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English Learner (EL) and Title III Processes and Procedures with KDE

Kentucky Coalition for English Learners
Summer Learning Series

Agenda

- District Guide for the English Learners Program
- Title III
- EL Program Requirements
- Lau Plan
- Effective Language Instruction Educational Program (LIEP) Plans
- EL Placement and Identification
- World-Class Instructional Design and Assessment (WIDA)
- Program Monitoring
- Student Records
- ELs with (Potential) Disabilities
- Consortium Process
- Data and Reporting
- Toolkits

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District Guide for the English Learners Program

EL Guide

- [District Guide for the English Learners Program](#)
- Navigation from the KDE homepage:
 - hover over *Federal Programs*, select *Title Programs*
 - locate and select *Title III—English Learner and Immigrant Students*
 - on the left, select *English Learner and Immigrant Resources*
 - under English Learner Programs, select *District Guide for the English Learners Program*



Title III

Title III, Part A

- Title III of the Elementary and Secondary Education Act (ESEA) is part of legislation enacted to ensure that ELs, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet.

Purposes of Title III, Part A

- To help ensure ELs attain English proficiency and develop high levels of academic achievement in English;
- To assist ELs in achieving high levels in academic subjects so they can meet the same challenging academic standards all children are expected to meet;
- To assist in establishing, implementing, and sustaining effective programs designed to assist in teaching ELs;
- To assist in the development and enhancement of the capacity to provide effective instructional programs designed to prepare ELs to enter all-English instructional settings; and
- To promote parent, family, and community engagement in programs and services for ELs.

Title III Subgrant

1. Why are Title III funds provided to states and their districts?
 - Title III grants provide states and their districts funds to supplement their English language instructional programs.
2. Which districts can apply for a Title III subgrant?
 - Districts with EL students can apply for a Title III subgrant.
3. What makes a district qualify as a stand-alone Title III district?
 - To qualify as a stand-alone Title III district, a district must have enough EL students to generate a minimum of \$10,000 in allocations.
4. If a district does not qualify as a stand-alone, what can they do?
 - Districts that do not meet the minimum requirement can join or form a consortium with other districts.
 - Districts creating a consortium must qualify for a minimum of \$10,000 in subgrant allocations combined.

Title III Required Activities

- ESSA 3115(c) requires recipients of Title III funds use those funds for three required activities. What are they?
 1. Providing a language instruction educational program (LIEP) to increase ELs' English language proficiency (ELP).
 2. Providing effective professional development.
 3. Providing and implementing other effective activities and strategies that enhance or supplement LIEPs for ELs, which must include parent, family and community engagement activities, and may include strategies that serve to coordinate and align related programs.

Title III Required Activities Survey

Title III Required Activities Survey

- KDE collects authorized activities annually via a survey from districts receiving Title III subgrant.
- The data is reported annually in the Consolidated State Performance Report (CSPR).

What do you think? (1)

- There is a district in Kentucky that has experienced significant growth in its EL population, and they are eligible to receive the Title III grant next year. As they plan for the upcoming school year, they have decided to use some of their Title III funds to pay for interpretation/translation when needed. Is this an allowable expense?
 - Answer: In general, interpretation and translation services should be covered by general funds. However, in some situations additional interpretation/translation is needed for EL-specific events and therefore Title III funds could be used to supplement the core program.

What do you think? (2)

- Another district in the state is going to use its Title III funds to partially cover the cost of an EL teacher. Is this an allowable expense?
 - Answer: It depends. If this position was previously funded by other funding sources, then no. However, if there is a need and this is a new position, then Title III funds can be used to support this role.

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EL Program Requirements

EL Program Requirements — 1 of 3

- Identify and assess all potential EL students.
- Provide EL students with an educationally sound language assistance program.
- Provide sufficiently trained staff to support the language assistance program.
- Ensure EL students have equal opportunities to meaningfully participate in curricular and extracurricular activities.

EL Program Requirements — 2 of 3

- Avoid unnecessary segregation of EL students.
- Ensure that EL students who may have a disability are identified, located and evaluated in a timely manner.
- Ensure the language needs of students who need special education and disability-related services because of their disability are considered in evaluations and delivery of services.
- Meet the needs of EL students who opt-out of language assistance programs.

