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***Identifying and Assessing  
Limited English Proficient Students  
in North Dakota***

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**Bilingual and Language Acquisition Programs**

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## Identifying and Assessing Limited English Proficient Students in North Dakota

Students who lack English language proficiency succeed better in programs that specifically address their needs. Federal and State legislation require that school districts provide appropriate services. Part of a successful program is assessment. Both Title I and Title III of *No Child Left Behind* require two types of assessments for students with limited English proficiency (LEP). Students must be assessed in academic content and language proficiency. Schools who apply for Title I and/or Title III funds under *No Child Left Behind* must assure that they have a system in place to identify and assess LEP students.

- **States must include all LEP students in their academic content assessments in reading/language arts, mathematics, and science.**

Title I

*Each State plan shall demonstrate that the State education agency, in consultation with local educational agencies, has implemented a set of high-quality, yearly student academic assessments that.....provide for the inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph...(Section 1111(b)(3) No Child Left Behind Act of 2001).*

Title III

*Each plan submitted under subsection (a) shall (3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for –  
making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B). (Section 3116(a)(3) No Child Left Behind Act of 2001).*

- **Local Education agencies must annually assess their LEP students (K – 12) in English language proficiency.**

Title I

*Each State plan shall demonstrate that local education agencies in the State will, beginning not later than school year 2002-2003, provide for an annual assessment of English proficiency (measuring students' oral language, reading and writing skills in English) of all students with limited English proficiency in the schools served by the State Education Agency ... (Section 1111(b)(7) No Child Left Behind Act of 2001).*

Title III

*Each plan submitted under subsection (a) shall (3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for -  
annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1). (Section 3116(a)(3) No Child Left Behind Act of 2001).*

## **Who are “limited English proficient” students and how does a school district identify and assess them?**

Limited English proficient students are defined in section 9101 of Title IX of the “No Child Left Behind Act”. In North Dakota, the largest LEP population is Native American, with Hispanic migrant students and various other students of different ethnic and language backgrounds following in numbers. Students must come from a non-English language and cultural background, but the definition does not require that the students themselves be fluent in the home or background language. Students must be assessed by a formal assessment to be defined as LEP. Thus, there are two components in determining limited English proficiency:

- Students’ language and cultural background.
- Students’ skills in reading, writing, speaking, listening, and comprehending academic classroom English.

*The term “limited English proficient”, which is defined in section 9101 of Title IX when used with respect to an individual, means an individual –*

*who is aged 3 through 21;*

*who is enrolled or preparing to enroll in an elementary school or secondary school;*

- *who was not born in the United States or whose native language is a language other than English;*
- *who is a Native American or Alaska Native, or a native resident of the outlying areas; and 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*
- *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*
- *whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual –*
  - *the ability to meet the State’s proficient level of achievement on State assessments described in section 1111(b)(3);*
  - *the ability to successfully achieve in classrooms where the language of instruction is English; or*
  - *the opportunity to participate fully in society.*

*Title IX, Section 9109, No Child Left Behind Act, 2001*

## **What sort of system must school districts have in place to identify and assess LEP students?**

School districts must provide assurance that all LEP students are:

1. Included in the statewide achievement assessment system.
2. Identified and assessed for English language proficiency.
3. Provided appropriate instructional services based on assessment.

## **How are LEP students included in a statewide achievement assessment system?**

LEP students must participate in the statewide achievement assessment program as other students.

- Testing coordinators must identify the students as LEP on the test inside front cover sheets.
- LEP students have a right to accommodations according to level of English language proficiency. See guidance on testing and accommodations for LEP students in testing coordinators’ manual and on website.

### **What does a language proficiency assessment plan look like?**

School district language proficiency assessment plans must provide assurance that any student who is going to enroll or is currently enrolled in the school district:

- has been screened for limited English proficiency,
- has been assessed with a state approved language proficiency assessment if the student meets screening criteria,
- participates in the statewide academic achievement assessment program.

