

200-RICR-20-30-3

TITLE 200 – BOARD OF EDUCATION

CHAPTER 20 – COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 30 – STUDENT SUPPORTS

PART 3 – Regulations Governing the Education of ~~English~~ Multilingual Language Learners

3.1 Introduction and Authority

- A. These regulations ~~have been promulgated pursuant to implement~~ R.I. Gen. Laws § 16-54-~~43, et seq.~~ and are intended to support compliance with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d, et seq.) and the Equal Education Opportunities Act of 1974, (See: 20 U.S.C. § ~~1703-1701, et seq., (f)~~). ~~More particularly, these regulations and~~ are intended to:
1. Ensure that ~~Multilingual English Language~~ Learners (“ELLs”) attain ~~a level of proficiency in English and the~~ content knowledge, cultural competence, and level of proficiency in English and partner language(s) that will permit them to
 - a. Succeed in their school’s ~~general~~-education program;
 - b. Meet Rhode Island’s diploma state graduation by proficiency requirements;
 - c. Be prepared for post-secondary education and work; and
 - d. Become an essential asset to Rhode Island’s economic and social well-being.
 2. Require that ~~Multilingual English Language~~ Learners be instructed, and their English language ~~proficiency skills~~ be annually assessed, in accordance with the English Language Proficiency Standards (“ELPs”) endorsed by the state, of the World-Class Instructional Design and Assessment (“WIDA”) Consortium (2007) Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium, <https://www.wida.us/standards/eld.aspx>, incorporated herein by reference, not including later amendments or editions thereof. The WIDA standards are hereby adopted by the Council on Elementary and Secondary Education as Rhode Island’s ELL proficiency standards. These standards also are intended to comply with Rhode Island’s obligation to adopt English Language proficiency Standards that are derived from the four (4) recognized domains of speaking, listening, reading, and writing;

address the different proficiency levels of Multilingual English Learners; and align the English Language Proficiency Standards with State-endorsed the State's academic standards. See 20 U.S.C. § 6311. WIDA is a consortium of states, including Rhode Island, that has developed English Language Proficiency Standards for English Language Learners.

3. Ensure that Multilingual English Language Learners meet Common Core State-endorsed academic Standards (July, 2010) in all subject areas.
4. Ensure that Multilingual English Language Learners have access to a free, appropriate, public education equal to the education provided to all other students. This goal is to be reached by ensuring that programs for Multilingual English Language Learners are:
 - a. Based on sound educational theory, and evidence;
 - b. Appropriately supported and implemented, with adequate and effective staff and resources, so that the program may reasonably be expected to be successful; and
 - c. Annually Periodically evaluated and, if necessary, revised.
5. Facilitate the preservation and development of the existing home/native language skills of Multilingual English Language Learners.
6. Help ensure English and partner language proficiency in Rhode Island.

3.2 Definitions

- A. For the purposes of these regulations, the following terms have the following meanings:
 1. Parents and Students and Parents
 - a. "Multilingual English language learner" or "MLL" means consistent with the definition of an English Learner in 20 USC § 7801(20), a student:
 - (1) whose first home/native language is other than not English and who has been identified pursuant to § 3.3 of this Part, or who speaks a variety of English, as used in a foreign country or U.S. possession, that is so distinct that ELL instruction is necessary,
 - (2) who is now learning English, but
 - (3) who has not yet attained enough proficiency in English to allow him or her them to fully access and meaningfully

engage in all of the school's curricular and extracurricular programs and services fully profit from content area instruction conducted only in English.

- b. "Newcomer student" or "Newcomer" is a Multilingual Learner who has been in U.S. schools for less than 3 years.
- c. "Parent", for the purposes of this Part, means the guardian of a child, anyone acting as a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian child, and anyone having control over a child, as defined in the compulsory attendance laws of this state.
- d. "Student with limited or interrupted formal education", or "SLIFE", is a student who is a Multilingual Learner who has experienced interrupted or limited education or has never had the opportunity to participate in any type of schooling before entering school in the United States.

2. Administrative Terms

- a. ~~"High incidence LEA" means an LEA with a total of one hundred fifty (150) or more English Language Learners.~~ "Commissioner" means the Commissioner of Elementary and Secondary Education or designee.
- b. ~~"Low incidence LEA" means an LEA with fewer than one hundred fifty (150) English Language Learners.~~ "Core content area" means English language arts, mathematics, science, and social studies subject areas.
- c. "Council" means the Council on Elementary and Secondary Education.
- d. ~~_____~~ "Cultural competence and responsiveness" means the ability of individuals and organizations to understand, communicate, operate, and provide effective services to people who differ from them culturally and linguistically.
- e. "English to Speakers of Other Languages" or "ESOL" means an English language development instruction for students whose first/native language is other than English.
- f. "English Language Proficiency" or "ELP" means a student's ability to demonstrate language competence in social and academic contexts, through the use of the four domains of speaking, listening,

reading, and writing, with defined progressive levels of language development.