EL Program Requirements — 3 of 3

- Monitor and evaluate EL students in a language instruction program to ensure progress with respect to:
 - Acquiring English proficiency and grade level content knowledge;
 - Exiting EL students from the language instruction program when proficient in English; and
 - Monitoring exited students to ensure they were not prematurely exited and academic deficits that were incurred due to language barriers while in the language assistance program have been remedied.
- Evaluate the effectiveness of a district's language assistance program.
- Ensure meaningful communication with parents and families of EL students.

Reminders

- Before using Title III funds to supplement the EL program, all districts must ensure that civil rights obligations are being met.
- The district must meet all EL program requirements, ensuring Civil Rights obligations are being met, so that ELs, including immigrant children and youth, attain English language proficiency, develop high levels of academic achievement in English and meet the same challenging state academic achievement standards as all children are expected to meet.

What do you think? (3)

- These are some questions to consider when thinking about the upcoming school year:
 - How does current professional development ensure staff are prepared to appropriately support EL students?
 - How is EL student progress monitored and evaluated, including students that have exited the program?
 - What does meaningful communication with parents and families look like?



Lau Plan

Lau Plan—1 of 2

- “Lau plan”—Named from a Supreme Court case, Lau vs. Nichols 1974, which examined whether federally-funded schools must offer supplementary EL programs for non-English speaking students.
- ALL districts (and consortium members) are required to develop a local plan (aka EL plan or Lau plan) that explains how the district will meet all EL requirements (even those with no EL students).
- District Lau Plans should be seen as a “working document.” Lau Plans should be dated and signed each time they are reviewed (at least once every two years).
 - Names and titles of the committee members should be included in the Lau Plan.
 - Lau plans should include a signature page.
- A Lau plan committee (which should include a variety of stakeholders) should be formed to provide input on development and revisions.
- Revisions should consider program evaluations and stakeholder feedback.
- District Lau Plans should be uploaded to the Continuous Improvement Platform (CIP (formerly eProve)) by May 1 each year and be posted on the district's webpage.

Lau Plan—2 of 2

- The District's Lau plan should be easily accessible to the general public and all stakeholders.
- Considering this is a "working document", it is important to remember that the district's Lau plan should be referenced when determining services and supports for English Learners. This plan constitutes as the next step for the process that needs to occur when an EL student enrolls in the district.
- Lau plans should be reviewed *at least* every two years, and revisions/updates need to be documented on the Lau plan via meeting notes, sign in sheets, and include the previous plan with changes.

The District Lau Plan must include the following:

1. Lau Plan guiding principles
2. Enrollment, identification and placement of ELs in a Language Instruction Education Program (LIEP)
3. Description of LIEP(s)
4. Process to provide meaningful access to all co-curricular and extracurricular programs and activities
5. EL professional development for staff who deliver instruction or support the LIEP for ELs
6. Annual English language proficiency assessment and administration
7. LIEP exit criteria and procedures
8. Monitoring procedures after students exit the LIEP program
9. EL program evaluation

What do you think? (4)

- Why is it important for school districts to create a Lau Plan?
 - Answer: To explain how the district will meet all EL requirements.
- Why is it important that this document be considered a “working document?”
 - Answer: The Lau plan should be revised if it is not meeting students' needs.
- Where are the two places the district’s Lau Plan should be posted?
 - Answer: Cognia Continuous Improvement Platform (formerly eProve), and it should be posted on your district's webpage.

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Effective Language Instruction Educational Program (LIEP) Plans

Description of an Effective LIEP

- Adopt criteria to ensure that LIEPs are effective in helping ELs achieve English language proficiency, as well as helping them meet the state’s challenging academic standards.
- LIEPs should be outcome-driven. An LIEP should demonstrably result in improved English language proficiency and academic achievement for ELs to be considered “effective” for purposes of the Title III requirements.
- If the current LIEP being implemented is not supporting students continued academic success, adjustments should be considered (such as providing targeted professional development for staff support).

Description of an Effective LIEP continued

- More information regarding LIEPs can be found in the [Non-Regulatory Guidance: English Learners](#).
- Ensure you include specific staffing and other resources provided to EL students under the LIEP. Non-Regulatory guidance can be found at the end of the presentation.
- Examples of effective LIEPs:
 - English as a Second Language (ESL) or English Language Development (ELD)
 - Structured English Immersion (SEI)
 - Transitional Bilingual Education (TBE) or Early-Exit Bilingual Education
 - Dual Language or Two-Way Immersion
- Detailed description of LIEPs can be found in the Dear Colleague letter and Non-Regulatory Guidance for ELs and Title III (links provided at the end of the deck), as well as in the service type description of the [Data Standard](#), located under **Section D**.