Along with the plan on file, schools must document and report on the language proficiency and academic achievement of identified LEP students.

- Academic achievement assessment reporting on LEP students is included with district reporting on all students.
- Language proficiency assessment reporting is submitted separately.

### **What should an LEP identification and assessment system look like?**

An LEP identification and assessment system is composed of several steps.

#### **1. Background Information**

School districts should have an initial screening system in place to identify students who come from non-English language and cultural backgrounds. The Office for Civil Rights (OCR) requires a “home language survey” <http://www.dpi.state.nd.us/bilingual/tech/survey.pdf> or a similar system that equitably screens all incoming students in a district. Many districts incorporate key questions into school district enrollment forms.

#### **2. Assessment Information**

Children who are identified from enrollment information and home language surveys as coming from environments where different languages and cultures have had an influence must be assessed. Assessment can immediately involve formal state language proficiency assessment or it can involve a pre-referral checklist process.

#### **3. Student Classification and Instructional Plan**

Language proficiency assessment provides school districts with information to classify students according to their level of English language proficiency. Instructional objectives and classroom accommodations must be based on students’ level of proficiency.

#### **4. Reclassification Plan**

Students’ instructional plans should focus on both academic achievement and English language proficiency. Language proficiency assessment must be conducted on an annual basis to determine progress. Students should be expected to make progress toward higher levels of language proficiency each year. Once students have met full academic English language proficiency, they must be reclassified as fully English proficient and language proficiency assessment is no longer necessary. Former LEP students continue to be assessed for academic achievement.

# LEP IDENTIFICATION AND ASSESSMENT PROCESS

## Step 1: Background Information

Enrollment information data is collected or home language survey is administered.

Child comes from non-English language or cultural background.

Child does NOT come from non-English language or cultural background.

## Step 2: Assessment Information

Child has very limited English language skills. Child is referred for formal language proficiency assessment.

Informal observation determines that child has some English language skills. Child is referred for checklist screening.

Child is assessed using state assessment guidelines and instructional plan developed, based on level of proficiency.

Screening determines that child should be referred for formal language assessment status.

Child is placed on screening status.

Screening determines that there is no need for formal language assessment.

## Step 3: Student Classification and Instructional Plan

Child is assessed for language proficiency annually until he or she meets state definition of "full English language proficiency".

## Step 4: Reclassification Plan

Student is reclassified as "former LEP" student and is no longer eligible for services or accommodations.

**What sort of pre-referral checklist should school districts use in determining whether a student should be referred for formal language proficiency assessment?**

School districts may use a monitoring process in assisting with the determination of limited English proficiency. When home language and/or enrollment information document a different language or cultural background, yet student exhibits adequate English language skills, school districts may use a variety of assessments currently in place to assist in providing evidence of limited English proficiency. Those students who show evidence of limited English proficiency must be referred for language proficiency assessment.

Pre-Referral Screening Checklist

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Does student use non-standard English in oral and written language?
<input type="checkbox"/>	<input type="checkbox"/>	Does student exhibit limited vocabulary?
<input type="checkbox"/>	<input type="checkbox"/>	Is student reading comprehension below grade level?
<input type="checkbox"/>	<input type="checkbox"/>	Are student test scores weak in language related areas?
<input type="checkbox"/>	<input type="checkbox"/>	Do alternative forms of assessment document struggles with language? (Writing samples, miscue analysis, running record)
<input type="checkbox"/>	<input type="checkbox"/>	Are grades in language related areas "C" or below?
<input type="checkbox"/>	<input type="checkbox"/>	Does student struggle in language-related areas on other district assessments?
<input type="checkbox"/>	<input type="checkbox"/>	Has student been referred for Title I services?
<input type="checkbox"/>	<input type="checkbox"/>	Has student been referred for special education services?

