

# Washington State Transitional Bilingual Instruction Program Guidelines



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State Superintendent of  
Public Instruction

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# **Washington State Transitional Bilingual Instruction Program Guidelines**

**Special Programs & Federal Accountability  
Office of Superintendent of Public Instruction  
Migrant & Bilingual Education**

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**Washington State  
Transitional Bilingual Instruction Program**

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## TRANSITIONAL BILINGUAL INSTRUCTION PROGRAM (TBIP) GUIDELINES

### THE GOAL OF THE TBIP

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The main goal of the State Transitional Bilingual Instruction Program (TBIP) is to develop English language proficiency while developing academics at grade level.

#### Mission Statement

*English Language Learners (ELLs) will meet state standards and develop English language proficiency in an environment where language and cultural assets are recognized as valuable resources to learning.*

**WAC 392-160-003 - Authority** The authority for this chapter is RCW [28A.180.060](#) that permits the Office of Superintendent of Public Instruction (OSPI) to promulgate rules for the implementation of a transitional bilingual instruction program.

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**WAC 392-160-004 - Purpose** The purpose of this chapter is to set forth policies and procedures for the implementation of a transitional bilingual instruction program.

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**WAC 392-160-005 – Definitions** As used in this chapter:

- (1) **"Transitional Bilingual Instruction Program"** means a system of instruction which:
  - (a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a student to achieve competency in English;
  - (b) Teaches concepts and knowledge in the primary language of a student, while the student also acquires English language skills.
  - (c) Tests students in the subject matter in English.
- (2) **"Primary language"** means the language most often used by a student (not necessarily by parents, guardians, or others) for communication in the student's place of residence
- (3) **"Eligible student"** means any student who meets the following two conditions:
  - (a) The primary language of the student must be other than English; and
  - (b) The student's English skills must be sufficiently lacking or absent as to delay learning.
- (4) **"Alternative instructional program"** means a program of instruction which may include English as a second language and is designed to enable the student to achieve competency in English.

## WAC 392-160-010 SCHOOL DISTRICT BOARD OF DIRECTORS DUTIES

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### 1. What are the School Board's duties/responsibilities to the TBIP?

#### A. WAC 392-160-010 - School board's duties:

1. Make available a TBIP or alternative program to eligible students.
2. Communicate with parents when feasible in a language they can understand, and
3. Provide professional development to administrators, teachers, counselors, and other staff.

#### B. WAC 392-160-015 - Adopt policies and procedures that govern:

1. Identification of potential ELLs
2. Provisions for placement and
3. Annual assessments.

#### C. WAC 392-160-027 - Approve the district TBIP or alternative program through a formal board action.

### 2. Are districts required to provide Transitional Bilingual Instruction Programs?

- WAC [392-160-010](#) requires that districts "shall make available to each eligible student a transitional bilingual instruction program, or if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program."

*\*Note: Districts are responsible for the basic education of English Language Learners. The bilingual instruction program is to be supplemental and should not supplant basic education.*

### 3. Under what conditions may districts select an Alternative Instructional Program (AIP)?

**WAC 392-160-040** - School districts under one or more of the following conditions may elect to provide an AIP:

- Necessary instructional materials in the student's primary language are unavailable and the district has made reasonable efforts to obtain necessary materials without success;
- The capacity of the district's TBIP is temporarily exceeded by an unexpected increase in the enrollment of eligible students;
- Bilingual instruction cannot be provided to students without substantially impairing their basic education program because of their distribution throughout many grade levels or schools, or both; or
- Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

### 4. Must districts provide evidence that they meet the conditions for providing an alternative program?

- **Yes.** Districts must be able to provide evidence in the TBIP iGrant application that they meet the conditions set forth by WAC 392-160-040 (1).

## WAC 392-160-015 Identification of Eligible Students

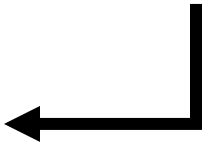

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1. **District Procedures** -- Identification of a student's primary language is required. Every school district board of directors shall adopt written procedures governing the identification of each student's primary language and the determination of which students with a primary language other than English are eligible students. Such procedures shall include:
  - a) A Home Language Survey (HLS) verified by the student's parent(s) or guardian(s) which identifies the primary language; an emancipated youth may complete the HLS.
  - b) Provisions for testing students for program eligibility.
2. **Determine the primary language and eligibility of each newly enrolled student no later than the tenth day of attendance.**
  - a. All students in grades 1-12 must be assessed within ten days of attendance. For entering kindergarten students, the Washington Language Proficiency Test-II (WLPT-II) placement test may be administered either after May 1<sup>st</sup> of the spring prior to enrollment, or within ten days of attendance.
  - b. Parent/guardian reserves the right to waive TBIP services.
3. **What is the process for identifying a student's primary language?**
  - a. Every student who registers with a school in Washington State must indicate whether their first language is English or a language other than English. Districts may opt to:
    - Add a question to the district's registration form with the question: What language did your child first learn to speak: English \_\_\_\_ Other \_\_\_\_; **or**
    - Use the state-created form that can be downloaded from the bilingual website at <http://www.k12.wa.us/MigrantBilingual/forms.aspx>
4. **What is the definition of "primary language"?**
  - a. While the WAC 392-160-005 identifies "primary language" as the language a student most often uses for communication in the home, ***the simplest definition is the language the child first learned to speak.***
5. **What if students come from homes where they have been exposed to two languages one of which is English?**
  - a. Many students come from homes in which they have been exposed to two languages. However, the pertinent question is **"the language the student first learned to speak"**.
  - b. **The information on the HLS is for initial identification purposes only;** student's English language skills will be measured by the placement test.

## Home Language Survey

A HLS is required for each student enrolled in a district and must be made available to parents/guardians in the home language whenever possible. The HLS shall contain the following questions included in the form below:

**Figure 1-1 Home Language Survey**

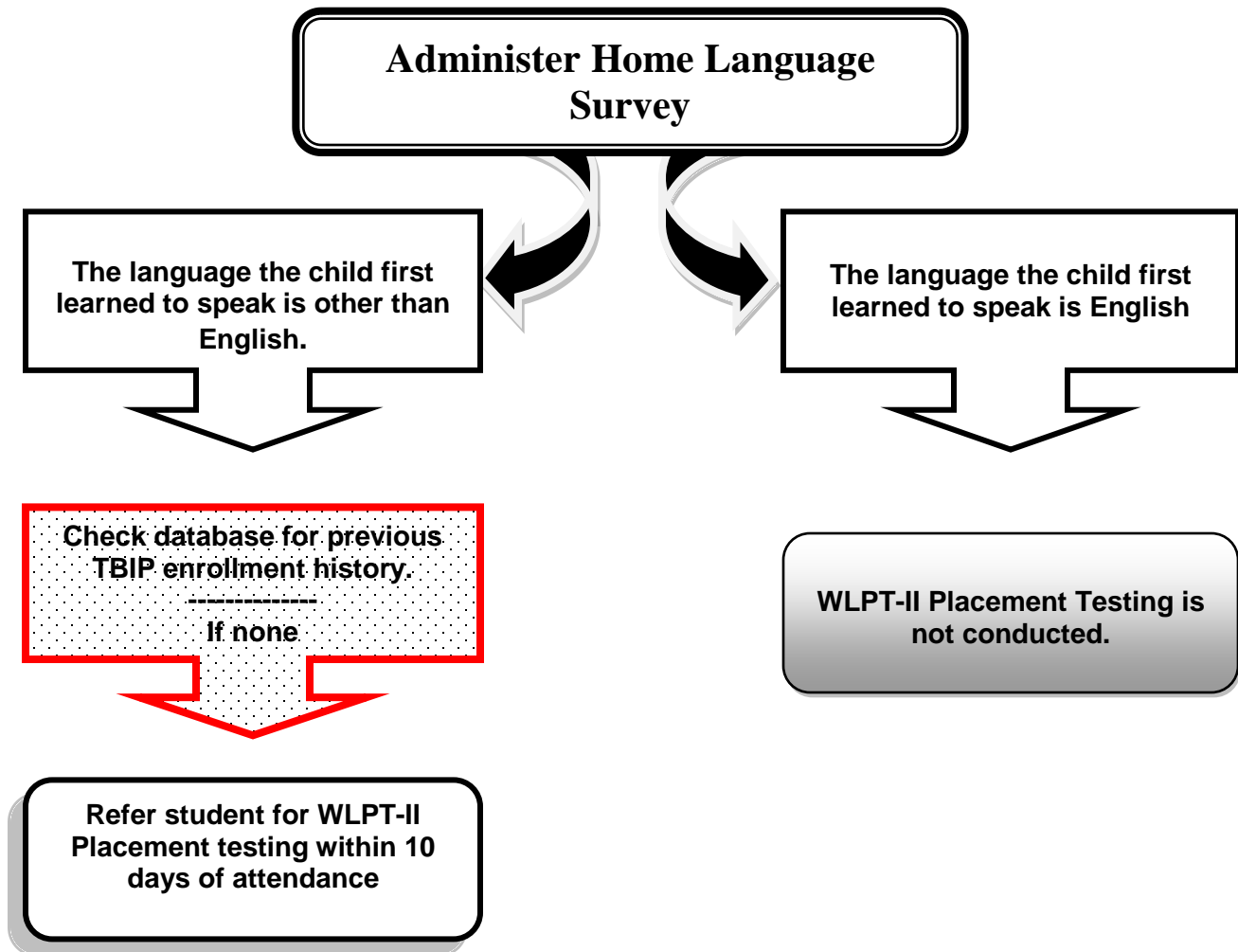
Transitional Bilingual Instruction Program Home Language Survey	
Student's Name	Date
School	Grade
SSID	Gender
1. Is a language other than English spoken in the home?	Yes _____ No _____
2. Language(s) most often used by :  Father _____  Mother _____  Guardian _____	If yes, complete question.  
3. Did your child <b>first</b> speak a language other than English?	Yes _____ No _____
4. What language did your child first speak?  _____	If yes, complete question.  

1. If the answer to question number three is "Yes," refer the student for testing on the WLPT II Placement Test (to be completed within 10 days of attendance).
2. If the answer to question number one is "Yes" and the answer to number three is "No", follow-up with parents/guardians to ensure that the questions were clearly understood.
3. If both questions were answered "No", student should not be referred for placement testing.

Note: For students transferring from districts within Washington State, always check the database to determine if the student has already been identified as an eligible ELL in another district in Washington State. [WWW.WABILINGUAL.ORG](http://WWW.WABILINGUAL.ORG)

**Figure 1.2: Step to Identification of Potential ELL**

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**1. Must districts use the HLS provided by the state?**

- School districts are not required to use the HLS or the Parent Notification Forms provided by the state, however, ALL information contained on the state provided form must be included in the form used by the school district.

**2. Is there a language requirement for communicating with ELLs parents?**

- Districts shall communicate, whenever feasible, with parents of students in the bilingual program, or alternative instruction program, in a language they can understand. (WAC 392-160-010).

## Student Eligibility

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### 1. How is a student's eligibility determined for the TBIP?

- Potential ELLs are assessed with the WLPT-II Placement Test within 10 days of attendance.
- Students scoring at the Beginning, Advanced Beginning, Intermediate, or Advanced Level are eligible for TBIP services.
- Students who score at the Transitional Level are not eligible for program services.

### 2. Once a student has been determined eligible for TBIP, is a parent/guardian consent required before services are provided?

- **No**, parent/guardian(s) consent or signatures are not required for WLPT-II Placement testing or TBIP services.

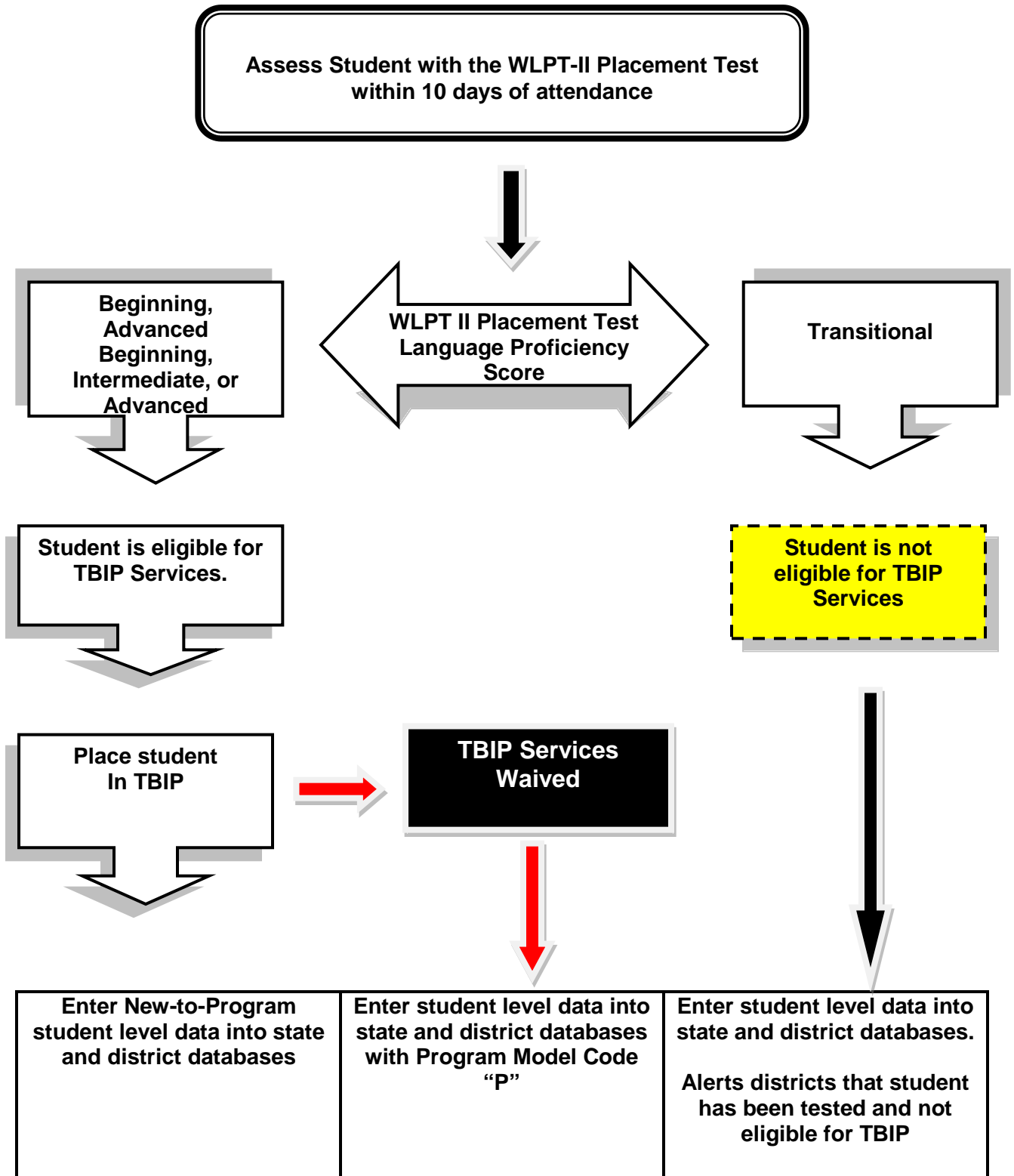
### 3. Must parents be notified that their child is eligible for TBIP services?