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EL Placement and Identification

Home Language Survey (HLS) 1 of 2

- Districts **MUST** use the [HLS template](#) created by the Kentucky Department of Education (KDE) to identify potential EL students.
- KDE's HLS template is available on the [English Learner and Immigrant Resources webpage](#) in English and the 10 most prevalent languages in Kentucky.
- Keep in mind, the KDE HLS template provides clarifying language and is free of “chilling” questions which may discourage enrollment or attendance.

Home Language Survey (HLS) - 2 of 2

- The HLS must only be administered upon the **initial** enrollment into a Kentucky public school.
- The HLS should not be administered when a student transfers from one district to another.
- The HLS should be completed by the student's parent/guardian. An interpreter should be provided to explain the document if needed.
 - Districts and schools should reassure parents that the purpose of the HLS is solely to offer appropriate educational services, not to determine legal/immigration status.

EL Identification Process - 1 of 3

Step 1:

- Administer the HLS to all students **one** time upon **initial** enrollment into a Kentucky public school grades K-12. HLS should not be given every school year and should not be given again when transferring from one district to another.
- **Reminders:**
 - Translations and oral interpreters must be provided to families at no expense.
 - Like the HLS, the district enrollment form must be free of “chilling” questions such as questions about immigration status, date student first entered the US, and social security numbers.

EL Identification Process – 2 of 3

Step 2:

- Review the responses on the HLS. If all responses on the HLS are English, no additional action needs to be taken. The student is not considered an EL. If any of the answers on the HLS are a language other than English, the student would be considered a “potential EL” and must be screened.
- Reminders:
 - A kindergarten student who has taken the WIDA Screener for Kindergarten test must be enrolled as an EL student, regardless of the screener score results in accordance with Kentucky’s EL Identification and Placement Guidance.
 - Although parents may decline EL services, kindergarten students may not exit EL status until receiving a 4.5 or higher overall composite score on the ACCESS for ELLs test.
 - 1st semester Grade 1 students take the WIDA Screener for kindergarten
 - (Grade 1-12): If a student scores a composite score of 4.5 or higher on the screener, they will be identified as Initially Fully English Proficient (IFEP).
 - (Grade 1-12): If a student scores below a composite score of 4.5, the student will be identified as an EL.

EL Identification Process – 3 of 3

- **Step 3:**

- Notify parent(s) of placement in the LIEP and create a Program Service Plan (PSP).
- Districts have 30 calendar days from the start of school to notify parents of a student's continued inclusion in the LIEP for the academic year based on the previous year EL assessment scores.
- For students **newly enrolled at the start of the school year**, districts have 30 calendar days to ensure proper identification of EL status, using HLS and appropriate EL Screener, and to notify the parent of placement in the LIEP.
- For students **identified after the start of the school year**, districts have 30 calendar days to ensure proper identification of EL status, using the Home Language Survey and appropriate EL Screener. The district then has an additional 14 calendar days to notify the parent of placement in the LIEP.

- **New Guidance: Foreign Exchange Students**

- Are foreign exchange students exempt from the EL screener?
 - If the student has a Home Primary Language other than English, they should be screened.

Student Exit Criteria

- To exit from an EL Program, a student must score an Overall Composite score of 4.5 or higher on Tier B/C ACCESS for ELLs.
- Students taking the WIDA Alternate ACCESS must score a P2 Overall Composite score to exit EL status.
- The *Program Exit Date* must be entered as June 30 of the school year in which attainment was reached.
- EL Services and Accommodations must all be end dated as June 30 of the year in which attainment was reached.
- After reaching attainment on appropriate ACCESS, the student must be monitored for four years to ensure continued success.

What do you think? (5)

1. Can your district create their own HLS?
 - No, a district cannot create their own HLS. Some districts have modified their HLS to include additional information, but please keep in mind that any modifications made to a district's HLS must first be approved by KDE.
2. If a student is enrolled after the start of the school year, how many calendar days does the school have to notify parents of placement in an LIEP?
 - Districts have 30 calendar days to ensure proper identification of EL status, using the Home Language Survey and appropriate EL Screener. The district then has an **additional 14 calendar days** to notify the parent of placement in the LIEP.