**What language proficiency assessment must school districts use to be in compliance with Title I and Title III?**

Currently, school districts must use a state approved process, including approved language proficiency tests, to assess language proficiency. Until spring of 2005, the following tests are the only language proficiency tests that can be used to identify students as LEP or ELL in North Dakota:

- Woodcock Munoz Language Survey by Riverside Publishing,
- Language Assessment Scales by CTB McGraw Hill, and
- IDEA Proficiency Test by Ballard and Tighe.

By spring of 2005, North Dakota will have a new standards-based language proficiency assessment that will replace the present tests.

**How are students reclassified to a higher level of English language proficiency?**

Students are reclassified from level to level in the following ways:

- Meet expected gains as demonstrated by the state approved language proficiency test.
- Team recommendation. (School LEP teams are composed of classroom teacher, ESL/bilingual resource teacher, and others who provide services, such as program director, teacher assistants, parents, etc.)

- Portfolio of classroom work including checklist of skills demonstrating competence in language areas. (State task force will develop portfolio criteria for levels.)
- Academic achievement data, if available.

Further information on assessment can be found in the document “Linguistically Diverse Students in North Dakota: School District Responsibilities and Services Available” located on the DPI website at <http://www.dpi.state.nd.us/bilingul/tech/require.pdf>.

### **How does a student become reclassified as fully English proficient?**

A student must meet the North Dakota definition of full English language proficiency to be reclassified as “English Language Proficient”.

#### North Dakota Definition of English Language Proficiency

##### I. General Proficiency

An LEP student (as defined above, according to Title IX of NCLB) can be considered to have proficiency when his/her abilities in speaking, reading, writing, or understanding the English language allow the student:

- 1) to meet North Dakota’s proficient level of achievement on State assessments; OR
- 2) to successfully achieve in classrooms where the language of instruction is English; OR
- 3) the opportunity to participate fully in society

##### II. Specific English Language Abilities/Level

The following criteria represent Level V (the proficient level) of the North Dakota levels of English Language Proficiency, as developed by the NDLEP Task Force (2001) and as used in the adaptations of the ND state content standards for LEP students. The other four levels are: I - Preliterate, II - Beginning, III - Intermediate, and IV - Transitional/Basic. The criteria identified below are sequenced throughout the five levels.

- The learner has age-appropriate mastery of basic, interpersonal communication skills in listening speaking, reading, and writing English.
- The learner has age-appropriate mastery of cognitive, academic language proficiency in listening, speaking, reading, and writing English.
- The learner functions at age-appropriate or grade level in academic skills in listening, speaking, reading, and writing English.
- The learner uses cognitive abstract language and participates in context-reduced activities (e.g., taking accurate notes from a lecture presentation) in English at age-appropriate or grade level.
- The learner communicates clearly in oral and in written English, using non-verbal clues, idiomatic expressions and extended discourse, according to the appropriate cultural and social situation and with the appropriate level of formality (register).

In sum, the proficient English language learner successfully uses age or grade-appropriate social and academic language, as well as social and cultural rules governing language-mediated communication.

### III. State Criteria for Meeting Specific English Language Abilities

School districts determine that students have met the above criteria by the following procedures:

- English Language Proficiency Test. Students must meet the cut score for proficiency on the state English language proficiency assessment.
- Performance-Based Assessment. Students must meet criteria for proficiency as determined by a portfolio of classroom work including a checklist demonstrating competence in language areas. (Portfolio criteria for full English language proficiency will be developed by state task force.)
- Achievement Assessment. Students must reach a level of “proficiency” in English language arts on the statewide achievement-testing program.
- Team recommendation. A school district team composed of the ESL/bilingual resource teacher, classroom teacher, and others who provide services, such as program director, teacher assistants, parents, etc., must review documentation of student’s development in English and recommend that he or she has met the criteria for proficiency.