- **Yes**, under federal Title III guidelines, parents must be informed of student placement in a language program within 30 days of placement.

### 4. Is the TBIP responsible for students whose parents/guardians waive services in the program?

- **No**. However, under the Office of Civil Rights (OCR) 1970 Memorandum, the district retains the responsibility to ensure that the student has an equal opportunity to have his or her English language and academic needs met *when parent/guardian(s) decline TBIP program participation*. Districts can meet this obligation in a variety of ways (e.g., adequate training to classroom teachers on second language acquisition; monitoring the educational progress of the student).
- The district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students (May 25, 1970, Title VI policy, Office of Civil Rights).
- To determine the adequacy of an alternative program, OCR adopts the three prongs of *Castañeda* (648 F. 2d 989 (5th Cir. 1981)).
  - 1st Prong: Sound Educational Theory – Program model selected must show that it is considered sound by some experts in the field or is considered a legitimate experimental strategy.
  - 2nd Prong: Effective Implementation – Are the district's practices reasonably calculated to implement effectively its chosen program?
  - 3rd Prong: Program Evaluation and Modification – The district periodically evaluates its program to ensure the program is working and modifies the program when necessary.

**Figure 1.3: Steps to Determine Student Eligibility**



## **Instate Transfers**

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**1. Is a retest required for students for program placement who transfer from a district within Washington State?**

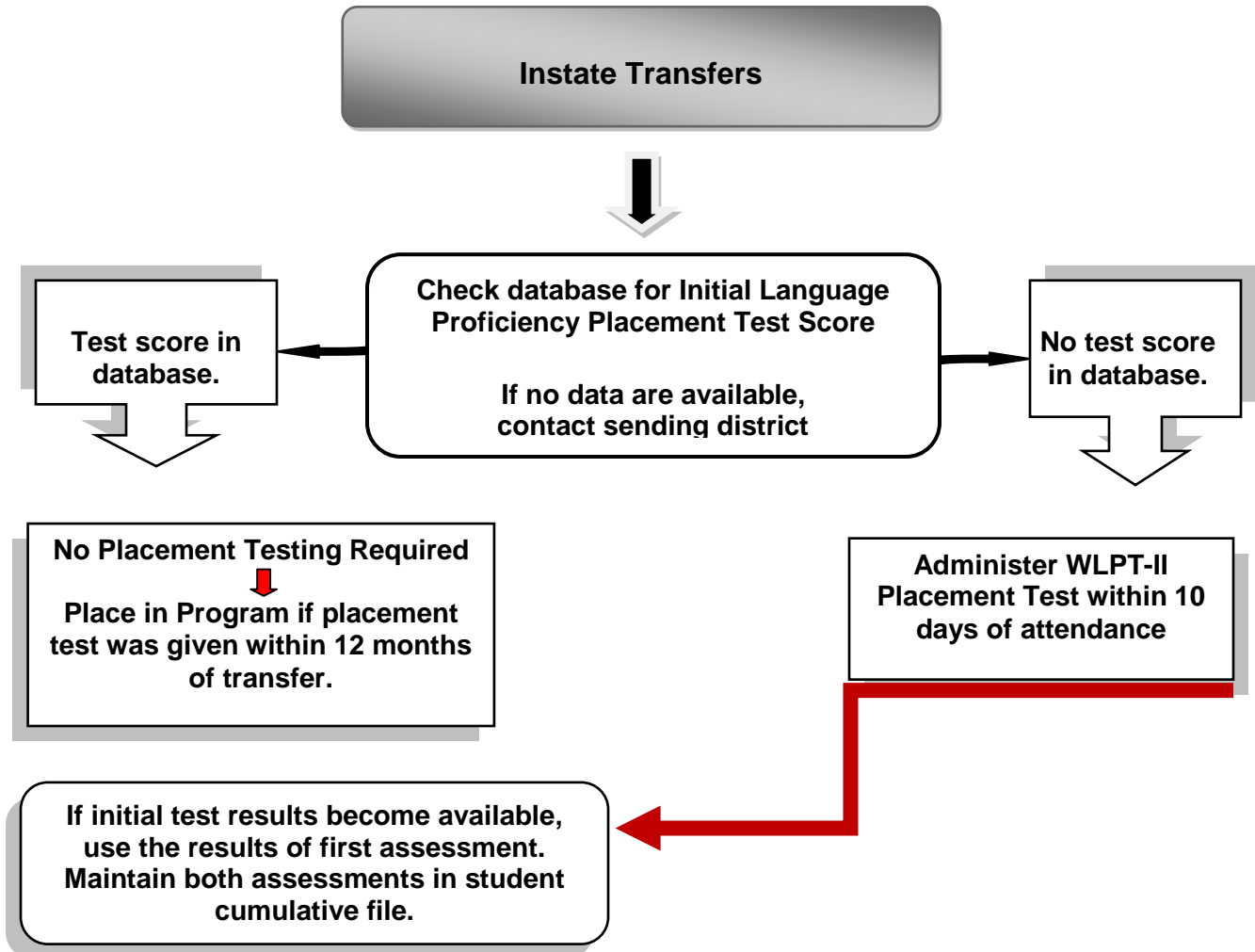
- Retesting is not required if there is a valid test of initial eligibility from a Washington State approved assessment in the bilingual database that shows that the student is eligible for program services, given within the past 12 months.
- If the student has not been enrolled in a Washington State school for the past 12 months, the student must complete the WLPT-II placement test again to determine eligibility.

**2. What process should be use if a district is experiencing difficulties obtaining student records?**

Districts should take the following steps:

- a. Search for student level data in the bilingual database to verify eligibility.
- b. If no results are found, contact previous district to determine if student completed the placement test, and information was simply not yet uploaded to the database.
- c. If the sending district does not respond in a timely manner, administer the WLPT-II placement test.
- d. If a student's placement test becomes available after retesting use the results of the first assessment

**Figure 1.4: Steps for Determining Placement of Instate Transfers**



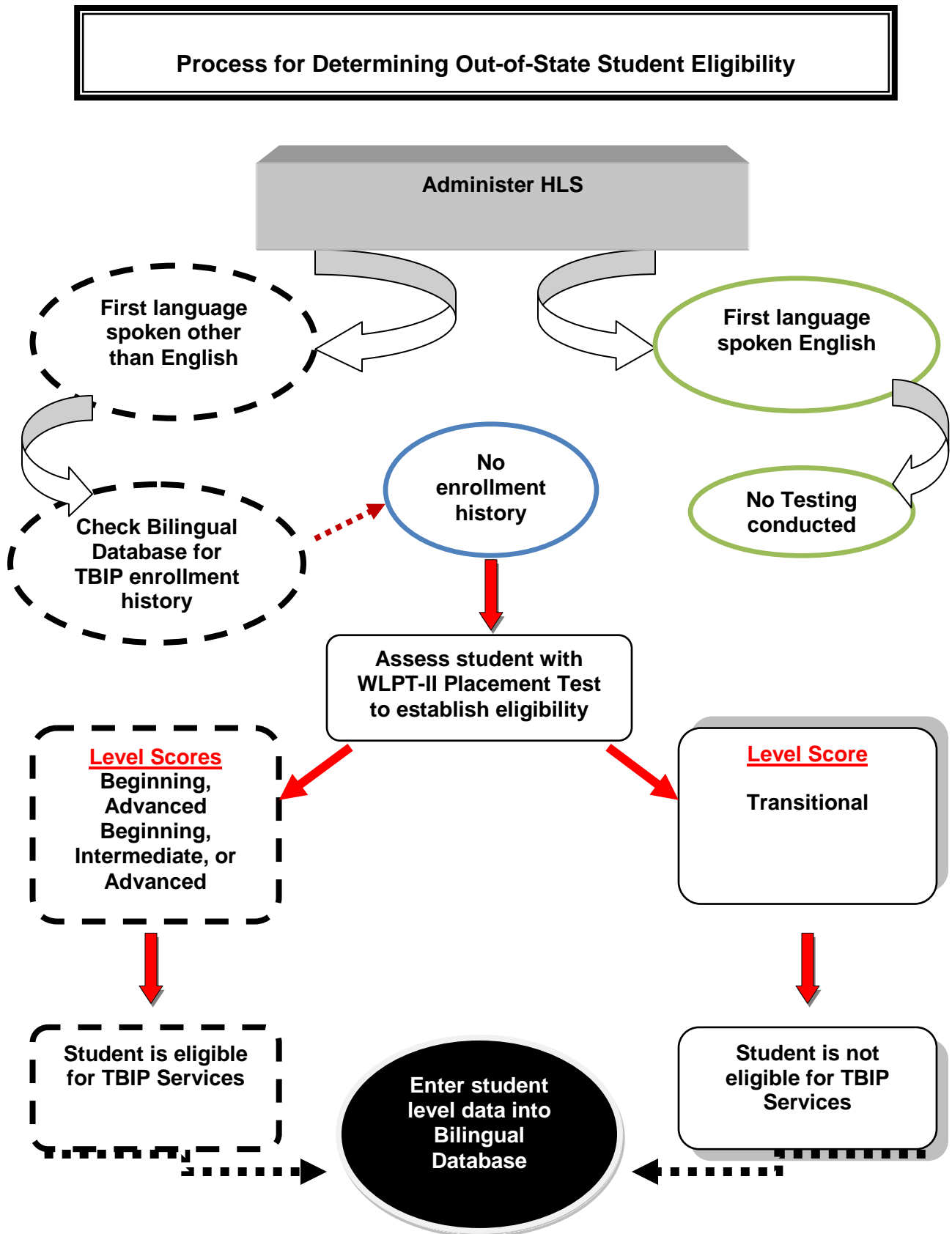
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### **Out-of-State Transfers**

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1. **Is reassessment required for students who left the state and returned to Washington State?**
  - If the student was previously enrolled in Washington State and is returning within 12 months of enrollment, the student would not need to be retested provided a current WLPT-II placement or annual test score is on file.
2. **Is reassessment for program placement required for students who transfer from out-of-state?**
  - **Yes.** All students who transfer from out-of-state must be tested on the WLPT-II placement test.
3. **Do we reassess students who have exited bilingual/ESL programs in other states?**
  - **Yes.** Students who transfer from out-of-state and who meet the identification criteria on the HLS must be tested on the WLPT-II Placement Test.

**Figure 1.5: Steps for Determining Placement of Out-of-State Transfers**



## **TBIP Application**

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### **WAC 392-160-026 District Application**

Each school district that seeks an allocation of state funds for a TBIP or alternative instructional program shall submit a program application for approval to OSPI no later than August 1<sup>st</sup> of each year.

The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the OSPI in bulletins distributed to school districts.

#### **1. How does a district apply for TBIP funds?**

- The district application is submitted through the iGrants application process by the designated district staff person.
- 

### **WAC 392-160-027 Board Approval**

The district's annual TBIP application shall be approved by formal action of the district's board of directors.

#### **1. Are districts required to keep on file a signed copy of the board-approved application?**

- **Yes.** The law requires that the school board approve the district's application. A record of this approval must be maintained by the district in order to provide evidence of compliance.
- 

### **WAC 392-160-028 Content of District Application**

#### **1. What information should the district's application include?**

The district's annual application shall contain the following:

- The estimated number of students to be served in the next school year.
- A description of the bilingual instruction and/or alternative instructional programs to be implemented for the next school year.
- A description of the research-based professional development activities plan targeted toward second language acquisition for the next school year.
- A description of the district's plan for continuous improvement and evaluation of its program to serve ELLs.

## **Placement Testing**

**1. Is training required for personnel administering the WLPT-II Placement Test?**

- **Yes.** Testing guidelines require that only trained personnel can administer the WLPT-II Placement Test. Refer to the OSPI's assessment website for training information.  
<http://www.k12.wa.us/assessment/WLPTII/default.aspx>

**2. Is the WLPT-II Placement Test the only language proficiency test that can be used to identify TBIP eligibility?**

- **Yes.** The WLPT-II Placement Test is the only test that can be used for program eligibility. It ensures uniform assessment of all potential ELLs across the state.

**3. Is there a timeline for testing potential ELL on the WLPT-II Placement Test?**

- **Yes.** State law requires that all potential ELL must be tested on the WLPT-II Placement Test within 10 days of attendance.
- Exception: For entering kindergarten students, the WLPT-II Placement Test may be administered either after May 1<sup>st</sup> of the spring prior to enrollment, or within ten days of attendance.

**4. Can a district choose to administer the WLPT-II Placement or Annual Test to any student it feels could benefit from this test?**

- **No.** The WLPT-II Placement Test is only for students meeting the identification requirement, based on first learned /primary language.
- The WLPT-II annual test is ONLY for students who are currently eligible for the TBIP or Native American students who qualify for services under Title III. No other students should be assessed with this instrument.

**5. Once a student has left the TBIP through a parent “waiver” process, can she or he be brought back into the state-funded district program?**

- **Yes,** provided the student is still eligible based on the most recent WLPT-II score within the past 12 months.

**6. May students who withdrew and left the country and return with a loss of English language skills continue in the state funded TBIP district program?**

- **Yes,** provided the placement test was administered within a span covering one school-year, then testing is not required.
- If the absence exceeds that period, then the student must be re-assessed. For example, the student leaves in March 2005 and returns in April 2006; they would be re-tested with the WLPT-II Placement Test.

## **WAC 392-160-015 – WAC 392-160-035 Program Testing and Exit Requirements**

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### **Annual Testing**

**1. Is annual testing required of all students enrolled in the TBIP?**

- **Yes**, RCW 28A.180.090 requires annual assessment of all students enrolled in the state program during a testing window determined by OSPI.
- **Exception:** Students who are newly eligible for ELL services after December 31<sup>st</sup> of the school year do not participate in the annual test window, as their placement test score will serve as their annual test score.