WIDA

WIDA Overview

- The WIDA Consortium is a member-based organization dedicated to the research, design and implementation of a high-quality, standards-based system for ELs in grades K-12.
- As a consortium member state, Kentucky utilizes WIDA's proficiency standards, screeners, proficiency assessment and professional learning opportunities.

WIDA Trainings for 2025-2026

- [Self-paced eLearning workshops](#)
- Facilitated Learning Opportunities:
 - Writing with Multilingual Learners in the Secondary Grades
 - Workshop: Sept. 30-Oct. 1
 - Engaging Secondary Newcomers in Content Area Literacy
 - Workshop: Oct. 2
 - Teacher Leaders: Planning with the WIDA ELD Standards Framework
 - Webinar: June 9, 2026
 - Workshop: June 16, 2026

English Language Development (ELD) Standards

- Derived from the four domains of speaking, listening, reading and writing.
- [WIDA ELD Standards](#) serve as Kentucky's required ELP standards.
- These standards do not replace, but rather serve as a companion, to the [Kentucky Academic Standards \(KAS\)](#).

English Language Proficiency - Screener

- Kentucky uses the WIDA screeners to determine the ELP of students identified as potential English learners based on the HLS.
- Kindergarten students and 1st semester, Grade 1 students are screened using the *WIDA Screener for Kindergarten*.
- Students in grades 1-12 are screened using the *WIDA Screener Online*.
 - As a reminder, 1st grade students begin taking the *WIDA Screener Online* second semester of 1st grade and beyond.

English Language Proficiency - Annual ELP Assessment

- Districts are required to assess the ELP of all EL students annually.
- Kentucky utilizes WIDA's ACCESS for ELLs to assess ELP during the testing window (usually from the beginning of January to early February).
- Any student identified as an EL, including those **not receiving services**, must take ACCESS each year until earning a composite score of 4.5 or higher on Kindergarten or Tier B/C for grades 1-12.

WIDA Alternate ACCESS

- WIDA Alternate ACCESS is a large print, paper-based test administered individually to ELs with severe cognitive disabilities that prevent them from participating in the traditional ACCESS test.
- Each student's IEP and 504 teams should determine which assessment students should take, as well as whether accommodations are required.
- To exit the EL program, students must score an overall composite of a P2 on the WIDA Alternate ACCESS.
- [WIDA Alternate ACCESS Participation Decision Tree](#)

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Program Monitoring

EL Program Monitoring

- The evaluation of the core EL program is guided by the three [Castañeda Principles](#):
 - The program must be based on sound educational theory.
 - The district implementing the program must do so to full effect (i.e., supply sufficient personnel, time and resources for it to work as intended).
 - If the program fails to overcome linguistic barriers for students after “enough time” to be considered a fair trial period, it should be discontinued in favor of another theory.

Title III Program Monitoring

- Kentucky's Title III programs are monitored as part of the [Statewide Consolidated Monitoring Process](#).
- Districts are selected for monitoring using a risk assessment tool developed in accordance with [Uniform Grant Guidance](#) regulations regarding monitoring.
- Any district receiving Title III funds (whether as a stand-alone district, fiscal agent or consortium member) selected for consolidated monitoring will participate in Title III monitoring.

Monitoring Exited EL Students - 1 of 3

- Designated district staff must formally monitor former EL students who are re-designated fully English proficient (RFEP) and document academic performance in the student's record.
 - The students must be monitored for four years after exiting a language instructional program.
- Monitoring exited ELs help districts ensure:
 - Students were not prematurely exited; and
 - Any academic deficits they experienced as a result of participating in the EL program have been alleviated; and
 - They are successfully participating in the general education academic program compared to never-EL peers.

Monitoring Exited EL Students - 2 of 3

Some examples of the types of data the district must collect on RFEP students for four years after exiting the program:

- Records on length of time from entry in a US English speaking school to exit from EL programs
- Performance on standardized achievement tests
- Grades in content area classes
- Grade point averages
- Teacher observations
- Parent observations and/or feedback
- Meeting promotion and graduation requirements
- Graduation rates

Monitoring Exited EL Students 2 of 2

- If an exited EL is not progressing as expected academically, districts should retest the ELP of the student using the WIDA MODEL (Measure of Developing English Language) interim assessment.
- If it is determined that the student needs to re-enter EL services, the district should document the reasons and obtain parent consent.
- Reference KDE's [English Learner Re-Entry Procedures](#)

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Student Records

EL Student Folders - 1 of 2

- The district also must maintain a folder for each student containing information relating to the student's status as an EL and details about their individual PSP.
- Folders should be updated regularly to ensure the appropriate documentation is maintained.
- IC also must be updated to reflect changes in a student's PSP.

