



State of Arizona
Department of Education
Office of English Language Acquisition Services

Date: September 25, 2012

To: District Superintendents, Charter Holders, Charter Principals, District Principals, and English Language Learner (ELL) Coordinators

From: Adela Santa Cruz, Deputy Associate Superintendent

Subject: Resolution Agreement: Directive
AZELLA

The Arizona Department of Education (Department) entered into a voluntary resolution agreement (Agreement) with the U.S. Department of Education's Office for Civil Rights and the U.S. Department of Justice's Civil Rights Division on August 31, 2012. The Agreement requires that, by December 15, 2012, Local Education Agencies (LEAs) meet with parents¹ of certain qualifying students either (i) identified Initially Fluent English Proficient (IFEP), or (ii) reclassified as Fluent English Proficient (FEP),² based on the criteria described below, to jointly determine whether English language support intervention services are needed by the student in order to ensure the student is English proficient in the language domains of reading and writing as measured by the student achieving proficiency on AIMS Reading and/or AIMS Writing. LEAs are required to begin providing intervention services requested by the parent by December 15, 2012, and to provide intervention services until the qualifying IFEP or FEP student achieves proficiency in reading and/or writing on AIMS, as applicable.

QUALIFYING STUDENTS

Pursuant to the Agreement, students may qualify for intervention services if they were identified as IFEP or reclassified as FEP between school year 2007-08 and the present, and lack proficient scores³ in reading and/or writing on (i) their most recent AZELLA-1 (AZ-1) or AZELLA-2 (AZ-2) subscale score in reading or their most recent AIMS Reading exam or (ii) their most recent AZ-1 or AZ-2 subscale score in writing or their most recent AIMS Writing exam. If a student lacks a current AIMS Reading or AIMS Writing score, the LEA will review the student's core content grades within the last calendar year, including performance on other standardized tests, to determine whether intervention services are needed by the student. Students may qualify for intervention services targeted to their specific needs in reading, writing, or both. Students need not lack proficiency in reading and writing to obtain intervention services; a lack of proficiency in either suffices.

¹ In this directive, the term "parent" is used to refer to a qualifying student's parent or legal guardian, as applicable.

² For purposes of this directive, "FEP" includes students identified as RFEP, FEP1, and FEP2 as well as students identified as FEP more than two years ago.

³ For purposes of this directive, a "proficient" score shall equate to: (1) a score of proficient in the AZ-1 or AZ-2 reading and writing sub-scale scores, and (2) meets the standard on AIMS Reading or AIMS Writing as approved by the Arizona State Board of Education.



The Department will generate a list of qualifying students for each LEA, disaggregated by school, based on the LEA's most recent upload to SAIS in the current school year. The Department, therefore, encourages all LEAs to upload their enrollment information to SAIS as soon as possible and inform the Department promptly of any students who enroll later in the semester.

IFEP Students

For qualifying students identified as IFEP between school year 2007-08 and school year 2011-12, the LEA will review additional data, including, but not limited to, student grades, other standardized tests, teacher recommendations, and parental input, to determine whether to offer the student's parent the option of enrolling their child in "intervention services" targeted and appropriate to the student's (a) AZ-1 or AZ-2 reading score and AIMS reading score, and/or (b) AZ-1 or AZ-2 writing score and AIMS writing score if the student lacks proficiency in either or both reading and writing.

For qualifying students identified as IFEP on AZ-2 in school year 2012-13 who are in grades 2-12, the LEA will offer the student's parent the option of enrolling their child in intervention services in the current and upcoming school year that is targeted and appropriate to the student's AZ-2 score in reading and/or writing, as applicable if the student lacks proficient scores in either or both reading and writing.

For qualifying students identified as IFEP on AZ-2 in school year 2012-13 who are in grade 1, the LEA will make a team determination with the student's parent and school personnel familiar with the student and second language acquisition as to whether the LEA will offer the student's parent the option of enrolling their child in intervention services that are targeted and appropriate to the student's reading and/or writing needs.

FEP Students

For students reclassified as FEP in school years 2007-08 through school year 2012-13⁴ who were exited from English Language Learner services and are enrolled in mainstream classes, the LEA will review additional data, including, but not limited to, student grades, other standardized tests, teacher recommendations, and parental input, to determine whether to offer the student's parent the option of enrolling their child in "intervention services" targeted and appropriate to the student's (a) AZ-1 or AZ-2 reading score and AIMS reading score, and/or (b) AZ-1 or AZ-2 writing score and AIMS writing score if the student lacks proficiency in either or both reading and writing.