**2. Is an annual assessment required for continued eligibility in the TBIP?**

- **Yes**, the WLPT-II annual assessment serves to establish continued eligibility and to exit TBIP students who have reached the Transitional Level *WAC 392-160-015 (5)*.

**3. Is there an established timeline for administering the WLPT-II annual test?**

- **Yes**, typically this test window takes place during February and March. Check with your district's assessment coordinator or the OSPI assessment department for WLPT-II annual testing schedules.

**4. Does the law require annual WLPT-II testing of kindergarten and 1<sup>st</sup> grade students?**

- **Yes**, RCW 28A.180.090 (2) requires testing of all students in the TBIP.

**5. How are WLPT-II annual testing results used?**

- The WLPT-II annually assesses the state's English Language Learners in grades K-12 in reading, writing, listening and speaking.
  - Used in the Annual Measurable Achievement Objectives (AMAOs) calculations to measure student gains in English language proficiency.
  - Used to transition student from the TBIP.
- Meets the annual testing requirement for State and Federal accountability for ELLs.

**6. Is the WLPT-II the only assessment that can be used to exit students from the program?**

- **Yes**, the WLPT-II is the only assessment that can be used to exit students from TBIP.

**7. Must districts test students on the annual WLPT-II whose parents have waived TBIP services?**

- **Yes**. Parents/guardians have the right to withdraw their child from program services; however, testing the student on the WLPT-II is still required by federal Civil Rights law.

## **WAC 392-160-015 – WAC 392-160-035 Program Testing and Exit Requirements**

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### **8. Can a parent request that their child not participate in the annual assessment?**

- **Yes.** Consult your district assessment coordinator for the process that a parent must follow to opt out of any state assessment.

### **9. Must a district exit a student at the end of 540-days?**

- **No.** If a student has not met the exit criteria as determined by the state, she or he can continue in the program until such time that the student has met the exit criteria.

### **10. How does a student exit the TBIP?**

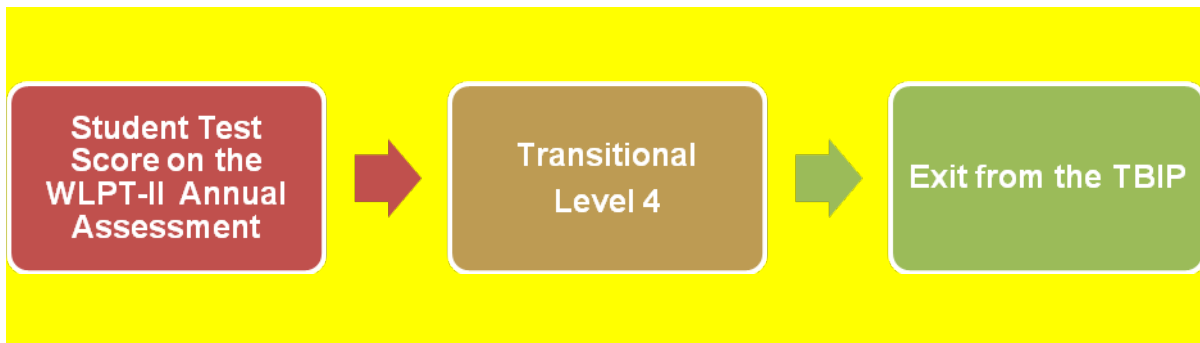
- Students must be assessed annually with the WLPT-II and meet the exit criteria established by the state.

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**Figure 1.6: WLPT-II Exit Scores**

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**Student exited the TBIP with the following WLPT-II annual assessment score.**



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### **11. Where can we access the cut scores for the annual WLPT-II assessment?**

- Cut scores for the annual WLPT-II test will be posted on the WLPT-II assessment page at <http://www.k12.wa.us/assessment/WLPTII/default.aspx>.

### **12. Must a district inform parents/guardians when a student exits the TBIP?**

**Yes,** a district must communicate with parents/guardians when their child has exited from TBIP and the notification should be provided, to the extent possible, in the parent's/guardians native language (Title III Parent Notification Requirement).

## **WAC 392-160-035 Program Testing and Exit Requirements - Continued**

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### **13. How will districts account for students who missed the WLPT II testing window?**

- Districts will be required to show evidence that the student was not enrolled during the testing window.

### **14. What documentation must be kept for students who leave the district before the annual testing that is required for exit and continued eligibility purposes?**

- Date the student was withdrawn from the district and the reason.
- Number of days enrolled.

### **15. If a student exited the TBIP and is still experiencing difficulties in the classroom, can they re-qualify for program services?**

- **No**, students cannot re-qualify for TBIP services. Non-eligible students needing bilingual/ESL services must receive support through district basic education dollars or other categorical funding.

### **16. Is documentation maintained on students who do not qualify for TBIP?**

- **Yes**, scores and HLS that demonstrate the student's ineligibility must be filed in a location accessible to program directors/administrators for a minimum of five years.
- WLPT-II proficiency score must be reported/submitted in the bilingual database.

### **17. Are all students in the TBIP required to take state required assessments?**

- **Yes**, all TBIP students must participate in all state required assessments scheduled for their grades regardless of the number of years they have been in the U.S. The only exception is students who are in their first year of enrollment in U.S. schools. These students are not required to participate in reading or writing tests. Information about the state-required assessments can be found at the following website:  
<http://www.k12.wa.us/assessment/TestAdministration.aspx>.

### **18. Does this exemption only apply to Non English Speaking students?**

- **Yes**, only non English students are exempted from the State reading/writing assessment during their first year of enrollment in U.S. schools.

### **19. Is a school district required to keep a current monthly record of eligible TBIP students that match the P-223 Monthly Report of School District Enrollment Eligible for Basic Support report?**

- **Yes**, student records should match the number submitted on the P223 report.

## **Parent Notification/Waiver of Program Services**

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- 1. Do I need parent/guardian permission for assessing students for program eligibility?**
  - **No.** Parental permission is not needed to assess a student's English language proficiency for placement purposes.
  
- 2. Do I have to notify parents/guardians of their child's placement in the program?**
  - **Yes.** Communicate in the parent/guardian(s) primary language when feasible and document how that communication was carried out. The district may use the state Parent Notification Form or a district form with the same information.
  - Under Title III statute, the district must inform parent/guardian(s) no later than 30 days after the beginning of the school year or if a student enters during the school year within two weeks of the student's placement.
  
- 3. What happens if a parent/guardian refuses services of a district's TBIP?**
  - Parent/guardian(s) have the right to waive TBIP services for their child. However, an administrator knowledgeable of the program and when possible the principal, must communicate the benefits of program participation to parents or guardians, when feasible, in a language they can understand.
  - Districts must document the parent refusal of TBIP services and keep a signed copy of the document in the student's cumulative file.
  - The district must still periodically review the student's progress with school staff during the student's enrollment in the district.
  - Eligible students whose parents have waived services must still participate in the annual WLPT-II assessment, as required by federal guidelines.
  
- 4. Does a parent/guardian need to sign an annual waiver form if a student does not meet the exit requirement?**
  - **No,** once a parent has signed a program waiver form, it is not required that they fill one out each year.
  
- 5. What if a parent refuses both the placement and annual WLPT-II testing?**
  - If parent/guardian(s) waive both the placement and annual WLPT-II testing, follow the same procedures that are used for waiving the state assessment. Consult with your district assessment coordinator.

## **General Considerations for Referring an ELL for Special Education**

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### **A. When is it appropriate to pursue an ELL referral to Special Education?**

**When the answer to each of the questions below is YES, then it may be appropriate to consider a referral to Special Education, provided no other alternatives seem viable.**

Answering YES to all of the questions below does not necessarily mean that the ELL has a disability.

1. Has the ELL district coordinator or designee been contacted and has there been collaboration among the classroom teacher, ELL staff, and other support programs to discuss options?
  - It is recommended that one ELL person be the contact for all possible referrals (or one certified ELL staff person in a building, rather than paraprofessionals)
  - Have a clear plan to provide immediate support to teachers through consultation, etc.
2. Does your district have a clear pre-referral process in place?
  - Create a process with a multi-disciplinary team: Special Ed staff, content and/or grade-level teacher, administrator, ELL staff.
  - Get approval for the process and communicate it often to all staff.
  - Avoid an overwhelmingly complex process, if the majority of referrals are based on simple misinformation.
3. Has the ELL been given adequate time to develop English language skills to rule out language, culture, and the acculturation process as the primary causes of the concern?
  - Consider the student's English language level as well as the time in an ELL program.
  - How well has the student mastered the Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language Proficient Skills (CALPS)?
  - How long has the student been in the country?
  - What opportunities does the student have to practice English outside of school?
4. Have modifications of instruction and other appropriate interventions, such as those provided within a response to intervention model, been attempted and the ELL has been unsuccessful in demonstrating growth?
5. Has the ELL's classroom teacher received training in effective strategies for working with ELLs?
  - Both Title III and the TBIP programs require districts to provide professional development in order to build capacity of all teachers working with ELLs.

## **Continued: General Considerations For Referring an ELL for Special Education**

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6. Has a peer analysis been done, indicating that the ELL student is indeed exhibiting atypical performance compared to his/her ELL peer group?
- The ELL district coordinator or designee is responsible for conducting the peer analysis. For comparison purposes, the ideal peer group for an ELL being considered for Special Education would be other ELLs, who:
    - Are from the same language background
    - Entered the United States at the same age
    - Have the same grade of entry into school in the United States
    - Have been eligible ELLs for the same length of time
  - The peer comparison can examine WLPT-II scores, Washington state-level assessment scores, and other assessments that would provide a means of determining if the performance of the ELL in question is significantly different from the performance of the peer group.

### **B. If the answer is “Yes” to all of the above, then what are the next steps?**

If an ELL student is referred for a special education evaluation, the special education evaluation group (school psychologist, related services specialists, special education teacher, English language development teacher, student’s general education teachers, school administrator, parents, and student, if appropriate) *must*:

- *Rule out the child’s English language skills as a determinant factor, so that the child is not identified as having a disability due to cultural factors, environmental or economic disadvantage, or limited English language skills.*

### **C. Should ELLs being considered for Special Education be assessed in both their first language and in English?**

- In determining whether or not an ELL has a disability, it is certainly worthwhile to assess the student in both the first language and in English.

#### **Cautions**

- ✓ Many ELLs who have been instructed primarily in English may not have academic content knowledge in their first language. So an assessment in the ELLs first language may not provide an adequate picture of that child’s cognitive capabilities.
- ✓ At the same time, an ELL who has only had a few years of instruction in English may not demonstrate his or her full cognitive capabilities on an English assessment either.

## **WAC 392-160-045 Students with Disabilities—Conditions for Transitional Bilingual Entitlement. TBIP eligibility considerations**

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### **1. Can a current Special Education student be considered for the TBIP Program?**

- Before enrolling special education students in the TBIP, school districts must determine whether the child's disability is the determinant factor for the child's English language skill deficiency. Districts should designate appropriate personnel to make such determinations in consultation with the student's Individualized Educational Program (IEP) Team.
- If following consultation with the student's IEP Team, the district determines that the child's disability is the determinant factor for the English language skill deficiency; the child shall be classified as non-Limited English Proficient (LEP) due to conditions beyond linguistic parameters" and shall not be eligible for the TBIP.

**NOTE:** This classification will likely consist of few students. Most students' disabilities would not interfere with their ability to learn English, although their learning could be at a slower rate.

- If it is determined that the child's disability is not the determinant factor for the English language skill deficiency, the child shall be eligible for the TBIP.

### **2. What are the requirements for ELL students who also qualify for special education services?**

- Students identified as being eligible for both the state TBIP and special education program will participate in the TBIP to the same degree and consideration given to every other child in the TBIP. If the student's IEP team identifies specific accommodations, supports, assistive technology or other items that facilitate the student's participation in the TBIP, those should be provided to the student.

### **3. What is the requirement for exiting a special education ELL student from the TBIP?**

- Special Education/ELL students are required to be assessed annually with the WLPT-II with testing accommodations based on the student's IEP.
- The school district, acting in consultation with the IEP team, will annually evaluate the assessment results and the student's progress toward acquiring English language proficiency to determine whether the student may be reclassified as "non-LEP due to conditions beyond linguistic parameters" and officially exited from the TBIP.

## Advanced Placement and Gifted Education

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### 1. Should ELLs participate in Advanced Placement and Gifted Education?

- ELLs should be encouraged to participate in all district programs, including Gifted and Advanced Placement options. It is highly recommended that school districts examine entrance requirements to ensure ELLs have full access to participation in these programs.
- District documentation should support that the percentage of national origin minority students (including ELLs) participating in its gifted education program is comparable to that of the district's general school population. ELLs should not be over or under-represented in the district's gifted education programs.

## Record Keeping and Documentation

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### 1. Are districts required to maintain records of eligible TBIP students?

- **Yes**, as part of program accountability, districts must maintain records on eligible TBIP students and should be kept at a location accessible to program directors/administrators for monitoring and review.
- Documentation for each student should include the following:

Checklist	Student Level Documentation
	Signed HLS or identification of first language other than English on district registration form
	The <i>original</i> WLPT-II placement test results with enrollment and testing date (Students must be tested within 10 days of attendance).
	Copy of parent notification letter regarding student placement
	Signed parent waiver form, if applicable.
	Annual WLPT II test results
	Parent notification of student's continuation in program (annual letter)
	Parent notification of student's exit from program
	<b>District and School Level Documentation</b>
	Annual AMAO results letter to parents (district level only)
	Student roster of eligible students by grade level and school (district and school level) P-223
	List of students with waivers (district and school level)
	Staff schedules (district and school level)
	Description of program delivery model (district and school)

### 2. Where should districts maintain documentation of eligible TBIP students?

- Original documents should be kept in the student cumulative folder and it is highly recommended that a copy of the same documents be kept in a separate program folder.
- Documentation should reflect the number of students reported on the P-223 Monthly Report of School District Enrollment Eligible for Basic Support report.

### 3. Who should receive information of eligible TBIP students?

District office administrators, program directors/administrators, school personnel, classroom teacher of record, district assessment personnel, and parents should receive this information.

## Program Reporting Requirements

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**1. Are there reporting requirements for the TBIP?**

- **Yes.** Districts are annually required to submit student level data, staffing, and professional development reports to the bilingual database at the Migrant Student Data & Recruitment (MSDR) office or at a site designated by OSPI.