- g. "Local Education Agency Strategic Plan" means a plan for the purposes of improving the performance of school districts, individual public schools, and the efficacy and equity of state and federal programs including an analysis of student and subgroup achievement gaps in core subjects and identification of specific improvement objectives.
- h. "Home language survey" means a survey instrument created by the Rhode Island Department of Elementary and Secondary Education RIDE used to identify Multilingual English Language Learners.
- i. "Home or native language" means the language or languages that a child first learns or uses in the home and/or for daily communication, as recorded on file in the student's permanent record file.
- j. "Instructional period" means the equivalent of at least forty-five (45) consecutive instructional minutes per day, in accordance with a school's specific schedule.
- k. "Linguistic competence" means the ability of individuals and organizations to understand, communicate, operate, and provide effective services to people who differ from them linguistically.
- l. "Local educational agency" or "LEA" means a public board of education/school committee or other public authority legally constituted within the State for either administrative control or direction of one or more Rhode Island public elementary schools or public secondary schools.
- m. "Multi-Tiered System of Supports" or "MTSS" means a systemic school improvement framework in which data-based decision-making is practiced across all levels of the educational system for supporting students and increasing student achievement and social-emotional competencies.
- n. "Partner language" means, in bilingual programs, the language other than English used for instruction.
- eo. "Rhode Island Department of Elementary and Secondary Education" or "RIDE" means the executive agent of the Rhode Island Council on Elementary and Secondary Education. The Rhode Island Department of Elementary and Secondary Education RIDE is charged with the implementation of Council policies and regulations.

- p. "School Improvement Plan" means a comprehensive annual plan for improving student performance designed to fulfill all planning requirements of state and federal education law.
- q. "School Improvement Team" means a team composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school.
- r. "Social-Emotional Learning" or "SEL" means the process through which students and adults acquire and apply knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals resulting in higher academic achievement, improved behavior, and better-developed socio emotional skills.
- s. "Standards" mean the knowledge and skills associated with a particular subject area that defines what students need to know.
- d. ~~"World Class Instructional Design and Assessment Consortium" or "WIDA consortium" means a consortium of states, including Rhode Island, that has developed English language proficiency standards and English language proficiency tests.~~

3. Categorizing Local Educational Agencies by Multilingual Learner Enrollment

- a. "High-incidence Local Educational Agency" means a Local Educational Agency with a Multilingual Learners student population that meets at least one of the following two criteria:
 - (1) Is greater than or equal to two hundred and fifty (250) total Multilingual Learners; or
 - (2) Is greater than or equal to twenty (20) percent of the Local Educational Agency's total student population.
- b. "Medium-incidence Local Educational Agency" means a Local Educational Agency that does not meet either of the criteria for a high-incidence Local Educational Agency, and has Multilingual Learner student population that meets either of the following two criteria:
 - (1) the Local Educational Agency Multilingual Learners student population is between one hundred (100) and two hundred and forty-nine (249) Multilingual Learners, and is also less than twenty

(20) percent of the Local Educational Agency total student population; or,

(2) the Local Educational Agency Multilingual Learners student population is greater than or equal to five (5) percent but less than twenty (20) percent of the Local Educational Agency's total population, and is also less than or equal to two hundred and forty-nine (249) total Multilingual Learners.

c. "Low-incidence Local Educational Agency LEA" means an Local Educational Agency LEA with fewer than one hundred fifty (150) English Language Learners. a Multilingual Learners student population that meets both of the following two criteria:

(1) The Local Educational Agency's Multilingual Learners student population is less than one hundred (100) total students; and,

(2) the Local Educational Agency's Multilingual Learners student population is less than five (5) percent of the Local Educational Agency's total population.

"Local educational agency" or "LEA" means:

- a. a public board of education or other public authority legally constituted within the State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, LEA, or other political subdivision of the State, or for a combination of LEAs or counties as are recognized in the State as an administrative agency for its public elementary or secondary schools; and/or
- b. an educational service agency or other public institution or agency that is authorized by State law to develop, manage, and provide services or programs to any of the entities in § 3.2(A)(3)(a) of this Part, above, that is recognized as an administrative agency for purposes of providing special education and related services within public elementary and secondary schools of the State; and/or
- c. educational collaboratives, educational service agencies and/or non-profit public charter schools that are not otherwise included and are not a school of an LEA or educational service agency; and/or
- d. any other public institution or agency having administrative control and direction of a public elementary or secondary school, including:
 - (1) The Rhode Island Training School for Youth;

~~(2) any public non-profit charter school established under State law; and/or~~

~~(3) any entity that meets the definition of intermediate educational unit in § 602(23) of the federal Individuals with Disabilities Education Act as in effect prior to June 4, 1997.~~

4. Personnel

a. ~~"Administrator of pPrograms for English languageMultilingual L_earners" or "MLL Administrator" means an administrator who is responsible for the Local Educational Agency's Language Instruction Educational Program. Pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island, an MLL Administrator must have:~~

~~1. individual An administrator certifiieded as either aa building administrator principal or LEA-district level administrator, who also possesses a teaching certification in either who is responsible for the District's English Language Learner program. In a high-incidence LEA, the ELL Administrator must have experience in teaching English Language Learners and an English as ato Speakers of Other -Second Languages teaching ("ESOL") certificate or a Bilingual and Dual Language endorsement on another teaching certificate. or,~~

~~2. An administrator certified as either a building administrator or district level administrator, who also possesses one of the following certification: Early Childhood MLL Integrated Content Teacher, Elementary MLL Integrated Content Teacher, Middle Grades MLL Integrated Content Teacher, or Secondary Grades MLL Integrated Content Teacher; or, in low-incidence LEAs, an ELL program administrator who does not have English Language Learner teaching experience, or an ESL certificate or endorsement, must have demonstrated professional development in the education of English Language Learners.~~

~~3. An administrator who possesses the District Level Administrator-Multilingual Learners certification.~~

b. "Assessor" means a person who has been ~~WIDA-certified~~ trained to administer prescribed English language development ELL assessment tools and who is qualified to evaluate the results of these assessments. This person must have knowledge ~~concerning~~

~~about~~ the ways ~~Multilingual English Language~~ Learners acquire English as an ~~second~~ additional language.

