

EL Guidelines: Regulations, Funding Guidance & Instructional Supports

A Training for Mississippi Educators

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Mississippi Department of Education

VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community



State Board of Education Goals FIVE-YEAR STRATEGIC PLAN FOR 2016-2020

1. All Students Proficient and Showing Growth in All Assessed Areas
2. Every Student Graduates from High School and is Ready for College and Career
3. Every Child Has Access to a High-Quality Early Childhood Program
4. Every School Has Effective Teachers and Leaders
5. Every Community Effectively Uses a World-Class Data System to Improve Student Outcomes
6. Every School and District is Rated “C” or Higher



Civil Rights of English Learners



Civil Rights of English Learners (EL)

- Rights are based on the 2015 US Department of Education/Department of Justice Joint Dear Colleague Letter found in Part 5 of new MDE EL document.
- Reviews legal obligations to ELs established under Title VI of the Civil Rights Act and the Equal Employment Opportunity Act. Also outlined in the U.S. Department of Education's EL toolkit.



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Overview of Appendix C of EL Guidelines

- Developed by the D.C.-based Federal Education Group, PLLC, with funding from the W.K. Kellogg Foundation
- Seeks to identify and explain Civil Rights of ELs clearly and concisely in one document



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EL Identification & Assessment



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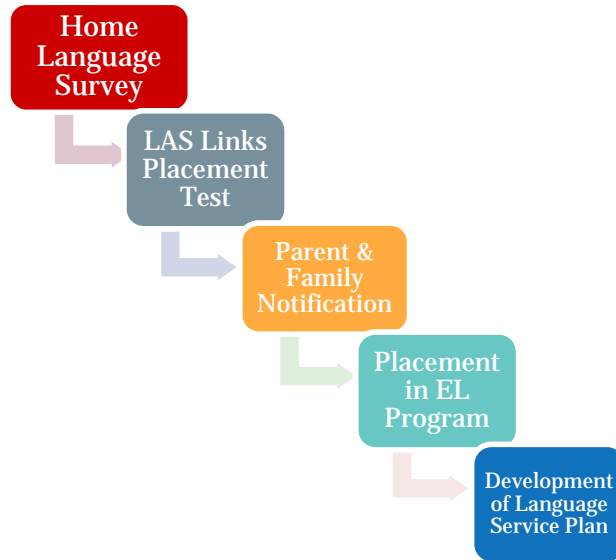
Identification and Assessment

- Districts must identify and assess EL students in need of language assistance in a timely, valid and reliable manner.
- Note: Following Mississippi's EL Guidelines will ensure compliance.



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Identification of English Learners



Home Language Survey

- The Home Language Survey(HLS) must be completed for all new entering students at the time of registration.
- A copy of the HLS should remain in the student's cumulative folder until graduation.
- Districts may develop their own Home Language Survey. However, it is strongly recommended the HLS in the guidelines be used for all Mississippi students.
- If any response on the HLS indicates the use of a language other than English by the student or an individual in the home, then further assessment must be conducted to determine the student's English language proficiency.

Parent and Family Notification

- Parents must be notified once the students have taken the LAS Links Placement Test within 30 days of the beginning of school and 10 days for later arriving students.
- The LEA must provide guidance in a language parents or guardians understand to ensure that they understand their child's rights.
- Parents have a right to opt-out their student from being placed in the EL program.
- Should a parent choose to opt-out their student from the program, the LEA must still ensure the language needs of the student are met.



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Placement in a Language Instruction Program

- LEAs must provide ELs with appropriate language assistance services and programs to meet their language needs.
- The goal for students who are ELs is that they attain fluency in English, master the state's academic content standards, and pass any other state required tests.



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Developing a Language Service Plan

- The Mississippi Department of Education requires each student designated as an EL to have a Language Service Plan (LSP).
- The LSP must contain the following:
 - Student’s demographic information.
 - Date of first enrollment.
 - Yearly LAS Links scores.
 - State and classroom accommodations.



Developing a Language Service Plan

APPENDIX B Language Service Plan *(for Students with Limited English Proficiency)*

This form should be completed by the individual responsible for providing the instruction program for the LEP students and the classroom teacher.