**2. What is the difference between the P-223 Report and the bilingual database?**

- Districts report ELL student counts on the P-223 special needs report on a monthly basis to determine funding to district which is distributed through an apportionment system.
- The bilingual database collects student level data on an annual basis to keep districts up to date on student activity, for state and federal reporting purposes and to track students who move within and across districts.
- TBIP staff should reconcile student counts on a monthly basis to ensure accuracy of both databases.

**3. Are districts required to keep student records of students ineligible for the TBIP?**

- **Yes,** WLPT-II placement test scores that demonstrate the student's ineligibility and the HLS must be filed in a location accessible to program administrators for a minimum of 5 years.

## **Instructional Practices**

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**1. Should districts have a written description of the bilingual instruction and/or alternative instructional program used (e.g., ESL)? WAC 392-160-028**

- **Yes**, districts shall include a description of the language support program(s) to be implemented during the next school year. The description should include how TBIP funded activities supplement (not supplant) ELL students basic education program.
- The district's TBIP iGrants application essentially serves as the district's plan.

**2. What should be considered when selecting the type of services and programs for TBIP students? (See Program Model Characteristics section, page 25)**

- All program models must comply with state and federal laws, including state and federal civil rights and non-discrimination laws.

**3. Are there recommended instructional models for the TBIP? (See next section, page24).**

- **Yes**, schools should implement the most effective instructional model given their particular demographics, resources, etc. (Refer to Program Model Characteristics section).

**4. When selecting materials to be used in the TBIP, what should be considered?**

- Materials that support the same curricular expectations as the courses of study found in the regular education classroom; textbooks should support the same content.
- Materials that are at the students' levels of English language proficiency.
- Materials that are language, grade, and age appropriate.
- Materials that support the instructional model adopted by the district.
- Materials should follow the same review and adoption process as required by the district for other materials purchased and adopted.

## **TBIP Instructional Program Models**

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- **Dual Language Program (Two-Way Immersion or Two-Way Bilingual Education):**

Dual Language Programs (also known as two-way bilingual education and two-way immersion) provide integrated language and academic instruction for native English speakers and native speakers of another language with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding (Christian, 1994).

- **Developmental Bilingual Education (DBE or Late-Exit):**

Developmental Bilingual Education (DBE), also referred to as late-exit bilingual education (Ramirez, 1992), is an enrichment program that educates ELL students using both English and their first language for academic instruction. DBE programs aim to promote high levels of academic achievement in all curricular areas and full academic language proficiency in the students' first and second languages.

- **Transitional Bilingual Education (Early-Exit or TBE):**

Transitional Bilingual Education (TBE) - also known as early-exit bilingual education (Ramirez, 1992) - is the most common form of bilingual education for ELLs in the United States. TBE provides academic instruction in the ELLs primary language as they learn English.

- **Sheltered Instruction (SI) or Content-Based ESL:**

Sheltered Instruction (SI) is an approach used widely for teaching language and content to ELLs, particularly as schools prepare students to achieve high academic standards. In SI, academic subjects (e.g., science, social studies) are taught using English as the medium of instruction. SI is most often used in classes comprised solely of ELLs, although it may be used in classes with both native English speakers and ELLs when necessitated by scheduling considerations or by small numbers of ELLs.

- **Newcomer Program:**

The goals of newcomer programs are to help students acquire beginning English language skills along with core academic skills and knowledge, and to acculturate to the U.S. school system. Some programs have additional goals, such as developing students' primary language skills and preparing students for their new communities.

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Source: Genesee, F. (Ed.) (1999). *Program alternatives for linguistically diverse students*. Santa Cruz, CA: Center for Research on Education, Diversity & Excellence (CREDE).

## **Program Models Characteristics**

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This section is a guide for decision makers in schools and school districts to help identify the instructional approaches and programs that would best serve their students, meet their goals and needs, and match local resources and conditions. Although program models may differ regarding language and implementation, all models share essential program characteristics.

### **Shared Characteristics of All Program Models**

- Extensive and ongoing parental involvement
- Ongoing, appropriate, and state-of-the-art professional development for teachers in specially designed programs and for mainstream teachers who work with ELLs
- Instructional personnel who can implement:
  - Strategies that integrate language acquisition and academic achievement at the same time
  - Strategies that promote proficiency in English (and the primary language, where applicable) for academic purposes, including literacy
  - Strategies such as SI that ensure that academic instruction through the second language is meaningful and comprehensible to second language learners
  - Assessment methods that are linked to instructional objectives and that inform instructional planning and delivery
- Developmentally appropriate curriculum and instructional materials and aids
- High standards with respect to both language acquisition and academic achievement
- Strong and knowledgeable leadership among classroom, school, and district personnel
- Human resources to coordinate communication between parents and schools
- Compliance with Title VI State and Federal Discrimination laws

DESCRIPTIVE SUMMARY OF INSTRUCTIONAL PROGRAM ALTERNATIVES					
	Dual Language (Two-Way Immersion)	Developmental Bilingual (Late-Exit Bilingual)	Transitional Bilingual (Early Exit or TBE)	Sheltered Instruction in English (Content ESL)	Newcomers Programs
<b>Language Goals</b>	Bilingualism	Bilingualism	Transition to all English Instruction	Academic English Proficiency	English Proficiency
<b>Cultural Goals</b>	Maintenance, integration into mainstream American culture and appreciation of others culture	Integration into mainstream American culture and maintenance of home/heritage culture	Understanding of and integration into mainstream American culture.	Understanding of and integration into mainstream American culture	Understanding of and integration into mainstream American culture
<b>Academic Goals</b>	Same as districts, program goals for all students	Same as districts, program goals for all students	Same as districts, program goals for all students.	Same as districts, program goals for all students	Varied
<b>Student Characteristics</b>	Native English speakers and students with limited or no English - Variety of cultural backgrounds	Students with limited or no English. All students have same L1 Variety of cultural backgrounds	Students with limited or no English. All students have same L1 Variety of cultural backgrounds	Students with limited or no English. Some programs mix native and non-native English speakers.	Students with limited or no English. Low level literacy Recent arrival. Variety of language/cultural backgrounds
<b>Grades Served</b>	K-8, preferably, K-12	Elementary grades	Primary and elementary	All grades (during transition to English)	K-12: most prevalent at middle/high school
<b>Entry Grades</b>	K, 1	K, 1, 2	K, 1, 2	Any grade	Most students enter at middle or high school.
<b>Length of Student Participation</b>	Usually 6 yrs. (+K). Preferably K-12 (+K)	Usually 6 yrs. (+K). Preferably K-12 (+K)	Usually 6 years, (+K) Preferably K-12 (+K)	Varied: 1 – 3 years or as needed.	1 – 3 semesters
<b>Participation of Mainstream Teachers</b>	Yes, mainstream teachers with special training	No: Stand alone program with its own specially trained teachers	Yes, mainstream teachers must have training in SI	Yes: preferably if mainstream teachers have SI training	Yes: mainstream teachers must have training in SI
<b>Teacher Qualifications</b>	Bilingual/immersion certification Bilingual proficiency Multicultural Training	Bilingual-multicultural certificate Bilingual proficiency	Bilingual Certificate	Often certified ESL or bilingual teachers and content teachers with SI training. Preferably bilingual	Regular certification. Training in SI Preferably bilingual
<b>Instructional Materials, Texts, Visual Aides</b>	In minority language and English, as required by curriculum study	In L1 and English, English materials adapted to student's proficiency levels.	In L1 and English, English materials adapted to student's proficiency levels	In English with adaptations, visuals, realia, culturally appropriate	In L1 or English with adaptations.

Source: Genesee, F. (Ed.) (1999). *Program alternatives for linguistically diverse students*. Santa Cruz, CA: Center for Research on Education, Diversity & Excellence (CREDE).

## Program Implementation/Coordination

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### **1. Is there a minimum or maximum amount of instructional time per day eligible TBIP students should receive the state approved instructional delivery models?**

- ELLs are expected to receive appropriate instruction throughout the school day, whether in a basic education classroom, a bilingual classroom, or an ESL classroom.
- All teachers in a district should have received training in appropriate strategies and language acquisition to address the needs of ELLs in their classrooms, and building this capacity should be part of a district's TBIP model and the district's TBIP professional development plan.
- In conjunction with the instruction provided by classroom teachers, supplemental support by TBIP staff must be of a duration and frequency to effectively address the English language development needs of ELLs.
- ELLs are not served adequately if supplemental support is too brief and too infrequent or if basic education staff is unfamiliar with strategies for working effectively with students developing English language proficiency.
- Refer to the OCR section (pg. 44 of these guidelines) regarding basic education requirements for providing adequate services to ELLs.

### **2. How do ESL/Bilingual and basic education staff coordinate curricular programs and instruction?**

- The TBIP's primary responsibility is to provide support services to ELL students. Basic education and TBIP staff should provide time and resources for frequent coordination and collaboration to ensure that both programs meet ELLs' instructional needs.

### **3. Are districts required to provide TBIP students access to all district programs?**

- **Yes.** Districts are required by Title VI of the Civil Rights Act of 1964 to ensure that TBIP students receive equal access to all district programs (examples: Gifted and Talented, Honors and Advanced Placement).

### **4. Must instructional practices provide students with equal opportunities to meet state standards (EALRs, GLEs and ELD Standards)?**

- **Yes.** Students must be provided the opportunity to access the curriculum and the opportunity to demonstrate their learning.
- Instructional practices should incorporate research-based effective strategies that result in ELLs meeting the state standards, grade-level expectations, and English Language Development (ELD) standards.
- Formative assessments should be used to show how students are progressing toward meeting state standards.

## Personnel

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1. **Are teachers who provide instruction to TBIP students required to hold ESL/Bilingual endorsements?**
  - **No.** However, it is strongly recommended that personnel have endorsements in ESL and/or Bilingual Education.
  - Where appropriate, check with district Personnel/Human Resources Officer for district hiring guidelines.
2. **Are all teachers and para-educators who provide instruction to TBIP students required to participate in and complete staff development specific to instruction of ELL students?**
  - **Yes.** Staff development in ESL and Bilingual Education methodology and instruction are required in the School Board responsibilities and duties *WAC 392-160-010 (3)*.
3. **What is the benefit for administrators to participate in Professional Development (PD) that is specific to ELD instruction?**
  - ELD PD will provide the background knowledge needed to evaluate ELD practices in the classroom and provide ongoing guidance in the education of ELLs.
4. **Should staff providing primary language instructional support be assessed for native language and English language proficiency?**
  - **Yes.** Every effort should be made to hire staff with both native language and English language proficiency.
5. **Who is responsible for providing TBIP students the primary, direct instruction?**
  - The basic education certified teacher of record delivers the primary, direct instruction for eligible students.
6. **Must TBIP para-professionals be under the direct supervision of a certified teacher?**
  - **Yes.** Evidence of direct supervision should include the following:
    - Daily schedule and student lists.
    - Lesson plans provided by certified staff.
    - Activity logs that document the para-professionals instructional support.
7. **Does the TBIP require school or district level Parent Advisory Councils (PAC)?**
  - **No.** However, districts and schools should have in place a plan to actively secure parental and student input.
  - Under Title III, a district must implement an effective means of outreach to parents on how they can be active participants in assisting their child to learn English, achieve in core academic subjects, and meet the academic standards of all students.

## Other Program Questions

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### 1. Do basic education funds support personnel serving eligible TBIP students?

- Yes, basic education funds should support TBIP staff by including them in professional development activities that are offered to all teachers.

### 2. What is the appropriate use of TBIP-funded staff?

- TBIP certificated and classified staff provide supplemental instructional support to ELL students to develop their academic and linguistic skills. Core academic instruction is the responsibility of the teacher of record.
- TBIP coaches/consulting teachers can assist teachers by modeling lessons.
- TBIP professional development trainer is responsible for providing ongoing training that is specific to the instruction of ELLs.

### 3. What are capacity-building strategies districts can employ to meet the needs of culturally and linguistically diverse students?

- Develop a teacher recruitment plan to include teachers with ESL/Bilingual endorsements or certification.
- Develop and/or provide training for all staff that reflects the instructional and linguistic needs of the student population.
- Develop a plan to involve parents of ELLs.
- Develop a “grow your own” program to encourage para-professionals to seek teaching certification.
- Integrate the ELD standards in instructional practices.
- Reference the district’s affirmative action plan.

### 4. Do foreign exchange students qualify for TBIP services?

- Foreign exchange students do not qualify for TBIP services based on the U.S Department of State’s policy for Foreign Students (F-1) in Public Schools. The **Overview of Requirements - Restrictions on Students** states that Student F-1 visas cannot be issued to persons seeking to enter the United States in order to attend a public primary/elementary school or a publicly funded adult education program.

For additional information visit: [http://travel.state.gov/visa/temp/types/types\\_1269.html](http://travel.state.gov/visa/temp/types/types_1269.html).

## Funding

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### 1. What is the main source of funding for students in the TBIP?

- The primary source of funding is basic education.
- TBIP funds are supplemental and *not intended to supplant* basic education funding.  
**EXAMPLE:** “Would the service(s) be provided to all students if no ELLs were enrolled in the district?” If the answer to this question is “yes,” then no TBIP funds should be used to provide the particular service in question.

### 2. How are districts funded for TBIP?

- Funding is allocated to districts submitting a TBIP application and approved by OSPI.
- ELL student counts are reported monthly on the P-223 special needs report.
- Funds are distributed through an apportionment system and are based on an eight-month October through May average.
- Funds from other State, Federal, and district programs can be utilized to support the district TBIP.

### 3. How can districts use TBIP funds?

On approved activities and personnel that support students served by the program, such as:

- Salaries for supervisory staff who are directly administering the TBIP and who would not otherwise provide such duties to ELLs if no TBIP existed.
- Supplemental teaching salaries for instructional staff to provide specialized instructional and linguistic support to students enrolled in the TBIP.
- Instructional resources (materials used to instruct students in a learning resource environment and designed for bilingual/ESL instruction).
- Purchase of service (professional development specific to second language acquisition).
- Program-related translation and interpreting services (see question number 13).
- Consumable supplies/materials that directly support students’ supplemental instruction.
- Technology expenditures that are directly related to the TBIP.
- Travel expenditures that are directly related to the TBIP.
- Cost of program printing expenditures.
- Indirect costs as per the indirect allocation established by OSPI.
- TBIP funds can be used for Civil Rights compliance.

