



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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December 17, 2014

MEMORANDUM

TO: Title III Directors and Teams

FROM: Shereen Tabrizi, Ph.D. 
Education Consultant Manager, Special Populations Unit

SUBJECT: Correction of Records for Students Incorrectly Designated as Limited Proficient ('false' LEPs)

The Civil Rights Act of 1964 as well as the Elementary and Secondary Education Act (ESEA) of 1965 require States and Local Educational Agencies to identify *potentially eligible* limited English proficient (LEP) students. The identification process begins with completing the district's home language survey (HLS) that incorporates at least two questions:

1) What is the student's native/primary language; 2) What is the language spoken at home?

Once the information has been gathered from the home language survey, potentially eligible LEPs must be assessed for English language proficiency (using the W-APT) within thirty days at the beginning of the school year or two weeks if enrolled during the school year [ESEA Sec. 3302 and Title VI of the Civil Rights Act of 1964 - OCR Guidelines]. The assessment process is necessary to ensure such potentially eligible students are accurately identified as limited English proficient, and receive the required alternative language program services. Such services assist in removing English language barriers, and ensuring equitable access for these students to the curriculum across all content areas.

As soon as such students are accurately identified as LEP/ELs, based on the MDE-Title III Entrance and Exit Protocol and are, therefore, eligible for alternative language program services, Local Educational Agencies (LEAs) must use the Michigan Student Data System to report and update information on these students timely and accurately [ESEA Sec. 3114]. English learners (EL/LEP) must be assessed **annually** on the language proficiency assessment (WIDA) even if parents refused/waived services [ESEA Sec. 1111(b) (7); 3113(b) (3) (D) and 3116(d) (2)].

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English learners may be officially exited from the program for two reasons **only**: they demonstrated proficiency based on the MDE-Title III Entrance and Exit Protocol **or** graduated from high school.

A significant number of limited English proficient (LEP) students are not being assessed on the annual ELP assessment (WIDA). This is a violation of the ESEA legislation and requirements and will result on a Title III finding. Local Educational Agencies (LEAs) have shared that one of the reasons for not testing certain students was that they were *falsely* coded as LEP in MSDS due to human error, (e.g., a data entry personnel inadvertently reported a student as LEP when the student's home language and primary language is English).

The Michigan Department of Education (MDE) team, including Office of Field Services (OFS), Office of Educational Student Accountability and Research (OESRA), Office of Standards and Assessment (OSA) and the Division of Accountability Services (DAS) have created an annual process by which LEAs may submit an appeal to MDE requesting a review of 'false LEP' cases for a **final** resolution and possible correction within MSDS.

To request correction of 'false LEP' records, districts must enter the information and upload required documents described below using the WIDA Test Exceptions function on the MDE secure site between December 17, 2014 and January 26, 2015. Directions for submitting [WIDA Test Exceptions](#).

If the LEA's request is approved by MDE's Title III team, the student will continue to be reported as LEP in MSDS **only** for the 2014/15 academic year but will not participate in the spring WIDA, 2015 or beyond.

Prior to submitting your request to correct 'false LEP' records, please read the information below carefully:

Who is a 'false LEP?'

A 'false LEP' is an English speaker, as determined by the **initial** home language survey (HLS) completed by parents, upon the **first** enrollment in **any** local educational agency (LEA) in the state of Michigan. Appealing districts are responsible for securing this historical information from other districts.

What to Submit/Upload: Districts submitting an appeal to resolve a 'false LEP' case **must:**

1. Submit/upload to the MDE Secure Site the **initial** home language survey (of the 'false LEP' student) completed by parents upon the **first** enrollment in **any** local educational agency (LEA) in the state of Michigan. All responses on the students' **initial** HLS **must** indicate that the student's primary language **and** the student's home language is English.
2. Attest/certify that the uploaded HLS is identical to the original document. A signature of the local district's program director fulfills this requirement.
3. Ensure the HLS was signed by the student's parent/guardian and not signed on behalf of the parent/guardian.
4. Provide an explanation of the discrepancy between the original HLS and MSDS coding of LEP.
5. Submit the request in the MDE Secure Site no later than January 26, 2015.

The MDE Title III team **will not review** requests for changing a LEP status to a non-LEP status if:

1. The request is not submitted by the January 26, 2015 deadline.
2. The request submitted to OFS lacks **any** of the required documents and information listed above.
3. The student transitions to another LEA and the parent/guardian fills out a new home language survey reporting that the child speaks English and the home language is English while previously a second language, other than English was reported.
4. The parent/guardian wants to withdraw the LEP student from the program and fills out a new home language survey.
5. The parents (one is bilingual and the other is an English speaker) share parenting time and the English-speaking parent completes a new home language survey indicating that the child speaks English.
6. The LEP/EL student, whose native language is a language other than English, is placed in a foster care home with English speaking foster parent(s). The foster parents complete a new home language survey and indicate that both native language and home language are English.

This communication is posted on the Office of Field Services website at www.michigan.gov/ofc - English Learner and Immigrant Programs. Please direct questions or concerns regarding 'false LEP' to ***Maria Silva, EL Consultant or Shereen Tabrizi, Education Consultant Manager, Office of Field Services at 517 373-6066.***