- c. "Multilingual Learner Coach" or "MLL Coach" means an administrator or teacher certified pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island, holding a certification as per § 3.2(A)(4)(a)(1) or § 3.2(A)(4)(a)(2), designated by the Local Educational Agency to carry out coaching duties.
- d. "Multilingual Learner ELL eCoordinator" or "MLL Coordinator" means an administrator with MLL teaching experience or a teacher with ~~a~~ an English to Speakers of Other Languages or Bilingual and Dual Language certification ~~teacher~~ designated by an Local Educational Agency LEA to coordinate the day-to-day operations of the Local Educational Agency's LEA's English Language Instruction Educational Learner Pprogram. ~~The ELL Coordinator must have English Language Learner teaching experience and an ESL or bilingual endorsement. The workday of a teacher or administrator who also serves as an ELL Coordinator must include enough time dedicated to coordinator duties to ensure that these duties are adequately carried out.~~
- ed. "Multilingual Learner ELL tTeacher" means a teacher who provides the Dedicated English Language Development and/or Integrated Language and Content Instruction components of a Language Instruction Educational Program as specified in § 3.2(A)(5)(b) and § 3.2(A)(5)(c) of this Part, and holds the appropriate certification, pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island, that enables them to provide these instructional components. ~~an elementary or secondary teacher who holds:~~
- (1) ~~a Rhode Island certificate for the level and subject in which he or she teaches, and a Rhode Island endorsement as an ESL teacher or Bilingual teacher or Content Area teacher of ELLs; or~~
- (2) ~~the Rhode Island ESL certificate.~~
- fe. "Multilingual Learner Paraprofessional ELL teacher assistant" means a teaching assistant who works under the supervision of an E Multilingual Learners LL Tteacher and an E Multilingual Learners LL Coordinator or Administrator. ~~ELL teacher assistants must demonstrate proficiency in English on the state paraprofessional test as well as proficiency in at least one of the predominant~~

~~languages of the LEA's ELL student population. Demonstrated training in culturally responsive education practices may be substituted for proficiency in at least one of the predominant languages of the ELL student population.~~

~~g. "School and Community Liaison" means a person who:~~

~~(1) facilitates communication with, and provides information to, the parents or families of an LEA's ELL student population; and, who~~

~~(2) encourages involvement between the school and parents and among agencies, churches, and community groups. This liaison must have knowledge of the culture(s) of the LEA's ELL student population or have received cultural competency training to enable him or her to carry out the duties of a school & community liaison.~~

~~hf. "School Guidance Counselor for English Language Learners" means a person who has a Rhode Island guidance school counselor certificate as defined in 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island, who, in addition, is:~~

~~(1) proficient in at least one of the predominant language(s) of the School LEA's ELL student population; or~~

~~(2) who has received training in second-language acquisition and cultural competency.~~

~~g. "School and community liaison" means a person who~~

~~(1) facilitates communication with, and provides information to, the parents or families of an LEA's ELL student population and who~~

~~(2) encourages involvement between the school and parents and among agencies, churches, and community groups. This liaison must have knowledge of the culture(s) of the LEA's ELL student population or have received cultural competency training to enable him or her to carry out the duties of a school & community liaison.~~

~~h. "Cultural competence" means the ability of individuals and organizations to understand, communicate, operate, and provide effective services to people who differ from them culturally and linguistically.~~

~~i. "English language instructional program" means any program for English Language Learners employing one of the methods of instruction listed in § 3.2(A)(5) of this Part.~~

5. Language Instruction Educational Program

~~a. "Language Instruction Educational Program" or "LIEP" is the overarching framework of instruction for Multilingual Learners. A Language Instruction Educational Program:~~

- ~~1. is educationally sound and rigorous;~~
- ~~2. enrolls Multilingual Learners for the purpose of developing and reaching English language proficiency, while meeting state academic standards;~~
- ~~3. may make instructional use of both English and a student's home/native language;~~
- ~~4. may include the participation of English proficient students;~~
- ~~5. employs one of two approaches of instruction described in § 3.2 of this Part: Bilingual Education, or Content-Based Education;~~
- ~~6. includes Dedicated English Language Development and Integrated Language and Content Instruction;~~
- ~~7. is delivered via an instructional program model informed by educational theory and research.~~

~~b. "Dedicated English Language Development" or "Dedicated ELD" is an instructional component that:~~

- ~~1. places Multilingual Learners according to their grade and English Language Proficiency levels, with instructional considerations, and~~
- ~~2. focuses on developing a Multilingual Learner's social, instructional, and academic proficiency in English to prepare the Multilingual Learner to succeed in a school's general education program; and~~
- ~~3. is aligned to English Language Proficiency Standards and performance indicators; and~~
- ~~4. includes English language learning that focuses on listening, speaking, reading, and writing; and~~

5. incorporates content knowledge and concepts aligned to state-endorsed academic standards; and
6. is taught by teachers who meet the Rhode Island certification requirements for English to Speakers of Other Languages instruction, pursuant 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island.

c. "Integrated Language and Content Instruction" or "Integrated Instruction" is an instructional component that:

1. places Multilingual Learners according to their grade with English Language Proficiency level support, and instructional considerations, and
2. provides Multilingual Learners with content instruction and language development simultaneously; and
3. is aligned to the state-endorsed academic standards and English Language Proficiency Standards; and
4. is taught by a content certified teacher who also holds one of the following certifications pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island: an English to Speakers of Other Languages Certificate, or Bilingual and Dual Language Certificate; or
5. is taught by a content certified teacher who possesses the Multilingual Learners Endorsement as authorized by 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island; or,
6. is taught by a content certified teacher who has one of the following appropriate certifications pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island: Early Childhood MLL Integrated Content Teacher, Elementary MLL Integrated Content Teacher, Middle Grades MLL Integrated Content Teacher, or Secondary Grades MLL Integrated Content Teacher; or,
7. is taught by a content certified teacher who has completed a professional learning that meets the proficiency requirements as outlined in §3.12(C)(2)(a); or,
8. is taught via a co-teaching model, in which a core content certified teacher teaches with an additional teacher who has the English to Speakers of Other Languages certificate.