### 4. Can TBIP funds be combined in a Title I Schoolwide?

- **No.** TBIP funds CANNOT be combined with Title I Schoolwide Program funding.

### 5. Can TBIP funds be coordinated with other programs to meet students’ language and academic needs?

- **Yes.** TBIP can coordinate services with other programs to better serve targeted students **provided** that the service meets the intent of the program.

## **Funding - Continued**

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**6. Does the TBIP have carryover provisions?**

- **No.** There is no carryover provision for the program.

**7. Can TBIP funds be used for extended-year programs?**

- **Yes.** TBIP funds may be utilized for extended-year programs with written justification and OSPI application approval.

**8. Can TBIP funds be used to purchase capital outlay (e.g. computers, printers, or audio-visual equipment)?**

- **Yes.** Request for capital outlay must be included in the TBIP application explaining the purpose and how purchase is program related. The expenditure must be approved before making the purchases.
- Capital outlay is defined as a nonexpendable, tangible item having a useful life of more than one year and an acquisition cost which is the lesser of the capitalization policy established by the school district or \$5,000.

**9. Can TBIP funds be used to send staff to conferences?**

- **Yes,** provided that the conference content meets the objectives stated in the TBIP professional development plan and meets the academic and linguistic needs of ELLs.
- Staff attending conferences must include the conference content within the district's professional development for ELLs.

**10. Can TBIP funds be used to recruit bilingual or ESL certificated or endorsed staff?**

- **Yes.** WAC 392-160-040 requires that districts make reasonable attempts to obtain the services of bilingual, ESL certificated or endorsed teachers.

**11. Can TBIP funds be used in non-TBIP activities?**

- **No.** The intended purpose of the TBIP funds is to provide instructional support to eligible ELL students.

**12. Can an ELL student be served and funded under more than one program?**

- **Yes.** Students should be provided services by all programs for which they are eligible (e.g., Migrant Ed., Title I/LAP, Special Education, Title III, etc.).

## Funding - Continued

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### 13. Is the TBIP required to translate all district communications sent to parents?

- **Yes**, where feasible. TBIP funds can be used to provide translation or interpreter services for TBIP program-related communications. Where feasible, the district must communicate with parents in a language they can understand.
- Districts basic education funds are responsible for translation and interpreter services for school policies, discipline, health issues, free-and reduced-lunch programs, state-mandated testing, promotion and graduation requirements, and special education procedures. (Some translations may be applicable to a specific program[s]). Reference Title VI

# Title III

The statute, in section 3115, requires that funds available under a subgrant be used “to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.”

*In this section, “supplement” means “an addition,” and “supplant” means “to take the place of.”*

## **Title III - LANGUAGE ENHANCEMENT AND ACADEMIC ACHIEVEMENT ACT**

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### **SEC. 3101. SHORT TITLE.**

This part may be cited as the 'English Language Acquisition, Language Enhancement, and Academic Achievement Act'.

### **SEC. 3102. PURPOSES.**

The purposes of this part are:

1. To help ensure and assist ELLs, including immigrant children and youth, to attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet; 1111(b)(1);
2. To develop high-quality ELD programs designed to assist state and local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth
3. To develop and enhance instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings
4. To build district and school capacity to establish, implement, and sustain ELD programs
5. To promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children
6. To hold state educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring:
  - a. Demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and
  - b. AYP for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and
7. To provide state and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children.

## **Definition of English Language Learners (ELLs) under Title III**

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**LIMITED ENGLISH PROFICIENT-** 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 or secondary school;
- C. (i) Who was not born in the United States or whose native language is a language other than English;
  - (ii) (I) Who is a Native American or Alaska Native, or a native resident of the 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 successfully achieve in classrooms where the language of instruction is English; or
  - (iii) The opportunity to participate fully in society.

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## **Title III District Program Requirements**

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### **1. What is the purpose of Title III subgrants to districts?**

- a. To assist ELL students to learn English and meet state academic content and academic achievement standards.
- b. To carry out activities that use approaches and methodologies based on scientifically based research on teaching ELL and immigrant children for the following purposes:
  - 1. Develop and implement new language instruction educational programs and academic content instructional programs in early childhood, elementary and secondary programs.
  - 2. Expand or enhance existing language and academic content instruction programs.
  - 3. Implement programs to restructure, reform, and upgrade all programs, activities and operations related to language acquisition and academic content instruction of ELLs.

## **Title III District Application Requirements**

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### **2. What must a Local Education Agency (LEA) include in its application?**

- a. The statute requires a district to submit an application to the State Educational Agency (SEA) that describes:
  - The programs and activities that will be developed, implemented and administered;
  - How will funding be used to meet all the Annual Measurable Achievement Objectives (AMAOs);
  - How the district will hold elementary and secondary schools accountable for:
    - Meeting the AMAOs;
    - Making Adequate Yearly Progress (AYP) for ELL students; and
- b. Annually measuring the English proficiency of ELL students
- c. How the district will promote parental and community participation in programs for ELLs.
- d. How ELD programs ensure that ELL students develop English proficiency.

### **3. What assurances and certifications must a district include in the application?**

- a. The district must provide the following assurances and certifications in its application:
  - Compliance with parental notification specified in section 3302 of the statute.
  - Annual assessment of English proficiency of ELL students.
  - The proposed plan is based on scientifically based research on teaching ELLs.
- b. Programs will enable children to speak, read, write and comprehend the English language and meet the state academic standards.
- c. The district is not in violation of any state law, including state constitutional law, regarding the education of ELL students.
- d. The district consulted with teachers, researchers, school administrators, and parents, in developing the plan.
- e. All teachers in any language instruction educational program that is or will be funded under Title III are fluent in English and any other language used for instruction, including having written and oral communication skills.

### **4. Does the district have the authority to select which language instruction educational program to implement?**

- a. A district may select one or more methods of instruction – consistent with the requirements of state law and must be tied to scientifically based research on teaching ELL students and must have demonstrated effectiveness.

## **Title III Annual Measurable Achievement Objectives (AMAO)**

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### **1. What are the Title III Annual Measurable Achievement Objectives (AMAOs)?**

- AMAO1: ELL making progress in learning English
- AMAO2: ELL attaining English language proficiency
- AMAO3: ELL meeting AYP in the ELL cell.

### **2. Which AMAOs must district meet?**

- Districts must meet all 3 parts to meet AMAOs. (*Section 3122(a)(3)*)

### **3. What happens when districts do not meet AMAOs?**

- Districts must notify parents every year that AMAOs are not met (*Section 3302*).

### **4. Are there accountability measures other than notifying parents?**

- A district that does not meet Title III AMAOs for two years in a row is required to:
  - Offer school choice.
  - Offer supplemental education services.
  - Develop and implement an improvement plan.

### **5. A district that does not meet Title III AMAOs for four years in a row is required to:**

- Modify the district curriculum, program, and method of instruction, OR
- Make a determination as to whether the district should continue to receive Title III funds AND require the district to replace educational personnel relevant to the failure to meet AMAOs.

## **Roles and Responsibilities of Local Education Agencies**

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### **1. What instructional programs must districts receiving Title III (section 3114(a)) subgrants provide?**

- a. ELD programs that are research based and demonstrate effectiveness in increasing English proficiency and student academic achievement in core academic subjects.
- b. One or more methods of instruction and activities which provide evidence that the programs chosen are based on scientific research in teaching ELL students.

### **2. What is scientifically based research?**

- a. Research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge that is relevant to educational activities and programs.

### **3. What professional development activities must districts provide for teachers, administrators, and others involved in language instruction educational programs?**

Districts are required to provide professional development to classroom teachers, principals, administrators, and other school or community-based organization personnel that are:

- a. Designed to improve the instruction and assessment of ELL students;
- b. Designed to enhance the ability of teachers to understand and use curricula, assessment measures, and instruction strategies for ELL students;
- c. Based on research that demonstrates the effectiveness of the PD in increasing:
  - Student's English proficiency
  - Student's subject matter knowledge
  - Teacher's knowledge and teaching skills
- d. Of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom (excluding activities such as one-day or short-term workshops and conferences unless the activity is a component of an established comprehensive professional development program for an individual teacher).

## **District Evaluation Requirements**

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**1. What are the evaluation requirements for a district that receives a Title III subgrant?**

- a. A district must provide an evaluation each fiscal year as required by OSPI.
- b. The evaluation must be used to improve programs and activities and to determine the effectiveness in helping ELLs attain English proficiency and meet the state academic standards required of all students.

**2. What information must a district include in its annual evaluation report to the SEA?**

- a. Programs and activities conducted during the immediate preceding fiscal year
- b. Progress made by ELLs in learning English and meeting state academic standards
- c. Number and percentage of students exiting TBIP at the end of each school year
- d. Progress made by students for each of the two years after exiting TBIP services.

**3. What student data must be included in the report?**

An evaluation of ELLs enrolled in a program or activity including the percentage of ELLs who:

- a. Are making progress in attaining English proficiency;
- b. Have transitioned into classrooms not tailored to ELL;
- c. Are meeting the same challenging state academic standards as all other students;
- d. Are not receiving waivers for the reading or language arts assessments required under section 1111(b)(3)(C) of the No Child Left Behind Act; and
- e. Any other information the SEA may require.

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## **Local Allocations under Section 3114(A) of Title III**

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**1. What portion of a district's subgrant may be used for administrative expenses?**

- a. A district may use no more than 2% of its subgrant for administrative costs.

**2. Do all districts qualify for Title III subgrants?**

- a. Districts are eligible for Title III grants if they qualify for a minimum \$10,000 grant.
- b. A district that does not qualify for a minimum \$10,000 grant may submit a joint application with one or more other districts to meet the \$10,000 minimum amount.

**3. Does Title III allow carryover?**

- a. **Yes**, Title III permits carryover. Check iGrants profile for allowable carryover limit.

## **Parent Involvement and Parent Notification Requirements**

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- 1. What are the requirements regarding the role of parents of ELL students?**
  - a. Districts must implement an effective means of outreach to parents of ELLs.
  - b. Districts must inform parents on how they can be active participants in:
    - Assisting their children to learn English,
    - Achieving high levels in core academic subjects, and
    - Meeting the state's academic content and student academic achievement standards as all students are expected to meet.
  
- 2. When must a district inform parents that their child has been identified for participation in a language instruction educational program for ELLs?**
  - a. Parents must be informed no later than 30 days after the beginning of the school year.
  - b. For a student who enters school after the beginning of the school year, within two weeks of the student's placement in such a program.
  
- 3. What kind of information must a district provide to parents regarding their child's participation in a language instruction educational program?**
  - a. Reasons for identifying their child as being limited English proficient and for placing their child in a ELD program for ELL students;
  - b. Student's level of English proficiency, how the level was assessed and the status of the child's academic achievement;
  - c. Method of instruction including a description of other alternative programs;
  - d. How the program will meet the educational strengths and needs of the child;
  - e. How the program will help the child learn English and meet academic achievement standards;
  - f. The program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school;
  - g. How the program will meet the objectives of an individualized education program for a student with a disability; and their rights, including written guidance that:
    - Specifies the right that parents have for their child to be immediately removed from a language instruction educational program upon their request,
    - Describes the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
    - Assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

## **Parent Involvement - continued**

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### **4. Are any other separate notifications required?**

- a. Parents must be notified if the district does not meet one or more of the AMAOs described in section 3122 of Title III.
- b. Notice is to be provided no later than 30 days after districts are informed of AMAO results.

### **5. What are the requirements on the format and language of the notices to parents?**

- a. The required notices must be provided in an understandable and uniform format and to the extent practicable, in a language that the parent can understand.
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## **Native American and Alaska Natives under Title III**

### **1. How are Native American and Alaska Native identified for the Title III program?**

Native American and Alaska Native students whose first language is English may qualify for Title III supplemental instructional resources through the following process:

- a. Identify Native American and Alaska Native students through the district's registration form at the beginning of the school year.
- b. Review assessment data to determine if the student is academically at risk:
  - Below grade level on district assessments.
  - Not meeting the state standards on the state assessments.
  - For K – 2 students: reading below grade level as determined by classroom-based assessments such as the DIBELS, curriculum-based reading assessments, or teacher recommendation.
- c. Assess students with the WLPT-II Placement Test within 10 school days of defining academically at risk status.
- d. Students scoring at a Level 1, 2, or 3 on the WLPT-II Placement Test are eligible for Title III services.

### **2. Are there reporting requirements for Native American and Alaska Native students?**

- a. **Yes**, Native American and Alaska Native student-level data must be reported in the Title III section in the bilingual database.

### **3. Are Native Americans and Alaska Native ELL students required to test on the annual WLPT-II assessment?**

- a. **Yes**, Native American and Alaska Native ELL students are subject to the same testing requirements of TBIP students.

## Immigrant Children and Youth

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### 1. What is the definition of “immigrant children and youth” in Title III?

The term “immigrant children and youth,” which is defined in section 3301(6) of Title III, refers to individuals who:

- a. Are aged 3 through 21;
- b. Were not born in any state; and
- c. Have not been attending one or more schools in any one or more states for more than 3 full academic years.

For the definition above, "state" means the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (Section 3301(6) of ESEA).

***Children born to U.S. citizens abroad (e.g., children born on a military base overseas) may be considered immigrants for purposes of this file if they meet all the criteria in the definition of immigrant.***

### 2. What is the definition of 3 full academic years when counting immigrant children and youth?

- a. Immigrant children and youth are students who were not born in any state and have not been attending one or more schools in any one or more states for more than 3 full academic years.
- b. If a student has been in different schools in different school districts and even in different states, the number of months that the student has been in school in any one or more states must not add up to a total of more than 3 full academic years.
- c. Washington State defines an academic year as 9 months.

### 3. How does the state determine if a district is eligible to apply for an immigrant grant?

- a. During the month of October, districts take a count of the number of students who meet the definition of immigrant.
- b. Data are reported to the State during the month of December.
- c. State examines immigrant count submitted to determine if a district has experienced a 2% increase as compared to the average of the two preceding fiscal years.

## **Immigrant Children and Youth - Continued**

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### **4. How does the state allocate immigrant funds?**

- a. The state allocates funding on both a formula and competitive basis. A district must meet three conditions:
  - o Experienced a 2% increase as compared to the average of the two preceding fiscal years.
  - o Have limited or no experience in serving immigrant children and youth.
  - o Plan must meet the purpose of under section 3116.

