

MEMORANDUM

TO: County Superintendents

FROM: Steven L. Paine *slp*
State Superintendent of Schools

DATE: December 15, 2010

RE: Fidelity in Implementing Programs for Limited English Proficiency (LEP) Students

In the summer of 2010, the West Virginia Department of Education (WVDE) was contacted by an attorney from the United States Department of Justice (USDOJ), Civil Rights Division regarding complaints that had been received within their division. Specifically, the USDOJ had been contacted with concerns regarding the disproportionately small number of students identified in WVEIS as Limited English Proficient (LEP) when compared to the larger number of students identified in potential English Language Learner (ELL) student demographic categories in certain counties in West Virginia (WV), thus, suggesting the possibility of under identification of LEP students within the state. WVDE initiated an investigation of a sampling of districts in order to examine local protocols to ensure that all LEP students are identified in a timely and equitable manner and provided with appropriate English as a Second Language (ESL) services.

Public Law 107-110, the *No Child Left Behind* Act of 2001, specifies that Local Education Agencies (LEAs) are required to increase the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically-based research (Title III, Part A, Section 3115(c)(1)). Additionally, West Virginia Board of Education Policy *Programs of Study for Limited English Proficient Students* (2417) requires each county to "identify limited English proficiency students within 30 days of enrollment based on criteria established by the state" and provide "a scientifically research-based alternative language program" (§126-15-3.1 and 3.2).

In order to maintain compliance with both state and federal regulations, the West Virginia Department of Education is requesting that **all counties examine their current procedures and protocols for identifying and serving LEP students**. Of particular importance, districts are asked to thoroughly evaluate the effectiveness of the following procedures:

- District screening process to accurately identify all students with a home or native language other than English, including use of an integrated home language survey on the county's enrollment form, and provide an assessment to determine LEP status;
- District procedures to ensure proper coding of LEP students in WVEIS and the process for updating these data files;

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- District process for providing professional development regarding county identification and instructional services policies for all affected staff; and
- District process for ensuring that all LEP students are administered the WESTELL exam annually.

Resources and guidance documents for these requirements are available at <http://wvconnections.k12.wv.us>. In addition, Robert Crawford rcrawford@access.k12.wv.us and Mami Itamochi mitamochi@access.k12.wv.us from the Office of Title II, III and System Support are available to provide technical assistance upon request.

Thank you for your immediate attention to the issues identified in this correspondence and your continued commitment to provide quality educational services to all students.

SLP:RAC:dsr