6. Instructional Program Models ~~Methods of Instruction and Assessment~~

- a. "Bilingual eEducation" is means an approach that serves Multilingual Learners at all stages of English Language Development and who share a common home/native language. The goal of this approach is proficiency and literacy in English and a partner language, as well as content achievement in both English and a partner language. Instruction is provided in both English and home/native or partner language. The Bilingual Education approach the approach consists of Dedicated English Language Development and Integrated Language and Content Instruction components and can be structured in any of the following instructional program models: method of instruction that provides literacy and content-area instruction in a student's native language and English as a Second Language instruction at all proficiency levels. Bilingual education teachers must meet state certification requirements, be highly qualified in their content area, and demonstrate proficiency in both English and the other language used in instruction.
1. "One-Way Dual Language" is an instructional program model that serves Multilingual Learners who share the same home/native language but at enrollment are not yet proficient in English. This instructional program model provides literacy and content instruction through the partner language and English, with minimum 50% of instruction time in partner language. It consists of Dedicated English Language Development and Integrated Language and Content Instruction components. This instructional program model promotes bilingualism and biliteracy, grade-level academic achievement, and sociocultural competence and responsiveness for all students. This model is typically initiated in kindergarten and continues through grade twelve (12).
 2. "Two-Way Dual Language" is an instructional program model that serves a balanced number of Multilingual Learners who, at enrollment, are monolingual or dominant in the same partner language and students who are monolingual or dominant in English. There may also be students who have proficiency in both languages at the time of enrollment. This program model provides literacy and content instruction through the partner language and English, with minimum 50% of instruction time in partner language. It consists of Dedicated English Language Development and Integrated Language and Content Instruction components. This instructional program model promotes bilingualism and

biliteracy, grade-level academic achievement, and sociocultural competence and responsiveness for all students.

3. "Transitional Bilingual Education", or "TBE", is an instructional program model that serves Multilingual Learners who share the same home/native language but are not yet proficient in English. The Transitional Bilingual Education program model consists of Dedicated English Language Development and Integrated Language and Content Instruction components. Home/native language instruction is used to support English language proficiency and is gradually phased out as a student's English language proficiency increases and moves towards full-time English instruction. The rate of transitioning to full-time English instruction will vary and should be aligned with the needs of students enrolling in the instructional program model to support their success in school. Transitional Bilingual Education program models may be initiated at any grade level but are particularly recommended for secondary grades. The Transitional Bilingual Education instructional program models include Developmental Transitional Bilingual Education and Early Exit Transitional Bilingual.

4. "Transitional Bilingual Education for Students with Limited and/or Interrupted Formal Schooling," or "TBE SLIFE", is an instructional program model that serves Multilingual Learners who share the same home/native language and have limited and/or interrupted formal education. The Transitional Bilingual Education Students with Limited and/or Interrupted Formal Schooling program model consists of Dedicated English Language Development and Integrated Language and Content Instruction components. It also offers intensive literacy, numeracy, and content instruction. It uses both English and students' home/native language for instruction. Home/native language instruction is gradually phased out as a student's English language proficiency increases. The rate of transitioning to full-time English instruction will vary and should be aligned with the needs of students enrolling in the instructional program model to support their success in school. The Transitional Bilingual Education Students with Limited and/or Interrupted Formal Schooling program model is limited in time and scope and lasts until the Local Education Agency transitions the student to another instructional program model based on the student's proficiency level and duration in program. b. "Collaborative ESL instruction" means a method of instruction that provides English Language Learners with ESL instruction taught by a certified and/or endorsed ESL teacher and content instruction provided through the school's

~~general-education program. The certified and/or endorsed ESL teacher works in close collaboration with the general-education teachers in delivering content instruction for ELLs.~~

- ~~c. "English as a second language" means a method of instruction that develops an English Language Learner's social, instructional, and academic proficiency in English in order to prepare the English Language Learner to succeed in a school's general education program. ELL program objectives and curriculum for English Language Learners in grades K-12 must be aligned with WIDA standards, language domains, proficiency levels, and performance indicators. The core curriculum is to include English-language instruction in listening, speaking, reading, and writing that incorporates content knowledge and concepts aligned to Common Core State Standards (July, 2010). Teachers must meet Rhode Island certification and/or endorsement requirements for ESL instruction.~~
- ~~d. "Newcomer instruction" means a program of instruction designed to educate students who have recently immigrated to the United States who have had little or no formal schooling. Newcomer Instruction provides a special academic environment that addresses gaps in the newcomer's schooling through intensive instruction in English literacy, numeracy, and participation in sheltered content instruction. Teachers must meet state certification requirements in ESL and/or content area instruction for English Language Learners and be highly qualified, as defined by RIDE.~~
- ~~e. "Sheltered content instruction" means a method of instruction that provides a comprehensive set of grade-level core academic courses aligned with the WIDA ELP standards and Rhode Island's Common Core State Standards (July, 2010). These classes make their content comprehensible to English Language Learners through scaffolded and differentiated instruction in English and they help English Language Learners to become competent in the use of academic English in all language domains. Teachers must:
 - ~~(1) meet appropriate state certification requirements,~~
 - ~~(2) be highly qualified in their content area as defined by RIDE, and~~
 - ~~(3) participate in specialized training in ESL methods and techniques.~~~~
- ~~f. "Two-way/dual language" means a method of instruction that promotes a student's full proficiency in all aspects of English~~