INTERVENTION SERVICES

Before December 15, 2012, the LEA must meet with the parents of each qualifying student to determine whether the parent wishes for their child to receive intervention services, and, if so, which intervention services will be provided. Parents should be informed that the purpose of the notification is to ensure that their children's educational needs are being met. The intervention services required by the Agreement must consist of English language support services targeted to the student's needs in the domain of reading and/or writing by a teacher qualified to deliver such services. LEAs may offer these intervention services via:

- placement in an SEI class focused on reading and/or writing for no more than two hours daily;
- a service plan similar to an Individual Language Learner Plan where interventions are delivered in a mainstream content class for no more than two hours daily;
- another class focused on reading and/or writing instruction; or
- before or after school (i) as a supplemental intervention service to those provided during the school day, or (ii) as the only intervention service if the parent so elects in writing.

⁴ This includes students reclassified under AZ-2 in the current school year before AZ-3 becomes operational.

If a parent elects for his/her child to receive intervention services, the LEA will begin providing those intervention services as soon as possible, but no later than December 15, 2012, and will ensure that all teachers providing intervention services are qualified to deliver such services and are made aware of the qualifying students' English language support needs. It is the Department's belief that many of the qualifying students have already been identified as requiring certain intervention services and will already be receiving such services. The Agreement requires LEAs to review the information outlined above for qualifying students and to meet with their parents to determine if the existing intervention services are meeting the students' needs or whether the parent elects to supplement or replace them with other available intervention services (i.e., from the bulleted list on page 2 above). For example, if a qualifying student is currently receiving only after-school or before-school intervention services, the LEA must offer the parent in-school services and the parent may elect to add these services, replace the after- or before-school services with in-school services, or decline in-school services in writing. If the parent elects only the existing intervention services, the LEAs must ensure the teachers providing the existing intervention services are made aware of the qualifying students' English language support needs.

For each parent who elects for his/her child to receive intervention services, the LEA (with input from a teacher knowledgeable about second language acquisition) will develop a plan for each such student that documents the intervention services provided and whether they prove effective over time based on formative assessments and other performance data. The LEA will administer to each such student the AIMS Reading and/or Writing test, as applicable, and provide intervention services until the student achieves proficiency in reading and/or writing (whichever the student lacks) on AIMS. This means that intervention services that begin this school year will continue in future years until the student achieves proficiency as measured by a proficient score on AIMS Reading and/or Writing (as applicable) or the parent declines further intervention services in writing.

REPORTING, TRAINING, AND MONITORING

Each LEA will report to the Department by January 15, 2013 and October 15, 2013, (a) the total number of students who are enrolled in intervention services, separately reporting (b) the number of students whose parents elected to enroll their students in only before-school or after-school intervention services. The LEAs will report this information disaggregated by school and grade level, and will indicate whether the students were originally identified as IFEP or reclassified as FEP. The list of qualifying students provided by the Department will be in an Excel spreadsheet that includes each student's school, grade level, and IFEP or FEP designation for purposes of these reporting requirements. Extra columns for each student will also be included so that the LEA can add the information regarding each child's elected intervention services for ease of reporting back to the Department.

The Department will be incorporating the information regarding intervention services and this directive into future trainings through its Office of English Language Acquisition Services (OELAS). In addition, OELAS ELL Monitoring will be reviewing LEA files regarding the intervention services being provided to ensure compliance with the requirements of the Agreement.

BEST PRACTICES

The Department expects that LEAs will be able to accomplish the requirements of this directive through a meeting with a student's parents during fall parent/teacher conferences. The parent must be advised of his/her right to receive intervention services for his/her child under the Agreement. At these meetings, the LEA should provide the parent with information regarding: the qualifying student's academic progress, including the data that LEAs must review pursuant to this Directive; the intervention services that are available under the Agreement (i.e., the bulleted list on page 2 above); and any existing intervention services

that the LEA is already providing. The information must be provided to parents of qualifying students in a language that the parents understand.

In order to assist LEAs in this process, the Department has created a sample “Parent Consultation Form” which is attached to this directive. Once the parent decides how to proceed, the LEA can check off the corresponding boxes and the parent will sign the form. LEAs must maintain these documents for their files. The Department will be translating the “Parent Consultation Form” into the ten most common foreign languages spoken by ELL students in Arizona. These translations will be available on the OELAS website as soon as possible.

The Department is committed to providing technical assistance to the LEAs to comply with the terms of the Agreement. The Department also wants to remind all LEAs that, consistent with standard procedures, if a mainstream classroom teacher observes that a student may be struggling due to English language support needs, the teacher may refer the student for an ELL assessment. If you have any questions, please contact OELAS at 602-542-0753 or OCRInbox@azed.gov.