STUDENT NAME		LANGUAGES(S) SPOKEN IN HOME	
PRIMARY LANGUAGE SPOKEN		IMMIGRANT STATUS (< 3 yrs)	
ADDITIONAL LANGUAGE(S)	DATE FIRST ENROLLED IN A U.S. SCHOOL		
PARENT/GUARDIAN NAME			
PHONE (home)		(work)	(cell)
HOME/SCHOOL COMMUNICATION to parent/guardian requested in:			
<input type="checkbox"/> English OR <input type="checkbox"/> Native Language: _____ <input type="checkbox"/> Oral OR <input type="checkbox"/> Written			

ACADEMIC HISTORY PRIOR TO ENTERING CURRENT DISTRICT

Age Started School: _____ Years in Preschool/K: _____ Years in grades 1-5: _____ Years in grades 6-12: _____ Retained in grades: _____

Last grade completed: _____ Interrupted Formal Education Limited Schooling No Formal schooling

Has the student been referred for Special Education? Yes No Does the child have an IEP? Yes No Does the child have an 504 Plan? Yes No

SUBJECT	BELOW LEVEL	ON OR ABOVE LEVEL	METHOD USED TO DETERMINE LEVEL	INFORMATION NOT AVAILABLE
Math				
Reading				
Writing				
Social Studies				
Science				

ENGLISH LANGUAGE PROFICIENCY TEST INFORMATION

TEST	Date	Score	Level	Date	Score	Level	Date	Score	Level	Date	Score	Level	Date	Score	Level
ELPT Speaking															
ELPT Listening															
ELPT Reading															
ELPT Writing															
Composite SCORE															



Developing a Language Service Plan

APPENDIX B.1 Exit/Monitor Status Documentation
(for Students meeting qualifications to exit EL Services)

This form should be completed by the individual responsible for exiting and monitoring the individual student.

STUDENT NAME		DATE OF BIRTH	
PARENT/GUARDIAN NAME			
PHONE (home)	(work)	(cell)	
HOME/SCHOOL COMMUNICATION to: <input type="checkbox"/> English OR <input type="checkbox"/> Native Language:			
parent/guardian requested in: <input type="checkbox"/> Oral OR <input type="checkbox"/> Written			
PERSON RESPONSIBLE FOR COMPLETING THIS FORM			
YEAR 1	YEAR 2	YEAR 3	YEAR 4

EL EXIT INFORMATION				
Date Student EXITED EL services				
Criteria determining exit from EL status (scores from the ELLPT):				
LISTENING	SPEAKING	READING	WRITING	OVERALL

MONITORING	
Date Monitoring Begins	Anticipated date of CONCLUSION OF MONITOR STATUS (Minimum of 4 years)
REPORT CARD AND STATE ASSESSMENT RESULTS	
YEAR 1	YEAR 2
Grade level: School Name:	Grade level: School Name:
ELA Q1 Q2 Q3 Q4	ELA Q1 Q2 Q3 Q4
Math	Math
Science	Science
Social Studies	Social Studies
Other	Other
State Assessment Results:	State Assessment Results:
Is student on track to graduate on time? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is student on track to graduate on time? <input type="checkbox"/> Yes <input type="checkbox"/> No
YEAR 3	YEAR 4
Grade level: School Name:	Grade level: School Name:
ELA Q1 Q2 Q3 Q4	ELA Q1 Q2 Q3 Q4
Math	Math
Science	Science
Social Studies	Social Studies
Other	Other
State Assessment Results:	State Assessment Results:
Is student on track to graduate on time? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is student on track to graduate on time? <input type="checkbox"/> Yes <input type="checkbox"/> No



EL Data

- Once a student has been identified as an EL, the district must ensure the student is correctly marked in their student data package.
- This information will transfer over to MSIS once the district has submitted their data to the MDE.
- Districts should ensure each column on the EL roster screen of MSIS is completed.
- This information should be updated *monthly*.



Identification of Immigrant Students

The term “immigrant children and youth” refers to individuals who:

- Are aged 3-21
- Were not born in any state (State means the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico)
- Children born to U.S. citizens abroad (for example, children born on a military base overseas) may be considered immigrants if they meet all the criteria in the definition of immigrant
- Have not been attending one or more schools in any one or more states for more than 3 full academic years (An academic year is 10 months of school attendance, kindergarten through twelfth grade.)



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Identification of Migrant Students

The term migrant student refers to an individual who:

- Between the ages of 3 and 21
- Has not graduated from high school.
- Works or parents work in agriculture.
- Has changed school districts in the last 3 years.
- Someone that follows the crops throughout the country.