~~and another language. These programs educate English Language Learners using both English and a target language for academic instruction, usually dividing the day or week by language of instruction. Two-way bilingual programs teach students who are learning English alongside students who are native Englishspeakers who are learning the target language. Teachers must meet appropriate state certification requirements and be highly qualified as defined by RIDE in their content area~~

b. "Content Based Education" is an approach that serves Multilingual Learners at all stages of English Language Development and who may not share a common home/native language. The goal of this approach is proficiency and literacy in English, as well as content achievement. Instruction is provided in English with home/native language used as a support. The approach consists of Dedicated English Language Development and Integrated Language and Content Instruction components. Instruction in the Content-Based Education approach shall be carried out in a manner that does not limit students' access to the array of instructional opportunities available to all other students. Content-Based Education approach can be structured in any of the following instructional program models:

1. "Content-Based Instruction" or "CBI" is an instructional program model that serves Multilingual Learners at all stages of English Language Development and who may not share a common home/native language. The goal of this instructional program model is proficiency and literacy in English, and content achievement. Instruction is in English with the use of Multilingual Learner strategies, scaffolding, and the home/native language as support. The Content-Based Instruction program model consists of Dedicated English Language Development and Integrated Language and Content Instruction components. The integrated grade-level content classrooms include a combination of Multilingual Learners and non- Multilingual Learners, while the Dedicated English Language Development instruction includes Multilingual Learners only. The Content-Based Instruction program model may start at any age or grade, depending on student identification as Multilingual Learner, and last until the student is exited from Multilingual Learners status.

2. Content-Based Instruction for Newcomers" or "CBI for Newcomers" is an instructional program model that serves Multilingual Learners who are recent arrivals, who are at

early stages of English Language Development, and who may not share a common home/native language. Content-Based Instruction for Newcomers is delivered in English with the use of Multilingual Learner strategies, scaffolding, and the home/native language as support. The Content-Based Instruction for Newcomers program model consists of Dedicated English Language Development and Integrated Language and Content Instruction components. The program model may be self-contained for a transitional time. The Content-Based Instruction for Newcomers program model may start at any age or grade, is limited in time and scope, and lasts until the student is transitioned to the Content-Based Instruction or another program model based on the student's proficiency level and duration in program.

3. "Content-Based Instruction for Students with Limited and/or Interrupted Formal Education", or "CBI SLIFE", is an instructional program model that serves Multilingual Learners who have limited and/or interrupted formal education and who may not share a common home/native language. The Content-Based Instruction Students with Limited and/or Interrupted Formal Education program model consists of Dedicated English Language Development and Integrated Language and Content Instruction components and offers intensive literacy, numeracy, and foundational content instruction, designed to address gaps in students' schooling. Instruction is in English with the use of Multilingual Learner and structured literacy strategies, scaffolding, and the home/native language as support. The Content-Based Instruction Students with Limited and/or Interrupted Formal Education program model is limited in time and scope and lasts until the student is transitioned to a Content-Based Instruction or another instructional program model based on the student's proficiency level and duration in program.

g7 Assessment for Multilingual Learners

- a. "English Language Screener/WIDA access placement test" or "W-APT" means an initial screening instrument developed adopted by the the WIDA-Rhode Island Department of Elementary and Secondary Education Consortium to measure a student's proficiency level inability to understand listening, speaking, and reading, and writing English at a level appropriate to the student's age and grade placement. The purpose of this screening is to help Local Educational Agencies make decisions about whether a student qualifies to be identified as a Multilingual Learner.

~~bh.~~ "English Language Proficiency ACCESS (ELP Assessment") or "ELP Assessment" ELLs" stands for Assessing Comprehension and Communications in English State-to-State for English Language Learners. This WIDA-developed means a state-endorsed assessment instrument is administered annually and that measures the social and academic English language proficiency of Multilingual English Language Learners in four domains: listening, speaking, listening, reading, and writing.

~~i.~~ "Home or native language" means the language or languages that a child first learns or uses in the home and/or for daily communication, as recorded on file in the student's permanent record file.

~~j.~~ "Home language survey" means a survey instrument created by RIDE used to identify English Language Learners.

8. Professional Learning

a. "Multilingual Learner Competencies" means the competencies established by RIDE that articulate teacher, administrator, and other school personnel knowledge and practices for the Multilingual Learner instruction. These competencies shall be aligned to nationally-recognized teaching English to speakers of other languages standards. For each standard, RIDE shall identify components and concepts that must be addressed within approved provider programs, as well as the depth and breadth of content aligned to these standards being differentiated between awareness and proficiency expectations. The standards are as follows:

1. Knowledge About Language

2. MLLs in the Sociocultural Context

3. Planning and Implementing Instruction

4. Assessment and Evaluation

5. Professionalism and Leadership

b. "Awareness expectations" means the minimum depth of nationally-recognized teaching English to speakers of other languages standards that all teachers, administrators, and other school personnel must possess to serve MLLs.

c. "Proficiency expectations" means the depth of nationally-recognized teaching English to speakers of other languages standards, aligned to the MLL educator endorsement, that teachers

must exhibit to be able to provide Integrated Language and Content Instruction.

