with an ELL population participate fully in the Rhode Island School Accountability for Learning and Teaching (SALT) Program.
5. RIDE shall prepare an annual statewide evaluation report based on the evaluation reports submitted by the local school districts.

**L-4-30. Census.** — Information concerning students enrolled in English Language Learner programs shall be forwarded to the Rhode Island Department of Elementary and Secondary Education in a state-approved secure format. The identity of these students shall be treated as confidential in accordance with [R.I.G.L.16-71-1](#), [R.I.G.L. 38-2-1](#), and the Federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 CFR 300.560, et seq.

**L-4-31. Triennial review of regulations.** — The Commissioner of Education shall review these regulations every third year from the date of their promulgation. Through this review the Commissioner will determine whether these regulations are sufficient to support the provision of a free, appropriate, public education to all eligible ELL students. In making this review, the Commissioner shall consider advice from school administrators, the state and local ELL Advisory Committees, and the results of monitoring activities performed by RIDE staff. Recommendations for changes shall be made by the Commissioner to the Board of Regents.

## **References**

[US Office for Civil Rights English Language Learner Resources](#)

[Castañeda v. Pickard, 688 F. 2d 989, \(5th Cir. 1981\) ELL program requirements](#)

[Office of English Language Acquisition US Department of Education](#)

[National Clearing House for English Language Acquisition and Language Instruction Educational Programs](#)

[ELL Glossary](#)

[Office of Elementary and Secondary Education, Title I--Improving the Academic Achievement of the Disadvantaged; 34 CFR Part 200; Final regulations \[OESE\]](#)

The hyperlinks provided within this document are meant as additional resources only and are not to be incorporated into the regulations by reference or by other means. The Rhode Island Department of Education assumes no responsibility for the content or accuracy of the information contained in the hyperlinked web pages.