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Identification of Migrant Students

The term migrant student refers to an individual who:

- Migrant labor often involves having a low-income that is seasonal or temporary.
- Migrant families may move several times during the school year, interrupting the student's education.
- Conditions related to the migrant lifestyle may cause a high incidence of health problems.
- Migrant children and youth may have limited English skills and/or few successful experiences in school.



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Identification of Migrant Students

- The Migrant Education Program is operated through the Mississippi Migrant Education Service Center (MMESC) at Mississippi State University.
- The MMESC will be responsible for identifying all migrant students and providing districts with a list of migrant students.
- Districts must have the Migrant Survey in their registration packet.



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Mississippi Migrant Education Service Center



Gabby Davis, Director



Monika Lorinczova,
Parent Coordinator



Starsha Jamerson,
Educational Services
Coordinator



Carmen Anderico,
Identification and
Recruitment
Coordinator



Maggie Villaroel,
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Mississippi Migrant Education Service Center



Maria Rios, Recruiter
Central West Region



Kevin Johnson,
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North/Delta Region



Doris Peacock,
Recruiter
Southeast/Coast
Region



Inez Melendez,
Recruiter
North/Delta Region



Wilson Kendrick,
Recruiter
Northeast Region



Identification Considerations

Compliance Area Questions

- How are we identifying home language?
- Is our survey adequate?
- Are we ensuring all EL students are taking the ELP assessment (100 percent testing on LAS Links is a federal requirement) in all 4 domains?



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Educationally Sound Language Program



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Educationally Sound Language Assistance Program

- Districts must provide EL students with a language assistance program that is educationally sound and proven successful.
- Federal law does not require any particular program or method of instruction.



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Educationally Sound Language Assistance

- EL programs must be designed to enable EL students to attain English proficiency and “parity of participation in the standard instructional program” within a reasonable length of time (generally five years or less).



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Sound Language Assistance Program

- Services should take into consideration each student's language proficiency, grade level, educational background and language background.
- An EL should be given at least 30 minutes of direct language instruction in a day in the English language. Students must have access to direct language instruction and access to district content instruction in subject areas.



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Key Evaluation Considerations

- The U.S. Department of Education considers any student who has been an EL for five full years or more a long-term EL.
- Mississippi's indicator for EL language proficiency targets exiting within five years.
- For this reason, districts should evaluate data to see if most EL students are exiting within five years. Students taking longer to exit may need additional supports.



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Compliance Area Questions

- Are kindergarteners included?
- Are EL services provided by appropriately trained teachers?
- Are ELs with disabilities included?
- Do services continue until exit criteria are reached?



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Staffing and Support For EL Programs



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Sufficiently Staff and Support Language Programs

- Districts must sufficiently staff and support the language assistance program for EL students.
- LEAs must, at a minimum, ensure there are adequate numbers of teachers to instruct EL students. These teachers must have mastered skills necessary to effectively teach in the district's EL program.



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Professional Development Considerations

- What specific techniques are staff expected to use?
- Are district programs adequately staffed?
- Are administrators qualified to evaluate EL teachers for effective EL program implementation?



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Staffing Considerations

- LEAs must hire teachers qualified and certified to teach ELs or support unqualified staff as they work to obtain the qualifications within a reasonable time.
- Existing teachers should be trained to meet the needs of EL students.
- Paraprofessionals, including teacher assistants and tutors, may not take the place of qualified teachers and should only be an interim measure.



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Staffing Considerations

- Paraprofessionals should only be a supplementary or interim measure until qualified teachers are secured.
- Paraprofessionals must be under the supervision of a teacher and must speak English proficiently.
- Even teachers who hold an EL certification are expected to receive relevant, ongoing PD designed to improve effectiveness.



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TESOL Certification in Mississippi

- There are several colleges/universities that offer courses that lead to the ESL 177 endorsement. These are not degree programs, but an approved set of courses that a fully certified teacher can take to add the endorsement.



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New Praxis Option for TESOL Certificate

- Mississippi educators also may now take the Praxis Subject Area Assessment, English to Speakers of Other Languages (ESOL) (Test Code 5362). The current approved cut score is 149.
- Call 601-359-3483 for more information.



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Compliance Area Questions

- Are services provided based on student need – not resources or teacher availability?
- Do teachers and support staff meet state requirements and are they familiar with EL strategies/techniques?
- Is adequate training on EL strategies given to general education teachers?