3.3 Language Identification of All Potential Multilingual Learners

- A. LEAs shall determine the home/native language(s) of all public-school ~~children students~~ when ~~these children are~~ registering in the LEA. This determination shall be made through the Home Language Survey developed by RIDE.
- B. The Home Language Survey shall not be used to deny any student the right to participate in, or benefit from, any program or service.
- C. Data from the Home Language Survey shall be filed in the student's permanent record.
- D. If the Home Language Survey indicates that a student's home/native language is not other than English, ~~a background interview with the student, and with his or her parents, shall take place. Before this interview takes place,~~ the parents shall be informed in writing, in a language they understandprefer, about the procedures used in the identification, assessmentscreening, and placement of MLLs in addition to their rights and the benefits to accessing a Language Instruction Educational Program~~ELL students~~. Based on the information reported in the Home Language Surveyfindings of this interview, the student shall be referred for an timely English Language Screener within a timeframe that allows student placement as per § 3.6 of this Partscreening assessment. The LEA shall make a tentative educational assignment and provide the teacher with relevant information about the student pending the results of the English Language ScreenerP screening assessment. The LEA shall use the appropriate data from the student's previous schools, when available, to make program placements. Additional information on the student's background may be collected via an interview with the student and with their parents to further support program placementthis tentative assignment.

3.4 Initial Assessment for Program Placement

- A. The state-endorsed English Language WIDA-ACCESS Placement Test or Sscreener shall be used to measure the student's ~~ability to understand, speak, and read English proficiency~~ at a level appropriate to the student's age and grade placement. ~~Tests and s~~Screeners must be administered by qualified assessors. For purposes of these regulations, the following levels of English proficiency shall be recognized in accordance with state-endorsed ELD Standards and ELP assessments:
 - 1. Entering
 - 2. Beginning-Emerging

3. Developing
4. Expanding
5. Bridging
6. Reaching

B. To assist in program decisions, ~~any student scoring at the Developing, Expanding, or Bridging Level shall be given an additional English reading assessment.~~ ~~W~~hen possible, a reading assessment in the first home/native language of the student will be given to all EMLLs regardless of English Proficiency ELP level. All available test data from the student's previous schools shall be used in the placement process.

3.5 Program Standards

A. In order to ensure that MLLs are provided with the support needed to attain English language and academic content proficiency, LEAs ELL programs shall:

1. Meet the linguistic and academic needs of the ~~English Language Learners~~ MLLs as indicated by the identification and screening assessment process.
2. Determine which instructional approach is best suited for MLLs. In doing so, LEAs must consider the student's:
 - a. ELP level;
 - b. Grade level;
 - c. Educational background; as well as
 - d. Language background.
3. Ensure that all ~~English Language Learners~~ MLLs attain proficiency in speaking, listening ~~to~~, reading, and writing English at a level sufficient to enable them to succeed in the school's ~~general~~ academic programs.
4. Be a ~~aligned~~ aligned instructional programs with:
 - a. Rhode Island's endorsed English-~~L~~anguage proficiency Standards,
 - b. ~~Common Core State Standards (July, 2010), and~~
 - c. ~~content area~~ State-endorsed standards of the content areas defined in § 3.2(A)(2)(s) of this Part. not addressed by Common Core State Standards (July, 2010) (National Education Technology

~~Standards www.CNET.ISTE.org/students/s_stands.html; Fine Arts Standards of the RI Arts Learning Network www.riartslearning.net/proficiency/; National Standards for History Basic Edition, 1996 <http://nchs.ucla.edu/standards/>; National Council for the Social Studies – NCSS Standards www.ncss.org/standards/).~~

- ~~54.~~ Provide clear pathways for each student to meet the Rhode Island ~~Graduation by Proficiency Diploma~~ Requirements.
- ~~65.~~ Use research-based instructional practices recognized as sound by experts in the education of ~~English Language Learners-MLLs~~ at the elementary, middle, and high-school levels.
- ~~76.~~ Provide opportunities for achievement in all content-area classes or courses ~~through specialized language instruction for English Language Learners until the student has reached a level of English language proficiency permitting him or her to succeed in the LEA's general academic program.~~
- ~~87.~~ Encourage and support the use of students' home/native languages to scaffold rigorous content and access to core instruction. To the greatest extent possible, materials and supports in the student's home/native language shall be used to benefit academic progress.
- ~~9.~~ Ensure equitable access to all services, and materials that are provided to all other students.
- ~~108.~~ Include sufficient personnel and resources to effectively implement the program.
- ~~119.~~ Provide for the maintenance, analysis and use of data within a culturally and linguistically responsive Multi-Tiered System of Supports (MTSS) framework concerning student academic progress to help support closing all achievement gaps in English Language Learner achievement levels.
- ~~120.~~ Ensure that ~~specialized language instruction in LIEP for English Language Learners-MLLs~~ is provided by teachers who meet the state certification requirements as per 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island and proficiency requirements as specified in §3.12(C)(1). ~~appropriately certified and endorsed teachers who are highly qualified and~~
- ~~13.~~ Provide all teachers who are provided with regular, sustained, high-quality, job-embedded professional development learning.
- ~~14.~~ Ensure, if an MLL is not making desired progress in the LIEP and MTSS framework, that a robust culturally and linguistically responsive referral

and evaluation process is in place that uses valid and reliable practices that ensure appropriate identification of an MLL who might be eligible for special education and related services.