**NORTH DAKOTA LEVELS OF ENGLISH LANGUAGE PROFICIENCY  
FOR LIMITED ENGLISH PROFICIENT STUDENTS**

(Levels apply to learners who come from an environment where a language other than English is dominant or has had a significant impact on the individual's level of English language proficiency.)

<u>Levels</u>	Methods for determining levels		
	Language Proficiency Test Score	Performance-Based Assessment Check List	Team Decision
<b>I A - Low Preliterate</b> Learner may have minimal understanding of a language other than English and does not have literacy skills in any language. Classroom curriculum would be impossible.			
<b>I B - Preliterate</b> Learner speaks a language other than English. Learner does not speak English and has no literacy skills in either language. Classroom curriculum would be impossible.			
<b>II A - Low Beginning</b> Learner has some literacy skills in a language other than English. Learner has a minimal amount of basic interpersonal communication skills and negligible reading, writing, speaking, listening, and comprehending skills in English. Classroom curriculum would be impossible.			
<b>II B - Mid Beginning</b> Learner has some basic interpersonal communication skills and developing academic skills in reading, writing, speaking, listening, and comprehending English. Grade level classroom curriculum would be nearly impossible to extremely difficult.			
<b>II C - High Beginning</b> Learner has some basic interpersonal communication skills in English and very limited reading, writing, and academic speaking and comprehending skills. Grade level classroom curriculum would be extremely difficult.			
<b>III A - Low Intermediate</b> Learner has basic interpersonal communication skills and limited reading, writing, and academic speaking and comprehending skills. Grade level classroom curriculum would be extremely difficult to slightly difficult.			

<p><b>III B - Mid Intermediate</b> Learner is proficient in basic interpersonal communication skills. Learner can read, write, and comprehend academic material at a lower grade level. Oral English vocabulary is limited in academic areas. Grade level classroom curriculum would be difficult.</p>			
<p><b>III C - High Intermediate</b> Learner is proficient to advanced in basic interpersonal communication skills. Learner is gaining grade level skills in reading, writing, and comprehending academic English materials. Academic oral vocabulary may be limited. Highly cognitive, abstract, and context-reduced language activities would be the most difficult. Idioms and culturally related language would be difficult. Grade level classroom curriculum would be difficult to challenging.</p>			

<p><b>IV A - Low Transitional</b> Learner has mastery of most basic interpersonal communication skills. Learner is near grade level in academic English skills in reading, writing, comprehending, and expressing the English language. Highly cognitive abstract language and context-reduced activities at grade level would be difficult. Idioms and culturally related language would be difficult. Grade level classroom curriculum would be challenging.</p>			
<p><b>IV B - Mid Transitional</b> Learner has mastery of basic interpersonal communication skills and is gaining proficiency in cognitive academic language skills in reading, writing, listening, and comprehending English. Learner is developing language learning strategies, meta-linguistic strategies, and abstract, context-reduced language. Learner is also gaining familiarity with many idioms and culturally related language patterns and phrases. Grade level classroom curriculum would be challenging to manageable.</p>			
<p><b>IV C - High Transitional</b> Learner has mastery of basic interpersonal communication skills and nearly all cognitive academic language skills in reading, writing, comprehending, and expression. Learner is becoming adept at language learning strategies, meta-linguistic strategies, and abstract, context-reduced language. Learner is developing familiarity with many idioms and culturally related language patterns and phrases. Classroom curriculum would be manageable.</p>			

**V - Proficient**

The learner has age-appropriate mastery of basic, interpersonal communication skills in listening speaking, reading, and writing English and age-appropriate mastery of cognitive, academic language proficiency in listening, speaking, reading, and writing English. The learner uses cognitive abstract language and participates in context-reduced activities (e.g., taking accurate notes from a lecture presentation) in English at age-appropriate or grade level. The learner communicates clearly in oral and in written English, using non-verbal clues, idiomatic expressions, and extended discourse, according to the appropriate cultural and social situation and with the appropriate level of formality (register). Learner would not be impeded from academic classroom curriculum by language demands.