EL Student Folders - 2 of 2

- Folders should include the following documentation:
 - A copy of the student's HLS
 - Initial ELP assessment scoresheet (WIDA Screener for Kindergarten/WIDA Screener Online)
 - Copy of parent notification letter
 - Level of academic achievement (i.e., report cards)
 - Annual ELP assessment (ACCESS for ELLs)
 - The student's PSP

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ELs with (Potential) Disabilities

Frequently Asked Questions about ELs with (potential) Disabilities

Where can I find resources to guide my thinking on ELs with (potential) disabilities?

KDE Office of Special Education and Early Learning
[English Learners with Disabilities webpage](#)

Where can I go to learn about KY's special education regulations that relate to ELs?

[Kentucky
Administrative
Regulations for
Special Education
Programs \(KARs\)](#)

Child Find, [707 KAR 1:300, Section 1](#)

Referral System ([707 KAR 1:300, Section 3](#))

Evaluation and Re-Evaluation ([707 KAR 1:300, Section 4](#))

Determination of Eligibility ([707 KAR 1:310, Section 1 - 2](#))

Parent Participation ([707 KAR 1:320](#))

Procedural safeguards ([707 KAR 1:340](#))

Individual Education Program ([707 KAR 1:320](#))

Is there guidance on communicating with families of EL students?

[Information for Limited English Proficient \(LEP\) Parents and Guardians and for Schools and School Districts that Communicate with Them](#)
(Office for Civil Rights)

- Must my child's school provide information to me in a language I can understand?
- May my child's school ask my child, other students or untrained school staff to translate or interpret for me?
- What steps must school districts take to provide effective language assistance to LEP parents?

Questions about ELs with (potential) disabilities

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Consortium Process

Consortium Process Document

If your district would like more information on how to form or maintain an effective consortium, please reference KDE's [Process for Forming and Maintaining an Effective Consortium](#) for information related to consortium membership.