### **5. Are there special required activities for districts that receive grants under section 3114(d) substantial increase in percentage or number of immigrant students?**

**Yes**, under statute, districts must provide enhanced instructional opportunities for immigrant children and youth, which may include:

- a. Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- b. Support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- c. Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- d. Identification and acquisition of curricular materials, educational software, and technologies to be used in the program;
- e. Basic instruction services directly attributable to immigrant children and youth, including the costs related to additional classroom supplies, transportation, or additional basic instruction services;
- f. Other instruction services designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education;
- g. Activities coordinated with community-based organizations, higher education, private sector, or other entities with expertise in working with immigrants by offering comprehensive community services.

## **TITLE III & PRIVATE SCHOOLS**

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**AUTHORITIES:** No Child Left Behind Act of 2001, Title IX, Part E, Secs. 9501-9506

### **STATUTORY AND REGULATORY REQUIREMENTS**

- After timely and meaningful consultation with appropriate private school officials, local education agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by the LEA.
- To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the Title III program on issues such as:
  1. How the LEP children's needs will be identified.
  2. What services will be offered.
  3. How, where and by whom the services will be provided.
  4. How the services will be assessed and how the results of the assessment will be used to improve those services.
  5. The size and scope of the services to be provided to the private school children and educational personnel.
  6. The amount of funds available for those services.
  7. How and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.
- Title III services provided to children and educational personnel in private schools must be equitable and timely and address their educational needs.
- Funds provided for educational services for private school children and educational personnel must be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children.
- Title III services provided to private school children and educational personnel must be secular, neutral, and nonideological.
- LEAs may serve private school LEP children and educational personnel either directly or through contracts with public and private agencies, organizations and institutions.
- The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA.
- Services for private school children and educational personnel must be provided by employees of the LEA or through a contract made by the LEA with a third party.
- Providers of services to private school children and educational personnel must be independent of the private school and of any religious organization, and the providers' employment or contract must be under the control and supervision of the LEA.
- Funds used to provide services to private school children and educational personnel must not be commingled with nonfederal funds.

## **TITLE III & PRIVATE SCHOOLS – FREQUENTLY ASKED QUESTIONS**

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### ***What is meant by "equitable" participation by public and private school students and educational personnel in a Title III program?***

Participation is considered to be equitable if the LEA (1) assesses, addresses and evaluates the needs and progress of public and private school students and educational personnel on a comparable basis; (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs; (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

### ***Must an LEA's Title III program design be the same for both public and private school students and educational personnel?***

**No.** Consultation and coordination between LEA and private school officials are essential to ensure a high-quality program that meets the needs of the students being served and assists those students in attaining English proficiency and meeting the same challenging state academic content and student academic achievement standards as all children are expected to meet. The LEA must assess the needs of private school students and educational personnel in designing a program that meets their needs. If their needs are different from those of public school students and educational personnel, the LEA, in consultation with private school officials, must develop a separate program design that is appropriate for their needs.

### ***What recourse is available if an LEA will not use its Title III funds to provide equitable services to private school children and educational personnel?***

Complaints about an LEA's failure to provide equitable services to private school children and educational personnel must first be submitted to the state education agency for resolution. The state's resolution or failure to make a resolution may be appealed to the U.S. Department of Education.

### ***Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?***

**Yes.** Like teachers serving public school LEP students, teachers providing Title III services to private school students, whether LEA employees or third-party contract employees, are subject to the requirement that teachers in a Title III program must be fluent in English and any other language used for instruction.

**Office of Civil Rights  
(OCR)**

**Programs for  
English Language Learners**

**Title VI Guidance & Equity Issues**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin. In *Lau v. Nichols*, the U.S. Supreme Court affirmed the Department of Education memorandum of May 25, 1970, which directed school districts to take steps to help limited-English proficient (LEP) students overcome language barriers and to ensure that they can participate meaningfully in the district's educational programs.

## OCR Guidance

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This section provides OCR guidance on the educational rights of English Language Learners (ELLs) that are applicable even in the absence of supplemental state/federal English language development program funds or when parents/guardians have waived services from a state/federal English Language Development (ELD) funded program.

**Identification of Potential ELLs** (Reference: U.S. Department of Education, Office for Civil Rights) This section of the ELL plan addresses and describes district procedures for identifying students (who may be ELLs) enrolled in a district. The following questions may be used in preparing this section of the plan:

1. Does the plan contain a detailed description of the district's procedures for identifying potential ELL students?
2. Are the procedures designed to ensure that all students potentially needing ELD services are identified for assessment?
3. Is the person(s) responsible for each step in the identification procedures specified in the plan? *(Example, the school secretary may be responsible for distributing and collecting home language surveys during enrollment, and the school principal may be responsible for forwarding the surveys to the district's English language assessment specialist.)*
4. Are the timeframes for each step in the identification procedures set forth in the plan? *(Example: completed Home Language Survey (HLS) will be forwarded to the English language assessment specialist within \_\_\_ school days of a student's enrollment in the district. Surveys will be evaluated within \_\_\_ school days).*
5. If the district's identification procedures require participation by staff with special skills, such as an interpreter to communicate with ELL parents or students during the enrollment process, does the plan describe how this special staff person is integrated into the identification process?
6. Do the identification procedures state the criteria that will be utilized to classify a student as a potential ELL student and, therefore, in need of assessment for English language proficiency?
7. Does the ELL plan contain a statement of how the district will maintain documentation of the following: the identification results; determination of the potential ELL status of students; and, referrals of such students for language proficiency assessment?

### **Documentation districts should have available for OCR's requests.**

- a) Documentation that the percentage of ELLs receiving special education services is comparable to the percentage of special education students in the district's general school population. ELLs should not be over or under-represented in the district's special education programs.
- b) Documentation that the percentage of national origin minority students (including ELLs) participating in its gifted education program is comparable to that of the district's general school population. ELLs should not be over or under-represented in the district's gifted education programs.

## OCR Guidance - Continued

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- c) Documentation that the dropout rate of ELLs and former Transitional Bilingual Instruction Program (TBIP) students is comparable to that of the district's general school population. ELLs and former students of the TBIP should not be over or under-represented in the district's dropout rate.
  
- d) Documentation that ELLs and former ELLs meet grade promotion and graduation requirements and are comparable to that of the district's general school population. Facilities for programs for ELLs and/or linguistically diverse students are comparable to facilities utilized for all students in basic education programs. Are facilities equitable for certificated and non-certificated personnel and students?

## **OCR Questions and Answers: Rights of Limited English Proficient Students**

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### **1. What happens to Limited English Proficient (LEP) students who are not offered services to help them overcome language barriers?**

ELL students may suffer repeated failure in the classroom, falling behind in grade, and dropping out of school if they are not provided services to overcome language barriers. Students who are not proficient in English sometimes are inappropriately placed in special education classes. Also, because of their lack of English proficiency, qualified students often do not have access to high track courses or Gifted and Talented programs.

### **2. What are the needs of ELLs that Federal authority requires districts to address?**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin. In *Lau v. Nichols*, the U.S. Supreme Court affirmed the Department of Education memorandum of May 25, 1970, which directed school districts to take steps to help LEP students overcome language barriers and to ensure that they can participate meaningfully in the district's educational programs.

### **3. What does Title VI of the Civil Rights Act of 1964 require for ELLs?**

Federal law requires programs that educate children with limited English proficiency to be:

- a. Based on a sound educational theory;
- b. Supported with adequate and effective staff and resources, so that the program has a realistic chance of success; and
- c. Periodically evaluated and, if necessary, revised.

### **4. Does OCR require districts to follow a particular educational approach, such as bilingual education?**

**No.** OCR does not require or advocate a particular educational approach to the instruction of ELLs. Districts have substantial flexibility when developing programs to meet the needs of ELLs.

### **5. What if parents do not want their child to have services to address their English needs?**

Parents can opt to not have their children enrolled in an ELD program. When a parent declines participation, the district retains the responsibility to ensure that the student has an equal opportunity to have his or her English language and academic needs met. Districts can meet this obligation in a variety of ways (e.g. adequate training to classroom teachers on second language acquisition, monitoring the educational progress of the student, etc.).

### **6. How long does a district have to provide special services to ELLs?**

ELLs must be provided with alternative services until they are proficient enough in English to participate meaningfully in the district's core curriculum or in an all English mainstream curriculum program. To determine whether a child is ready to exit, a district must consider such factors as the student's ability to keep up with their non-ELL peers in the district's core curriculum instruction program and their ability to participate successfully without the use of adapted or simplified English materials.

# APPENDIX

## Chapter 28A.180 RCW - Transitional Bilingual Instruction Program

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### Chapter Listing

#### **RCW Sections**

- [28A.180.010](#) Short title -- Purpose.
- [28A.180.020](#) Annual report by superintendent of public instruction.
- [28A.180.030](#) Definitions.
- [28A.180.040](#) School board duties.
- [28A.180.060](#) Guidelines and rules.
- [28A.180.080](#) Budget requests -- Allocation of moneys -- English language skills test.
- [28A.180.090](#) Evaluation system -- Report to the legislature.
- [28A.180.100](#) Continuing education plan for older students.

#### **28A.180.010 - Short title — Purpose.**

RCW [28A.180.010](#) through [28A.180.080](#) shall be known and cited as "The Transitional Bilingual Instruction Act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW [28A.180.010](#) through [28A.180.080](#) to provide for the implementation of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to school districts to meet the extra costs of these programs.

[1990 c 33 § 163; 1984 c 124 § 1; 1979 c 95 § 1. Formerly RCW 28A.58.800.]

#### **Notes:**

**Severability -- 1979 c 95:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1979 c 95 § 9.]

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#### **28A.180.020 - Annual report by superintendent of public instruction.**

The superintendent of public instruction shall review annually the transitional bilingual instruction program and shall submit a report of such review to the legislature on or before January 1 of each year.

[1984 c 124 § 8. Formerly RCW 28A.58.801.]

### 28A.180.030 - Definitions.

As used throughout this chapter, unless the context clearly indicates otherwise:

(1) "Transitional bilingual instruction" means:

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English; or

(b) In those cases in which the use of two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English.

(2) "Primary language" means the language most often used by the student for communication in his/her home.

(3) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

[2001 1st sp.s. c 6 § 3; 1990 c 33 § 164; 1984 c 124 § 2; 1979 c 95 § 2. Formerly RCW 28A.58.802.]

**Notes: Severability -- 1979 c 95:** See note following RCW [28A.180.010](#).

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### 28A.180.040 - School board duties.

Every school district board of directors shall:

(1) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction.

(2) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(3) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases.

(4) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction.

(5) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models.

[2001 1st sp.s. c 6 § 4; 1984 c 124 § 3; 1979 c 95 § 3. Formerly RCW 28A.58.804.]

**Notes: Effective date -- 1979 c 95 § 3:** "Section 3 of this act shall take effect September 1, 1980." [1979 c 95 § 7.] **Severability -- 1979 c 95:** See note following RCW [28A.180.010](#).

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### **28A.180.060 - Guidelines and Rules.**

The superintendent of public instruction shall:

- (1) Promulgate and issue program development guidelines to assist school districts in preparing their programs;
- (2) Promulgate rules for implementation of RCW [28A.180.010](#) through [28A.180.080](#) in accordance with chapter 34.05 RCW. The rules shall be designed to maximize the role of school districts in selecting programs appropriate to meet the needs of eligible students. The rules shall identify the process and criteria to be used to determine when a student is no longer eligible for transitional bilingual instruction pursuant to RCW [28A.180.010](#) through [28A.180.080](#).

[1990 c 33 § 165; 1984 c 124 § 5; 1979 c 95 § 5. Formerly RCW 28A.58.808.]

**Notes: Severability -- 1979 c 95:** See note following RCW [28A.180.010](#).

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### **28A.180.080 - Budget requests — Allocation of moneys — English language skills test.**

The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs. Moneys appropriated by the legislature for the purposes of RCW [28A.180.010](#) through [28A.180.080](#) shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district: PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills.

[1995 c 335 § 601; 1990 c 33 § 167; 1979 c 95 § 6. Formerly RCW 28A.58.810.]

**Notes: Part headings, table of contents not law -- 1995 c 335:** See note following RCW 28A.150.360.

**Severability -- 1979 c 95:** See note following RCW [28A.180.010](#).

### **28A.180.090 - Evaluation system — Report to the legislature.**

The superintendent of public instruction shall develop an evaluation system designed to measure increases in the English and academic proficiency of eligible pupils. When developing the system, the superintendent shall:

- (1) require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;
- (2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;
- (3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school and school districts in teaching these students English and other content areas, such as mathematics and writing; and
- (4) Report to the education and fiscal committees of the legislature by November 1, 2002, regarding the development of the systems described in this section and a timeline for the full implementation of those systems. The legislature shall approve and provide funding for the evaluation system in subsection (3) of this section before any implementation of the system developed under subsection (3) of this section may occur.

[2001 1st sp.s. c 6 § 2.]

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### **28A.180.100 - Continuing education plan for older students.**

The office of the superintendent of public instruction and the state board for community and technical colleges shall jointly develop a program plan to provide a continuing education option for students who are eligible for the state transitional bilingual instruction program and who need more time to develop language proficiency but who are more age-appropriately suited for a postsecondary learning environment than for a high school. In developing the plan, the superintendent of public instruction shall consider options to formally recognize the accomplishments of students in the state transitional bilingual instruction program who have completed the twelfth grade but have not earned a certificate of academic achievement. By December 1, 2004, the agencies shall report to the legislative education and fiscal committees with any recommendations for legislative action and any resources necessary to implement the plan.

[2004 c 19 § 105.]

**SPECIAL SERVICE PROGRAM — TRANSITIONAL BILINGUAL**[Chapter Listing](#)**WAC Sections**

- [392-160-003](#) Authority.
- [392-160-004](#) Purpose.
- [392-160-005](#) Definitions.
- [392-160-010](#) School district board of directors duties.
- [392-160-015](#) Identification of eligible students.
- [392-160-020](#) Approved test for determining initial eligibility -- English proficiency scores.
- [392-160-026](#) District application.
- [392-160-027](#) Board approval.
- [392-160-028](#) Content of district application.
- [392-160-029](#) Program approval.
- [392-160-035](#) Program exit requirements -- Testing.
- [392-160-040](#) Alternative instructional program.
- [392-160-045](#) Students with disabilities -- Conditions for transitional bilingual entitlement.

**DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 392-160-001 Purpose -- Supplemental federal requirements. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-001, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-001, filed 6/17/80.] Repealed by 84-13-027 (Order 84-17), filed 6/13/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810.
- 392-160-025 Program application and approval procedure. [Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-025, filed 6/17/80.] Repealed by 81-15-089 (Order 81-4), filed 7/22/81. Statutory Authority: RCW 28A.58.804.
- 392-160-030 Funding procedure -- Monthly reports. [Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-030, filed 6/17/80.] Repealed by 81-15-089 (Order 81-4), filed 7/22/81. Statutory Authority: RCW 28A.58.804.

**392-160-003 - Authority.**

The authority for this chapter is RCW 28A.180.060 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a transitional bilingual instructional program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-160-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-003, filed 6/13/84.]

### **392-160-004 - Purpose.**

The purpose of this chapter is to set forth policies and procedures for the implementation of a transitional bilingual instructional program.

[Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-004, filed 6/13/84.]

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### **392-160-005 - Definitions.**

As used in this chapter:

(1) "Transitional bilingual instruction" means a system of instruction which:

(a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a student to achieve competency in English;

(b) Introduces concepts and information in the primary language of a student and reinforces them in the English language; and

(c) Tests students in the subject matter in English.

(2) "Primary language" means the language most often used by a student (not necessarily by parents, guardians, or others) for communication in the student's place of residence.

(3) "Eligible student" means any student who meets the following two conditions:

(a) The primary language of the student must be other than English; and

(b) The student's English skills must be sufficiently deficient or absent to impair learning.

(4) "Alternative instructional program" means a program of instruction which may include English as a second language and is designed to enable the student to achieve competency in English.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-005, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-005, filed 6/13/84. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-005, filed 6/17/80.]

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### **392-160-010 - School district board of director's duties.**

Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible student a transitional bilingual instructional program or, if the use of two languages is not practicable as provided in WAC [392-160-040](#), an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program, or alternative instruction program in a language they can understand; and

(3) Shall provide professional development training for administrators, teachers, counselors, and other staff on bilingual program models, and/or district's alternative instructional program, appropriate use of instructional strategies and assessment results, and curriculum and instructional materials for use with culturally and linguistically diverse students.

[Statutory Authority: RCW 28A.180.010. 08-19-039, § 392-160-010, filed 9/10/08, effective 10/11/08; 08-09-071, § 392-160-010, filed 4/16/08, effective 5/17/08. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-010, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-010, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-010, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-010, filed 6/17/80.]

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### **392-160-020 - Approved test for determining initial eligibility — English proficiency scores.**

Approved English proficiency test: Washington language proficiency placement test (WLPT).

[Statutory Authority: RCW 28A.180.010. 09-04-014, § 392-160-020, filed 1/23/09, effective 2/23/09. Statutory Authority: Chapter 28A.180 RCW. 91-17-008 (Order 12), § 392-160-020, filed 8/12/91, effective 9/12/91. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-020, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-020, filed 6/13/84. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-020, filed 6/17/80.]

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### **392-160-026 - District Application.**

Each school district that seeks an allocation of state funds for a transitional bilingual instruction program or alternative instructional program shall submit a program approval application to the superintendent of public instruction no later than August 1 of each year: Provided, That in the case of extenuating circumstances or in the case of a change in circumstances such as the unexpected enrollment of eligible students the superintendent of public instruction may allow the belated submission of an application or the submission of a modification to a previously approved application. The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

[Statutory Authority: RCW 28A.180.010. 08-09-071, § 392-160-026, filed 4/16/08, effective 5/17/08. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-026, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-026, filed 6/13/84.]

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### **392-160-027 - Board approval.**

The district's transitional bilingual instructional program or alternative instructional program shall be approved by formal action of the district's board of directors.

[Statutory Authority: RCW 28A.180.010. 08-09-071, § 392-160-027, filed 4/16/08, effective 5/17/08. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-027, filed 6/13/84.]

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### **392-160-028 - Content of district application.**

The district's annual application shall contain the following:

- (1) The estimated number of eligible students to be served in the next school year;
- (2) A description of the bilingual instructional program and/or alternative instructional program to be implemented the next school year;
- (3) A description of the research-based professional development activities plan targeted toward second language acquisition for the next school year as provided for in this section and WAC [392-160-010](#); and
- (4) A description of the district's plan for continuous improvement and evaluation of its program to serve English language learners.

[Statutory Authority: RCW 28A.180.010. 08-09-071, § 392-160-028, filed 4/16/08, effective 5/17/08. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-028, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84027 (Order 84-17), § 392-160-028, filed 6/13/84.]

### **392-160-029 - Program approval.**

Program approval by the superintendent of public instruction shall be as follows:

- (1) Each application that is submitted as required by and pursuant to this chapter shall be approved: Provided, that approval of an application may be withheld in whole or part in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application;
- (2) Each school district shall be notified of program approval status, within thirty days after the date of receipt of the application by the superintendent of public instruction; and
- (3) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefore and a statement of the corrective action necessary for approval.

[Statutory Authority: RCW 28A.180.010. 08-09-071, § 392-160-029, filed 4/16/08, effective 5/17/08. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-029, filed 6/13/84.]

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### **392-160-035 - Program Exit Requirements — Testing**

- (1) No student shall continue to be entitled to a transitional bilingual instructional program or alternative instructional program after the student has received instruction in a transitional bilingual instructional program or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three consecutive school years (i.e., 540 school days or portions thereof): Unless the student has not yet met exit criteria on Washington language proficiency test as established by the office of superintendent of public instruction.
- (2) The approved test for measurement of improvement in English language skills for purposes of

exit from the transitional bilingual instructional program or alternative instructional programs shall be the Washington language proficiency test.

(3) No student shall be eligible for continued funding in the transitional bilingual instructional program or alternative program upon meeting or exceeding the state standards as measured by the WLPT. As provided for in this section and WAC [392-160-015](#), the parent/guardian retains the option to refuse program services for the eligible student.

[Statutory Authority: RCW 28A.180.010. 08-09-071, § 392-160-035, filed 4/16/08, effective 5/17/08. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-035, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-035, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-035, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-035, filed 6/17/80.]

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### **392-160-040 - Alternative Instructional Program**

School districts under one or more of the following conditions may elect to provide an alternative instructional program:

(1) Necessary instructional materials in the student's primary language are unavailable and the district has made reasonable efforts to obtain necessary materials without success;

(2) The capacity of the district's bilingual instructional program is temporarily exceeded by an unexpected increase in the enrollment of eligible students;

(3) Bilingual instruction cannot be provided to students without substantially impairing their basic education because of their distribution throughout many grade levels or schools, or both; or

(4) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

[Statutory Authority: RCW 28A.180.010. 08-09-071, § 392-160-040, filed 4/16/08, effective 5/17/08. Statutory Authority: Chapter 28A.180 RCW. 91-17-008 (Order 12), § 392-160-040, filed 8/12/91, effective 9/12/91. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-040, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-040, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-040, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-040, filed 6/17/80.]

### **392-160-045 - Students with disabilities — Conditions for transitional bilingual entitlement.**

(1) Students identified as being eligible for both the state transitional bilingual instructional program (TBIP) and special education program will participate in the TBIP to the same degree and consideration given to every other child in the TBIP.

(2) The district, in consultation with the student's IEP team shall determine whether the child's disability is the determinant factor for the child's English language skill deficiency.

(3) If it is determined that the child's disability is the determinant factor for the English language skill deficiency, the child shall not be eligible for the TBIP.

(4) If it is determined that the child's disability is not the determinant factor for the English language skill deficiency, the child shall be eligible for the TBIP.

(5) If it cannot be determined whether or not the child's disability is the determinant factor for the child's English language skill deficiency, the child shall be eligible for TBIP and the special education program. The child's district, in consultation with the student's IEP team shall assess annually whether or not the child's disability is the determinant factor for the child's English language skill deficiency. If the district and IEP team determine that the child's disability is the determinant factor for the child's English language skill deficiency then the child shall not be eligible for the TBIP.

(6) A child who is participating in both the TBIP and the special education program under this chapter shall be subject to all conditions of participation provided in this chapter.

[Statutory Authority: RCW 28A.180.010. 08-09-071, § 392-160-045, filed 4/16/08, effective 5/17/08.  
Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-045, filed 10/2/84.  
Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-045, filed 7/22/81.  
Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-045, filed 6/17/80.]

## Program Models Descriptions

### **Dual Language (Two-Way Immersion)**

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Dual language programs (also known as two-way bilingual education and two-way immersion) provide integrated language and academic instruction for native English speakers and native speakers of another language with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding (Christian, 1994).

#### **Program Characteristics**

- Provide bilingual instruction for at least 4 to 6 years.
- Usually composed of 50% native English speakers and 50% native speakers of the other language.
- Academic instruction with the non-English language being used at least 50% of the time providing students the opportunity to be both first language models and second language learners.
- Students experience an additive bilingual environment as the first language as well as their second language is developed.
- Focus is to attain high student achievement and bilingualism through the use of two languages for instruction.
- Development of high levels of proficiency and high levels of academic achievement through both languages.

#### **What is the language of instruction?**

- Academic subjects taught in both English and the other language, with the non-English language being used at least 50% of the time.
- Support services from resource teachers and other support staff provided in both languages to the extent possible.

#### **Should there be a separation of languages by teachers and students?**

- Teachers in dual language programs teach for extended periods in one designated language.
- Native speakers and ELLs are encouraged to communicate in the language of instruction to the best of their ability.
- Mixing of the two languages and translation is discouraged, because it allows students to rely on their first language.

#### **What are appropriate teaching strategies for language and content?**

- Curriculum and instructional strategies reflect developmental levels in both cognitive and linguistic areas.
- Academic instruction in accordance with students' language proficiency.
- Anticipated language needs and provide opportunities to acquire language skills to support content to be taught later.
- Repetition and rephrasing to make language comprehensible, modeling provided by the teacher
- Cooperative learning techniques, thematic units, hands-on materials, and visual and graphic displays to teach academic content through the medium of the second languages.
- Providing opportunities to interact with and learn from native speakers of the second language

## **Dual Language (Two-Way Immersion) - Continued**

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### **Teaching Materials**

- Instructional materials, including textbooks, computer software, and other pedagogical materials, should be available in both languages.
- If not possible to obtain all materials in both languages, the curriculum can be split so that subjects are taught in the language for which appropriate materials are available.

### **Is there a recommended schedule for dual Language program?**

- Dual language programs provide bilingual instruction for at least 4 to 6 years, and parents are advised that continuous participation for the duration of the program is essential if their children are to realize the full benefits.
- Dual language is not advised for districts with very transient student populations, where many students would not be in the program long enough to reap the benefits.

### **How should a district engage parent and community involvement in a dual language program?**

- Recognize the importance of support from all families and from the community at large.
- Cultures of both parent groups are valued equally and included in school decision-making processes.
- Language minority population must have an interest in maintaining their language in addition to learning English.
- Native-English-speaking population must have an interest in developing a second language.

### **What Professional Development is needed for teachers of dual language programs?**

- Professional development that focus on effective instructional strategies, the development of materials and curricula, current research, and program development theory.

### **What assessments should be used?**

- Ongoing assessment to fine-tune instruction to promote students' language and academic development.
- Assessment linked to instructional goals and plans and takes into account students' developing language proficiencies.
- Assessment that focus on mastery of academic content and does not require language skills beyond the students' current level of proficiency.

### **What is the role of administrators in dual language programs?**

- Buy-in on the part of the school and district administration.
- Principals, resource specialists, and superintendents should all understand and support the program.

### **Necessary Resources and Local Conditions**

- A sizeable population of both native English speakers and language minority students from a single language background.
- A program where students and teachers interact socially and work together to perform academic tasks.
- Students' language abilities are developed along with their knowledge of academic subject matter.
- The two languages accorded equal status to promote additive bilingualism and full participation by the two language groups.

## **Developmental Bilingual (Late-Exit)**

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Developmental bilingual education (DBE), also referred to as late-exit bilingual education (Ramirez, 1992), is an enrichment program that educates English language learners using both English and their first language for academic instruction. These programs aim to promote high levels of academic achievement in all curricular areas and full academic language proficiency in the students' first and second languages.

### **Program Characteristics**

- Provide English language learners with academic instruction in their first language as they learn English.
- Typically, a new program begins at kindergarten or first grade and adds a grade each subsequent year.
- Teaches regular academic subjects through both English and the students' native language for as many grades as the school district can support.
- A sufficient number of English language learners in subsequent years to constitute at least one class at each succeeding grade level.
- Sheltered instructional techniques are the preferred method of delivering academic instruction.

### **What is the language of instruction?**

- Students' first and second languages taught through meaningful, cognitively challenging academic content from all areas of the curriculum.

### **Should there be a separation of languages by teachers and students?**

- To maximize development of academic proficiency in each language teachers teach for extended periods of time in one designated language.
- Mixing languages and translating during a lesson are avoided.
- If patterns of language use in the community include code-switching, teachers accept code-switching during social times of the day.
- May code-switch during designated instructional times, where appropriate—for example, during a unit where students analyze community uses of the two languages.

### **What are appropriate teaching strategies for language and content?**

- First and second languages taught through meaningful, cognitively challenging academic content from all areas of the curriculum
- Sheltered instructional techniques are the preferred method of delivering academic instruction.
- Cooperative learning strategies, content-based instruction, hands-on materials, multi-modal presentations, advanced technological resources, activation of students' funds of knowledge, and materials and books that present cross-cultural perspectives.
- Critical pedagogical perspectives include problem posing, reflective thinking, knowledge gathering, and collaborative decision making.

### **Teaching Materials**

- Cognitively challenging academic content from all areas of the curriculum is taught using the students' first and second language.
- Textbooks, computer software, and other pedagogical materials must be available in both languages, in all content areas and at all grade levels.

## **Developmental Bilingual (Late-Exit) - Continued**

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### **Is there a recommended schedule for late exit programs?**

- Programs provide bilingual instruction throughout the elementary school years (Grades K-5) and, when possible, into the middle and high school grades.

### **How should a district engage parent and community involvement in a late exit program?**

- Actively involved parents, educators, and whole school community in creating a school curriculum that incorporates cross-cultural community knowledge and resources.
- Include parents in school decision-making in the selection of bilingual school staff, local curriculum development, and the selection of textbooks.

### **What Professional Development is needed for teachers of late exit programs?**

- Ongoing professional development opportunities that focus on effective instructional strategies, the development of materials and curricula, and current research and theory on program development.

### **What assessments should be used?**

- High academic standards monitored on an ongoing basis using multiple measures across time.
- Continual records of students' developing language skills and content knowledge based on their everyday classroom performance.
- Continual feedback on reading and writing acquisition in each language.
- Standardized tests at appropriate intervals to measure long-term group progress.
- Document of students' long-term progress toward closing the achievement gap with native English speakers.