15. Consult with at least the following stakeholders in the design and selection of program models: Be designed by LEA administrators in consultation with:
- a. certified or endorsed ESL teachers pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island;
 - b. ~~endorsed bilingual education teachers,~~
 - eb. parents of English Language Learners MLLs;
 - cd. MELL students; and
 - de. building administrators.
162. ~~Be d~~Distribute MLLs within instructional program models in the LEA's facilities in such a way that English Language Learners MLLs are not inappropriately clustered away from students in the school's ~~regular~~ education programs or assigned to only a restricted range of certified teachers or schools, when other school-housing options are available to provide quality services based on students' educational needs and scientifically researchevidence based instructional models. Cooperative service agreements between LEAs shall not operate in a way that abridges this principle.

3.6 Student Placement Standards

- A. Whenever an identified English Language Learner MLLs is placed in an ~~an ELL Language i~~nstruction Education al Program, the MELL Administrator and/or the MLL Coordinator shall review all the student's identification and assessment data. This data shall include:
- 1. Home Language Survey;
 - 2. the student's English-proficiency level;
 - 32. the student's literacy level in her or his/their home/native language or languages when such assessment tool is available, or through a transcript review;
 - 43. number of years the student has attended school;
 - 54. continuity of the student's schooling;

65. student retention-information; ~~and~~

7. review of school transcripts; and

68. information on whether the student is receiving special education, whether the student may be in need of special education, or whether the student needs alternative supports for ~~has a disability that affects his or her~~ academic performance or ~~limits his or her~~ access to school facilities.

B. A student's instructional placement must address ~~his or her~~their academic needs. To meet these needs:

1. An ~~MLL English Language Learner~~ shall be classified in accordance with these regulations and shall be placed in the appropriate grade for ~~his or her~~their age, except when the learner's educational background indicates a need for an alternative placement as a result of limited or interrupted formal schooling.
2. The student shall not be placed more than one grade level below that appropriate to ~~his or her~~their age except as provided for in § 3.6 of this Part.
3. At the secondary level, LEAs must review the ~~English Language Learner's MLLs'~~ previous educational records to ensure that the student receives appropriate credit for prior course-work.
4. The placement decision shall respect the right of an ~~English Language Learner~~MLL to participate in other programs and services for which ~~he or she is~~they are eligible or entitled to including but not limited to Multi-Tiered System of Supports, Social-Emotional Learning, special education, targeted interventions, college and career readiness opportunities, enrichment opportunities, extracurricular opportunities, or gifted programs; so as to ensure that the student's educational needs are met on a basis equal to that provided to other students.
5. All ~~English Language Learners~~MLLs shall receive an assessment of their home/native language literacy when valid evaluation instruments are available.
6. Placement of ~~English Language Learners~~MLLs in a specialized instructional programLIEP for ~~English Language Learners~~MLLs shall be made within the first twenty (20) school days of the school year, and if the student enrolls thereafter, within ten (10) days from the date the student's enrollment completion, of the Home Language Survey. See also: § 3.3(D) of this Part. ~~[English Language Learners entitled to immediate tentative placement.]~~

7. All student assessment and placement data, including questions of exceptionality, shall be sent to the appropriate LEA administrator. These data shall be recorded in the student's permanent record.
8. LEA's shall provide a student's parents with a complete description of the student's placement and the reasons for that placement ~~referral~~. This notice shall be in English and in the language parents prefer home/native language of the parents unless it can be demonstrated to RIDE that this requirement would place an unreasonable burden on the LEA. When possible, RIDE shall provide sample notification letters for use by ~~low-incidence~~ LEAs.
9. Parents shall be informed of the date of their studentchild's placement and of their right to approve or waive the proposed placement. If the parents choose to waive the studentchild's Language Instruction Educational ELL pProgram placement, the LEA is responsible for assessing the English Language Proficiency of the student on the annual ELP assessment as well as for conducting a six (6) months s monitoring of the student's academic progress without the benefit of a Language Instruction Educational Program ELL-services. Parents must be notified of the results of both the ELP assessment and monitoring so that the placement decision might be reviewed annually.

3.7 Dually Identified Student Rights

- A. If evidence suggests that an MLL has one or more disabilities, the LEA shall promptly begin a referral for a culturally and linguistically appropriate special education evaluation, and if qualifying, provide services in addition to English Language Development. Dually identified MLLs must receive the entirety of services to which they are entitled. LEAs must not identify or determine that MLLs are differently abled solely based upon English language development.

3.8 Time Requirements

- A. LEAs are encouraged to provide continuous support for MLLs throughout the instructional day. However, at a minimum, LEAs shall fully implement the time requirements below by the beginning of the school year 2029-2030.
 1. MLLs at ~~E~~ntering and ~~beginning-emerging~~ levels English Language Learners must receive a minimum of three (3) periods ~~(or the equivalent)~~ of ESMLL instruction a day. Upon full implementation of these regulations according to the above timeline:
 - a. At least one of these three periods shall be Dedicated ELD; and

b. LEAs shall have flexibility in determining whether the two (2) remaining periods of required MLL instruction will be Dedicated ELD or Integrated Language and Content Instruction.

2B. MLLs at ~~D~~developing English Language Learners levels must receive a minimum of two (2) periods (or the equivalent) of ES/MLL instruction a day. Upon full implementation of these regulations according to the above timeline:

a. At least one of these two periods shall be Dedicated ELD instruction; and,

b. LEAs shall have flexibility in determining whether the remaining one (1) period will be Dedicated ELD or Integrated Language and Content Instruction.