Meaningful Access to Programs

Meaningful Access to Core Curriculum/Other Programs

- Districts must ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities, including the core curriculum, graduation requirements, specialized and advanced courses and programs, sports and clubs.



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Meaningful Access

- In Mississippi, all identified EL students must have a Language Service Plan, which should be filed and updated annually until the student exits EL status.
- Plan should be developed and updated through the Student Evaluation Team (SET), a school team responsible for guiding and monitoring placement, services and assessment of EL students.



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Meaningful Access

- Students must have meaningful access to acquire proficiency within a reasonable time.
- Full access to the core curriculum includes PreK, career tech, counseling, gifted/talented, distance learning, performing arts, athletics, and clubs.



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EL Students and Gifted Education

- EL students may also be eligible for gifted education and language proficiency must not be a barrier to identification.
- Procedures for identifying students who are gifted must be as bias-free and culturally equitable as possible, while also being consistent with the requirements for other gifted students.



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Gifted EL Students

- Assessments must be administered in the language that gives the student the greatest opportunity for demonstrating extraordinary capability.
- Gifted EL students must continue to receive EL services until they qualify for exiting EL status. Students also must not be denied gifted services because they require EL services.



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Advanced Placement, Dual Credit, etc.

- EL students must be provided with access to Advanced Placement, dual credit and other advanced courses. ELs must receive language supports to assist them in accessing academic content, just as they would if they were in other less accelerated academic courses.



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Placement for Recently Arrived ELs

- Research related to student placement and retention shows ELs must be placed age-appropriately in the mainstream classroom. This provides them with access to challenging, grade-level content instruction and the opportunity to interact with English-speaking peers and is considered to be the least restrictive educational environment.



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Elementary Grade Placement for ELs

- Elementary ELs should not be placed more than one grade level behind their peers. Retention is strongly discouraged, except in highly rare cases where it can be documented that language proficiency is not the likely cause for academic difficulties.



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Secondary Grade Placement for ELs

- At the high school level, credits must be awarded based on transcripts provided by the students/parents/guardians, even if the coursework was taken in another country.
- If transcripts are in a language other than English, translations must be sought so credits can be awarded appropriately.



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Secondary Newcomer ELs

- When EL students enroll in U.S. schools for the first time at the secondary level, steps must be taken to ensure they have access to a high school diploma.
- To ensure ELs have access to the foundational skills needed to be successful in high school and ensure access to graduation, schools must place students in academic courses sequentially.



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Secondary Newcomer EL Placement

- English I,II, III and IV must be offered, scheduled and taught in sequential order. Simultaneous enrollment is acceptable in situations where a student failed a course and needs to simultaneously enroll.
- Students might be enrolled concurrently in English as a Second Language as an elective to receive additional support while taking English I-IV.
- EL students should not be placed out of sequence to prevent students from taking required assessments.



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Grading Scale for English Learners

- As students are working to learn English, it is a violation of their Civil Rights to retain them due to limited language proficiency. Schools must ensure EL students are placed appropriately and can participate meaningfully and equally in educational programs.



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Grading Scale for ELs

- Districts are required to take steps to ensure students are not retained solely because they are still in the early stages of learning English. Students who receive extensive language supports and classroom accommodations must have this information noted on their report cards, and accommodations must be shared with families of EL students to ensure they have an understanding of true academic performance in English.



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Compliance Questions

- How is parity achievement in reasonable time determined?
- Is equal opportunity to participate measured for academics but not extra-curriculars?
- Are there arbitrary admissions criteria that cause exclusion of EL students?



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Avoiding Unnecessary Segregation



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Avoid Unnecessary Segregation

- Districts are required to avoid unnecessary segregation of EL students.
- While EL students might receive separate instruction for a limited period of time, the federal government expects LEAs to provide service in the “least segregative manner consistent with achieving the program’s stated goals.”



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Avoiding Unnecessary Segregation

- Students must have their LAS Links scores reviewed annually to ensure opportunity to exit.
- EL students in EL-only classes must still be given access to extracurricular activities, special education or gifted services as appropriate.
- Districts also must ensure that EL students are not placed in newcomer programs due to behavior challenges.



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Compliance Questions

- What steps are in place to ensure students are not unnecessarily segregated?
- Is any separation that occurs done to the least extent necessary to achieve program goals?