### **What is the role of administrators in late exit programs?**

- Advocate for the program.
- Educate the school community.
- Provide ongoing staff development and teacher planning time.
- Evaluate program effectiveness.
- Commit to ongoing program improvement.

### **Necessary resources and local conditions**

- Bilingual teaching staff
  - Proficient in using both languages for academic purposes,
  - Certified in the content areas to be taught.
- A sufficient number of students with the same first language to constitute at least one class at a given grade level (or two adjacent grade levels).
- Interest of the language minority community to maintain their language, learn English, and support the goal of high academic achievement in both languages.
- Administrators, school board, teachers, parents and students, understand the purposes and give full support.
- Parents, educators, and the whole school community actively involved in creating a school curriculum that incorporates cross-cultural community knowledge and resources.

## **Transitional Bilingual Education (Early-Exit or TBE)**

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Transitional bilingual education (TBE)—also known as early-exit bilingual education (Ramirez, 1992)—is the most common form of bilingual education for English language learners in the United States. TBE provides academic instruction in English language learners' primary language as they learn English. The primary goals are to ensure students' mastery of grade-appropriate academic skills and knowledge and to facilitate and speed up the process of learning English.

### **Program Characteristics Components**

- Uses the students' first language to ensure grade-level mastery of academic content but only until such time as they can make a full transition to all-English instruction
- Requires a sizeable group of English language learners who speak the same primary language and are in the same grade:
- Usually start in kindergarten or Grade 1 and seek to achieve basic oral English proficiency within 2 years and to mainstream students to an all-English program within 3 years.
- Provide instruction in literacy and academic content areas through the medium of the student's first language, along with instruction in English oral language development.
- Depends on the ability of mainstream teachers to provide adequate and effective instruction to TBE students once they have been moved into all-English classrooms.

### **What is the language of instruction?**

- Academic instruction through their first language and
- Instruction in English oral language development

### **Should there be a separation of languages by teachers and students?**

- To maximize development of academic proficiency in each language teachers teach for extended periods of time in one designated language.
- Mixing languages and translating during a lesson are avoided.
- If patterns of language use in the community include code-switching, teachers accept code-switching during social times of the day.
- May code-switch during designated instructional times, where appropriate—for example, during a unit where students analyze community uses of the two languages.

### **What are appropriate teaching strategies for language and content?**

- Academic instruction through their first language.
- Instruction that focus specifically on oral English skills (45 minutes per day)
- Ample opportunities to use English in non-threatening and meaningful activities related to the curriculum of study (45-60 minutes per day), initially in art, music, and physical education, and later during activities related to challenging academic content
- Provide additional support early on for students who manifest academic difficulties or signs of falling behind in their first language or in their oral English development
  - Additional support may include individualized tutoring, close coordination of teachers with parents, and special attention from the teacher or teaching assistant

### **Is there a process to move from bilingual to all English instruction?**

- The shift from instruction in the first language to English should be gradual.
- Phases in academic instruction in English one subject at a time. The introduction of English reading and writing is especially important.
- Emphasize the similarities but also teach the differences between reading and writing in English and the students' first language.

## **Transitional Bilingual Education (Early-Exit or TBE)**

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- Reading and writing assignments should be interesting and engaging, but not, initially, overly demanding in terms of vocabulary and syntax.
- Reading and writing assignments should increase in complexity as students become more proficient.

### **Teaching Materials**

- Instructional materials in the students' first language for grades K to 2, or for as long as first language instruction is provided.
- All resources that complement the instructional program are available in students' first languages, including library books, special programs for the gifted and talented and for students with special needs, school newsletters, and parent bulletins.

### **Is there a recommended schedule for early exit program?**

- Most TBE programs start in kindergarten or Grade 1.
- Seek to achieve basic oral English proficiency within 2 years and to mainstream students to an all-English program within 3 years.

### **How should a district engage parent and community involvement in an early exit program?**

- Communicate regularly with parents in their language to communicate that use of their language is legitimate and valued in the school.
- Encourage parents to support their children's learning by making sure homework is done, helping in the classroom, and participating in school governance and policy making.
- Support the "curriculum of the home," that contributes to students' school achievement.

### **What Professional Development is needed for teachers of early exit programs?**

- Sheltered instructional strategies for mainstream teachers.

### **What assessments should be used?**

- Assessments in the students' first languages for all academic subjects (reading, writing, math, science, and social studies)
- Predictors of success (a) academic achievement that is at grade level, (b) proficiency in reading and writing in the first language, and (c) advanced levels of oral English language development

### **What is the role of administrators in early exit programs?**

- Advocate for the program.
- Educate the school community.
- Provide ongoing staff development and teacher planning time.
- Evaluate program effectiveness.
- Identify way for program improvement.

## **Transitional Bilingual Education (Early-Exit or TBE)**

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### **Necessary resources and local conditions**

- Bilingual teaching staff
  - Certified bilingual teachers in Grades K, 1, and 2, or for as long as first language instruction is given.
  - Credentialed bilingual teachers, fully proficient in the students' first language and English.
- Requires a sizeable group of ELLs who speak the same primary language and in the same grade level
- Administrators, teachers, parents, students, and the larger community understand how TBE works.
- Local policy makers understand and support the goals and rationale of TBE
- A supportive non-threatening environment.

## **Sheltered Instruction**

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Sheltered instruction (SI) is an approach used for teaching language and content to English language learners. SI can be a program option in itself or an approach used in conjunction with other programs. In SI, academic subjects (e.g., science, social studies) are taught using English as the medium of instruction. SI is most often used in classes comprised solely of English language learners, although it may be used in classes with both native English speakers and English language learners when necessitated by scheduling considerations or by small numbers of English language learners.

### **Program Characteristics**

- Core curriculum modified to meet the language development needs of ELLs.
- Specific strategies used to teach a particular content area in ways that are comprehensible and that promote English language development.
- SI strategies characterized by careful attention to English language learners' distinctive second language development needs and gaps in their educational backgrounds.
- Integrates content area objectives and language development objectives,
- Provides instruction that meets the unique needs of English language learners enrolled in grade-level content courses
- Can be the method used to teach the English component of transitional bilingual, developmental bilingual, or two-way immersion programs.

### **What is the language of instruction?**

- Academic subjects are taught using English as the language of instruction.

### **What are appropriate teaching strategies for language and content?**

- Scaffold instruction to the students' capacity for working in English.
- Use supplementary materials such as graphs, models, hands-on materials, and visual aids to make lessons clear and meaningful.
- Adapted content of the materials to students' level of English proficiency.
- Adapt texts and assignments through a variety of means
  - Dense text can be graphically depicted, outlined, or rewritten in more understandable language.
  - Passages may be read aloud and paraphrased.
  - Work on understanding the text together in pairs or small groups.
- Provide students with hands-on experiences that correspond to the subject area and grade-level curriculum.
- Integrate lesson knowledge and concepts with extensive opportunities for reading, writing, listening, and speaking.

### **Teaching Materials**

- Grade-level sheltered curricula for each subject offered.
- Resources to provide hands-on materials, visuals, models, audiovisual resources, and supplementary reading materials.

## **Sheltered Instruction**

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### **Is there a recommended schedule for SI program?**

- Can be used wherever and whenever English language learners receive academic instruction in English
  - Should be part of an articulated and flexible program that provides English language learners access to all content subjects.
  - Moves student through the program with multiple pathways for exiting and supports their transition to mainstream classes.
  - Allow students to enter mainstream classes by subject, when they are able.
  - Offers support mechanisms, such as resource classes or after-school tutoring, to help students as needed with the academic language and specific tasks required of them in mainstream classrooms.

### **How should a district engage parent and community involvement in a SI program?**

#### **What Professional Development is needed for teachers of SI?**

- Understanding of shared responsibility for the education of English language learners.
- ESL methodologies, second language acquisition processes, and cross-cultural awareness for content teachers.
- Subject matter areas and subject-specific instructional methodologies for ESL teachers;
- Instructional techniques to support students while in SI classes mainstream classes.

#### **What assessments should be used for SI?**

- Ongoing informal assessments
- End-of-unit tests, and
- Portfolio assessments.
- Monitor progress with respect to both academic achievement and their English language development.

#### **What is the role of administrators in SI?**

- Needs to be familiar with the features of SI to assure that quality instruction is provided.
- Responsible for creating a school-wide vision for the educational success of all students, including English language learners.

#### **Necessary Resources and local Conditions**

- Teachers trained in SI strategies
- English language learners developing second language skills
- Professional development to train teachers in SI strategies
- Sheltered Curricula and supplementary materials
- Alternative assessments
- Administrative Support

## **Newcomers Programs**

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Newcomer programs are designed to address the unique needs of middle- and high-school-aged immigrant students with limited proficiency in English. Many also have limited literacy skills in their primary language, often as a result of limited formal schooling. The goals of newcomer programs are to help students acquire beginning English language skills along with core academic skills and knowledge, and to acculturate to the U.S. school system. Some programs have additional goals, such as developing students' primary language skills and preparing students for their new communities.

### **Program Characteristics**

- Address the unique literacy needs of English language learners more effectively than is possible in a classroom with both literate and non-literate students.
- Belief that a welcoming and nurturing environment is beneficial to older immigrant students (those of secondary school age, 12-21 years old) who may have limited prior experience with schooling.
- Need to provide middle and high school immigrant students with core academic skills and knowledge that fill gaps in their educational backgrounds and move them closer to their age-level peers, better preparing them to participate in mainstream classrooms.
- Assumption that the chances of educational success for immigrant students are enhanced when connections between the school and students' families and communities are established and reinforced

### **What is the language of instruction?**

- Depends on the participating students' first languages and the availability of appropriate bilingual teachers, paraprofessionals, and instructional materials.

### **What are appropriate teaching strategies for language and content?**

- Strategies to teach literacy to adolescent students.
- Sheltered and bilingual content to promote the development of core academic skills and knowledge while furthering students' English language development
- Supplement classroom curricula with field trips, cultural activities, and special events to familiarize students with American culture, their community, and school routines and educational expectations in the United States.

### **Teaching Materials**

- Instructional materials cognitively ages appropriate with modifications appropriate for students' level of language development, especially literacy.
- Content materials selected to help students establish the foundations of academic subjects they may not have studied and to further their current academic knowledge.
- Literature in English and the students' first languages.
- ESL or bilingual materials
- Materials for the literacy development of older students
- May need to develop curricula, materials, and assessment instruments for the programs.

### **Is there a recommended schedule for Newcomers programs?**

- Pedagogical and programmatic features of newcomer programs differ according to their educational goals, site options, available staff, and resources.

## **Newcomers Programs**

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### **How should a district engage parent and community involvement in a Newcomers program?**

- Inclusion of the whole family in the life of the school by arrange family events, adult ESL classes
- Help families link up with appropriate social and health services in the community

### **What Professional Development is needed for teachers of Newcomers programs?**

- Sheltered and bilingual content instruction are planned to promote the development of core academic skills and knowledge while furthering students' English language development.

### **What assessments should be used?**

- Pre-selected test scores as entrance and exit criteria and also to determine progress and achievement.
- Alternative assessments, such as portfolios to monitor students' ongoing progress

### **What is the role of administrators in Newcomers programs?**

- Advocates for newcomer programs and students.
- Coordinate instruction, staff development, and connections with receiving schools.
- Secure adequate funding
- Program evaluations so that policy makers have systematic data showing the benefits of a newcomer program

### **Necessary Resources and local Conditions**

- Teaching staff
  - Staff trained to work with recent immigrant students.
  - Knowledge base to include literacy skills development, strategies for integrating language and content instruction, cross-cultural awareness, and second language acquisition.
  - Type of available staff may determine the type of instruction that is offered.
- Personnel with translation and interpretation skills for parental outreach and for communication between students and guidance counselors and other school personnel
- Access to a sufficient number of newcomer students with educational needs that are not met successfully in the regular ESL or bilingual programs.
- Size of the immigrant student population in need of special services and the particular first languages and cultures they represent will influence the type and length of program and the program's location.
- Need a plan and policy for identification and placement of students.
- A transition process for students who must switch schools when they leave the newcomer program.
- Joint staff development to meet the students' cognitive, linguistic, academic, and emotional needs for teachers of newcomer programs and teachers who receive transitioned students.
- Special transportation is necessary in the case of centralized programs

Activity	Allowable TBIP	Allowable Title III
<b>Administration</b>	Allowable	Not allowable
<b>Instruction</b>	Salaries for teachers and instructional support staff (cannot be used to fund teacher salaries in bilingual programs where the bilingual teacher is the student’s basic education teacher, e.g. dual language program).	Professional development trainer (as specified in district’s Title III professional development plan)  Salaries for teachers and instructional support staff (for extended day and extended year only)
<b>Substitute costs</b>	Substitute costs for teachers on leave for ELL-specific professional development	Substitute costs for teachers on leave for ELL-specific professional development
<b>Stipends</b>		Stipends for teacher time, outside of contractual hours, spent on ELL-specific professional development activities
<b>Tuition</b>	Not Allowable	Tuition support for teachers or instructional support staff working towards ELL and/or Bilingual Ed. endorsements or teaching certificates
<b>Professional Development</b>	Professional development “for teachers, counselors, and other staff, who are involved in the district’s transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models” RCW 28A.180.040 (5)	<b>Required Activity:</b> Professional development specific to the needs of ELLs To provide professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organization personnel
<b>Instructional Materials</b>	Instructional materials specific to English language acquisition	Instructional materials specific to English language acquisition
<b>Curriculum development</b>	Curriculum development specific to English language acquisition	Curriculum development specific to English language acquisition
<b>Parents</b>	ELL parent involvement and literacy activities	ELL parent/community involvement and literacy activities
<b>Translation &amp; Interpreters</b>	Translations and interpretations specific to TBIP program and services	Allowable to <b>supplement</b> TBIP translation and interpreters services
<b>Evaluation</b>	Costs associated with TBIP annual program evaluation	Costs associated with TBIP annual program evaluation
<b>WLPT-II Testing</b>	WLPT-II Placement Test for screening potentially eligible ELLs and costs related to the annual WLPT-II test administration	English language proficiency assessments for Title III eligible Native American & Private School students (WLPT-II Placement Test and annual WLPT-II)  WLPT-II (annual test only) costs for providing score reports for all Title III eligible ELLs and Native American students