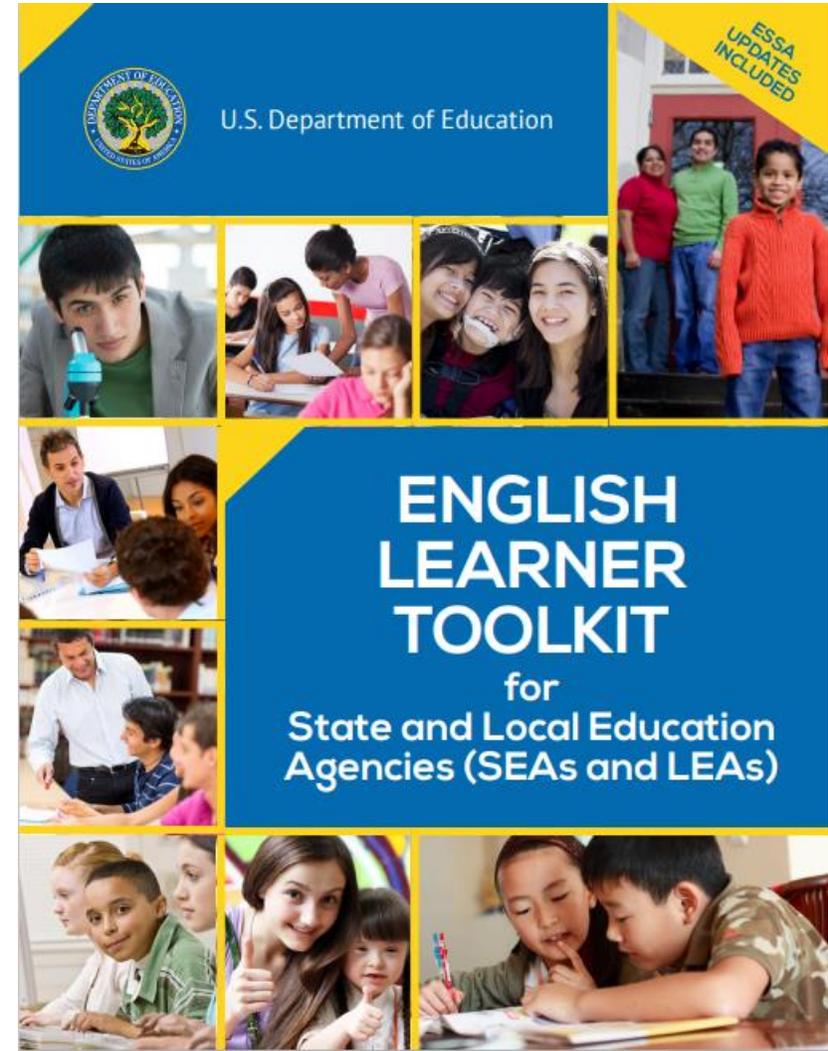
Toolkits



Kentucky Department of
EDUCATION

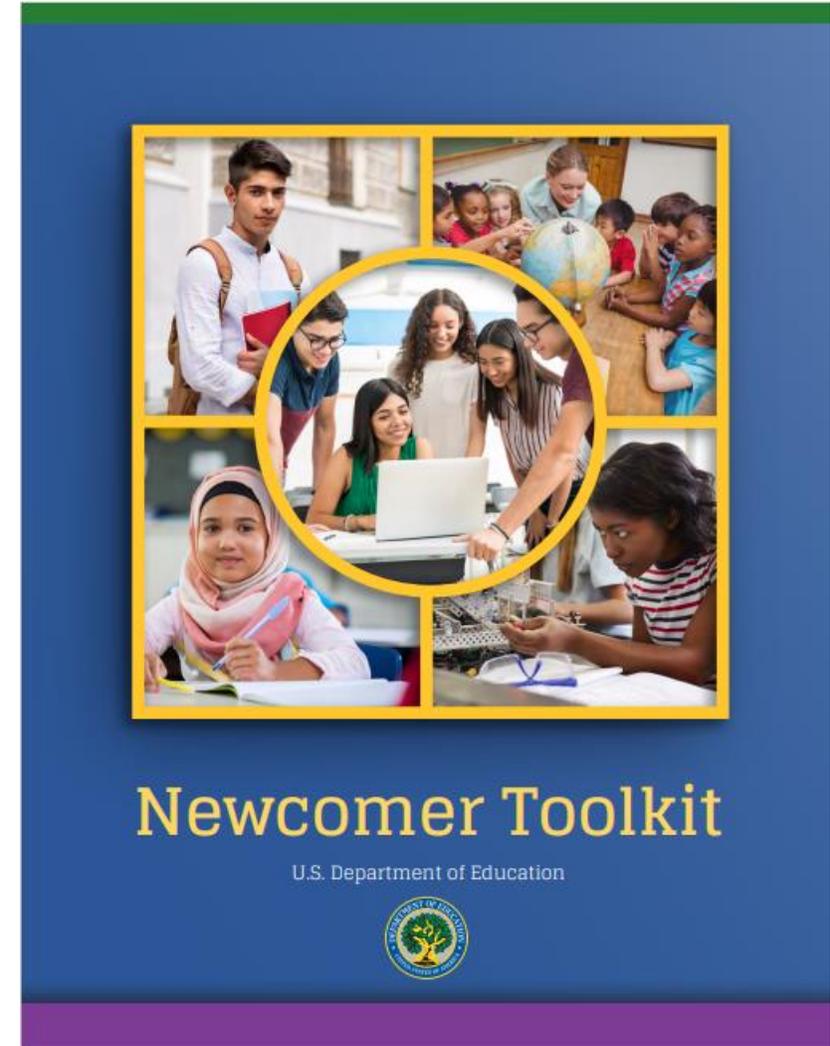
English Learner Toolkit

- The [*English Learner Toolkit*](#) is a companion to the U.S. Department of Education's Office for Civil Rights (OCR) and U.S. Department of Justice (DOJ) *Dear Colleague Letter* (DCL)
- There are 10 chapters and each one responds to the 10 sections of the January 2015 DCL