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Ensure EL Students with

Disabilities are Served



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Ensure EL Students with Disabilities are Served

- Districts must ensure that EL students with disabilities under IDEA or Section 504 are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in evaluations and delivery of services.



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EL Students with Disabilities

- Districts must ensure all ELs with a disability are located, identified and evaluated for special education and disability-related services.
- Districts may not delay evaluations of EL students based on their EL status.
- Policies against receiving dual services are not allowed.



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Over vs. Under-Identification for Special Education

- Districts must consider an EL student's language proficiency when conducting evaluations.
- EL students must not be identified as having a disability because of their language proficiency limitations.



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Compliance Questions

- What steps are taken to ensure that English language proficiency does not lead to an over or under-identification of EL students in special education programs?

Meeting the Needs of Students

Opting Out of EL Services

Serving Students Who Opt Out of EL Services

- Districts must meet the needs of EL students who opt out of language assistance programs.
- Parents have the right to opt students out of direct EL services for their children, but LEAs must still take steps to meet those students' needs.



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Serving Students Who Opt Out

- Choosing to opt out must be “knowing and voluntary.”
- Districts/schools may not recommend that a parent decline all or some services within an EL program for any reason.
- Information must be provided in a language the parents understand.
- The opt out decision must be documented in writing and a copy placed in the student's cumulative folder.



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Students Who Opt Out

- EL students retain all civil rights protections even when they opt out of direct EL services.
- Progress of students who have opted out must still be monitored and steps must be taken to advance language development and student achievement.
- Students who opt out must still be assessed on the LAS Links.



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Compliance Questions

- Are parents fully informed?
- Is there documentation to show that parents who opt out are appropriately informed?
- Are reasons for high opt out rates explored and addressed?
- Are students who opt out still monitored and assessed?



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Monitor and Evaluate EL Students



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Monitor and Evaluate EL Students

- Districts are required to monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content.
- Exit EL students from language assistance programs when they are proficient in English.
- Monitor exited students to ensure they were not prematurely exited and that any academic deficiencies evident in the language assistance program have been remedied.



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Monitor and Evaluate

- Districts must monitor the progress of EL students in 1) achieving English language proficiency and 2) acquiring content knowledge.
- In Mississippi, students are monitored on language proficiency through the LAS Links annual assessment. Content knowledge is monitored through other state-mandated assessments required of all students.



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Assessing English Learners

- The Elementary and Secondary Education Act (ESEA) requires that the LEA must assess 100% of their EL population. This includes students whose parents have opted out of the EL program.
- The LAS Links Assessment measures the four domains of Reading, Writing, Listening, and Speaking.



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LAS Links Proficiency Report



LAS Links Proficiency Report

- 1 Provides basic demographic information about the student.
- 2 Contains a graphical representation of the language proficiency level of the student in each of the four domains. The data on this sample report shows the student has proficient scores (4) in speaking, listening and reading but will need scaffolded support in writing where their score indicates that they have an early intermediate score (2). Scaffolded writing supports for this child may include the use of graphic organizers, to assist with the organization of the writing process. Depending on individual student needs, supports may also include aiding the student with such things as the use of appropriate sentence structure and the correct usage of English grammar. Teachers should also review each subskill of the LAS Links domains to ensure Tier I classroom instruction meets the student's needs.
- 3 Contains information on the student's scaled score in speaking, listening, reading and writing as well as scores for overall, comprehension, oral and productive areas (speaking and writing) assessed on the LAS Links assessment.
- 4 Provides student's performance related to content area vocabulary. This snapshot identifies how well the student is able to understand and use content area vocabulary. The Reference Group Average (RGA) gives us an idea of how the student should be doing on content area vocabulary based on LAS Links field testing. The student's score of 3 in the reading vocabulary section (above RGA of 2) indicates that he/she is strong in understanding reading vocabulary. The writing score of 3 is below the RGA score of 4 and is indicative of the his/her difficulty when applying the vocabulary to writing. Additional support with using vocabulary in writing will be needed.



EL Exit Criteria

- All districts must use **ONLY** the state-adopted EL exit criteria:
 - ✓ A 4 or 5 on the LAS Links overall; AND
 - ✓ A 4 or 5 on the LAS Links in reading; AND
 - ✓ A 4 or 5 on the LAS Links in writing.

Note: **NO** other criteria can be used to exit an EL student or retain them in services.



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EL Reclassification

- If an exited EL is not progressing academically as expected and monitoring suggests a persistent language need, districts must re-test using the LAS Links Placement Test to see if the student needs to be offered additional language assistance services.
- In **no case** should re-testing of an exited student's ELP be prohibited.
- If a student re-enters EL services, the LEA is required to document the reasons why, as well as obtain the parent's consent prior to reentry.



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Monitoring and Evaluating (cont'd)

- Assessment results should inform instruction and ELs who are not progressing should receive additional supports and services, which should be documented on the Language Service Plan.

Compliance Questions

- Are ELs who opt out or have exited monitored? How is monitoring documented?
- Do you use any other exiting criteria beyond those mandated by the state?

Evaluate Effectiveness of Language

Assistance Programs



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Effectiveness of Language Assistance Programs

- School districts are required to evaluate the effectiveness of an LEA's language assistance programs to ensure that EL students in each program acquire English proficiency and that each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time.



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Program Effectiveness

- Success is generally measured by whether the district's EL programs are helping students to meet English language proficiency and content knowledge goals without unnecessary segregation.
- Districts should look at performance data from current and former EL students and compare that performance to students who have never been EL students to compare how each group performs over time.



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Program Effectiveness

Considerations include:

- ✓ Results in overcoming language barriers
- ✓ Rate at which students exit
- ✓ Modify programs that are not successful



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Meaningful Communication

With Parents/Families



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Meaningful Communication with Parents/Families

Districts must ensure meaningful communication with limited English proficient parents/families.

- Districts need to identify LEP parents separate from identifying EL students. (An English proficient student might still have a parent who needs translated information.) This often takes place on registration forms.



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Translation Requirements

- Information that should be translated includes information about language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for participation in district or school activities, parent conferences, handbooks, extracurricular offerings, etc.



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Translation Requirements

Districts must develop and implement a clear process for:

- 1) Determining if parents and guardians have limited English proficiency
- 2) What the primary language is, and
- 3) What their language needs are.

Schools must take parents at their word when they express language needs. (Remember, the parents of non-EL students might still have language needs.)



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Meaningful Communication with Parents

- Ensure meaningful communication.
- Same topics as non-LEP parents and families
- Translations should be provided. When no translated documents are available, language assistance still must be provided.
- Use caution with translation tools, using family, friends or bilingual staff who may not be certified translators.



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Translation Needs

- Family members and friends should only be used for translation in an emergency/to communicate basic information.
- Translators who serve families during meetings should sign a confidentiality agreement and receive training from the district. Translators must be proficient in English and the language being translated.
- Translation is a district requirement and may not be funded with federal dollars.



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Tips When Working with a Translator

- Make eye contact with the family, not the translator.
- Plan for a translated meeting to take about twice as long as one conducted in English.
- Ensure that translators are familiar with the meaning of educational concepts and phrases used in the meetings.



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Family Engagement Resources

- TransACT is an online service that allows educators to comply with federal parent and family communication requirements. This service is provided by the state at no cost to educators/schools. Any public school employee can create an account and access professionally translated and legally vetted documents at www.transact.com.



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Family Engagement Resources

- Family Guides for Student Success are available in Spanish for math and language arts in grades Pre-K through eight.
- The guides, as well as a toolkit for holding a family night, can be found at <http://www.mde.k12.ms.us/ESE/links/response-to-intervention-teacher-support-team/family-guides-for-student-success-training-materials>

Instructional Strategies for ELs

Mini-Simulation Activity

1. In pairs of two or three, give each group member one minute to describe their favorite vacation/a dream vacation. The member's only limitation is they may NOT use words that contain the letter "T."
2. Be prepared to discuss your experiences with this activity.



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EL Instruction Best Practices

- Maintain routines
- Repeat and review regularly
- Check for understanding in meaningful ways
- Give longer wait times
- Allow students to write out answers



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EL Instruction Best Practices

Sensible Input, including:

- Realia
- Models
- Photos/videos/online field trips
- Anchor Charts/graphic organizers
- Charades
- Written or translated notes



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Closing Reflection

- Use scratch paper to create a list of three actions you or your district need to take in the next month in order to strengthen EL services/compliance.
- List other possible goals for the program in the 2018-19 school year.
- Be prepared to share one idea whole group.



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