Newcomer Toolkit

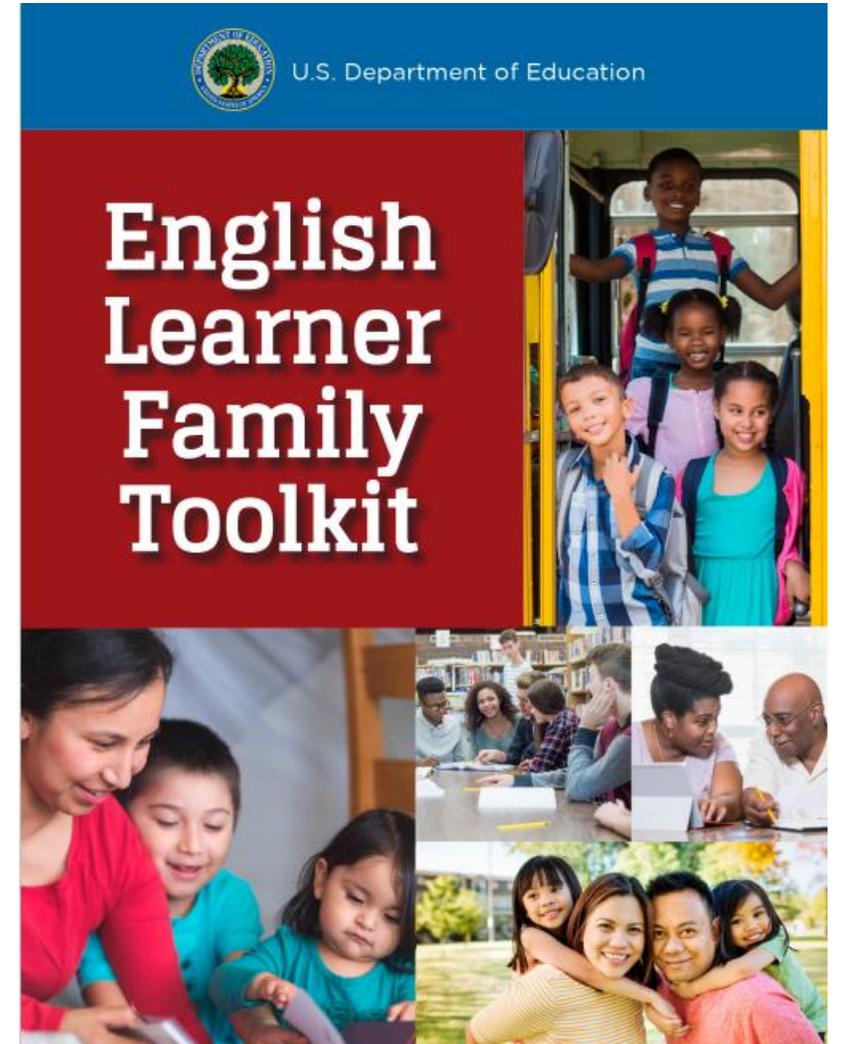
The [Newcomer Toolkit](#) is designed to help elementary and secondary teachers, principals and other school staff who work directly with immigrant students – including asylees and refugees – and their families.



EL Family Toolkit

The [English Learner Family Toolkit](#) provides information on questions families may have about public schools in the United States. The chapters are:

1. Enrolling Your Child in School
2. Attending School in the United States
3. Additional Educational Programs and Services for your Child
4. Finding Extracurricular Activities for Your Child
5. The Health and Safety of Your Child at School
6. Helping Your Child Be Successful in School



Questions regarding Assessment and Accountability

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Resources

- [District Guide for the English Learners Program](#)
- [Home Language Survey \(HLS\)](#)
- [English Learner and Immigrant Resources webpage](#)
- [KDE's PSP for English Learners Template](#)
- [Addressing the Misidentification of Students as English Learners](#)
- [Online Registration \(OLR\) Guidance](#)
- [English Learner Data Standards](#)
- [Codes for the Representation of Names of Languages ISO-Code List](#)
- [Immigrant Data Standards](#)
- [Dear Colleague Letter - Participation in Educational Programs and Services](#)

Resources, continued

- [Self-paced eLearning workshops](#)
- [WIDA ELD Standards](#)
- [Kentucky Academic Standards \(KAS\)](#)
- [Statewide Consolidated Monitoring Process](#)
- [Uniform Grant Guidance](#)
- [Kentucky's Fast Facts: English Learners with Disabilities](#)
- [English Learners with Disabilities webpage](#)
- [Process for Forming and Maintaining an Effective Consortium](#)
- [English Learners and Title III Non-Regulatory Guidance](#)

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