3C. MLLs at ~~E~~expanding and Bridging English Language Learners level must receive a minimum of one (1) period (or the equivalent) of ES/MLL instruction a day. Upon full implementation of these regulations according to the above timeline:

a. LEAs shall have flexibility in determining whether the one (1) required period is either Dedicated ELD or Integrated Language and Content Instruction.

4. MLLs at bridging and reaching levels would benefit from Integrated Language and Content Instruction for core content areas when deemed necessary.

B. During the Interim Period Prior to SY2029-2030:

1. Entering and emerging level MLLs must receive a minimum of three (3) periods of MLL instruction a day taught by a MLLs Teacher pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island.

2. Developing MLLs must receive a minimum of two (2) periods of MLL instruction a day taught by an MLL Teacher pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island.

3. Expanding MLLs must receive a minimum of one (1) period of MLL instruction a day taught by an MLL Teacher pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island.

C. RIDE shall provide guidance for LEAs to fully implement the time requirements below. This guidance shall take into account the following considerations:

1. Student ELP levels;

2. Student grade level;
3. Student educational background;
4. Type of LIEP students are enrolled in;
5. Operational feasibility and considerations for LEAs.

D. LEAs may apply for performance-based waivers to the Commissioner for select requirements herein if they can demonstrate MLLs in a particular school are making adequate yearly progress. The Commissioner shall review the academic performance of MLLs, components of the school's program models, and adherence to these regulations when considering the approval of a performance-based waiver.

This ELL instruction must:

1. ~~Develop the English Language Learner's ability to understand, speak, read, and write academic English,~~
2. ~~Be aligned with WIDA standards, and~~
3. ~~Incorporate content knowledge and concepts aligned to Common Core State Standards (July, 2010).~~

E. ~~The ELL instructional period shall have the same length as the school's general content-area periods.~~

3.89 Class Size

- A. Class size shall be kept at a student-to-teacher ratio that permits effective instruction as defined in § 3.5 of this Part. It is the responsibility of the LEA to assess the needs of ~~English language learners~~MLLs, assign personnel in accordance with those needs, and evaluate the ~~efficacy delivery of the implementation of the Language Instruction Educational Program services~~ to determine whether the LEA's program conforms to the requirements of this Part.
- B. Every LEA shall provide RIDE with its policy to determine the number and types of personnel required under this section, and a description of the public process the ~~agency~~LEA used to develop its policy. Every LEA shall report annually to RIDE the LEA's plan, pursuant to said policy, to comply with this regulation, including the number of full-time equivalent positions of staff it uses to meet the needs of ~~English language learners~~MLLs.
- C. The Commissioner may establish a class size maximum and/or staffing ratios for any group(s) of personnel, class, school, or LEA, if the Commissioner determines that:

1. The plan submitted by the LEA is insufficient to fulfill the requirements of this section; or
2. The LEA has failed to comply with the terms of the plan submitted by the LEA; or
3. Student performance within or throughout the LEA warrants intervention as dictated by R.I. Gen. Laws § 16-7.1-5.
4. Any decision made under this section by the Commissioner may be appealed under R.I. Gen. Laws § 16-39-3.

~~3.9 Coordination with other requirements.~~

~~A. All programs in LEAs receiving Title III, (Elementary and Secondary Education Act, 1965) funds are expected to meet the state's Annual Measurable Achievement Objectives ("AMAO") as required by Title III of the No Child Left Behind Act, (Elementary and Secondary Education Act, 1965, as amended, 2001). After LEA's receive notification of their AMAO status, those LEAs that have failed to meet their AMAOs must prepare a revised improvement plan and inform parents of the LEA's status within thirty (30) days.~~

~~B. The English language skills of all English Language Learners shall be assessed annually through ACCESS, the state's English language proficiency assessment, approved by RIDE. Assessment shall continue until the student is formally exited from the English Language Instructional Program and, at the LEA's discretion, for an additional two (2) years during the monitoring period.~~

3.10 Instructional Program Models & Components

A. LEAs may choose one (1) or more of the following models, ~~or components from these models~~, as defined in § 3.2 of this Part, to provide the most appropriate program for each ~~English Language Learner~~MLL:

1. Bilingual Education:
 - a. One-Way Dual Language;
 - b. Two-Way Dual Language;
 - c. Transitional Bilingual Education;
 - d. Transitional Bilingual Education for Students with Limited and/or Interrupted Formal Education;

~~English as a Second Language~~

2. ~~Sheltered Content-Based Instruction~~Education:

- a. Content-Based Instruction;
 - b. Content-Based Instruction for Newcomers;
 - c. Content-Based Instruction for Students with Limited and/or Interrupted Formal Education.
3. ~~Collaborative ESL & General Education~~
 4. ~~Bilingual Education~~
 5. ~~Two-Way/Dual Language~~
 6. ~~Newcomer Program~~

3.11 **Personnel — MLL Administrators and Personnel Requirements**

- A. An LEA ~~with an English Language Learner program~~ shall designate an administrator whose primary responsibility is the development and management of the LEA's Language Instruction Educational Program according to the following requirements:
1. "High-incidence LEAs" shall appoint a full-time MLL Administrator ~~means an LEA with a total of one hundred fifty (150) or more English Language Learners.~~ to be responsible for this program.
 2. Medium-incidence LEAs shall employ a full-time MLL Administrator. If prior to SY2027-2028 a medium incidence LEA does not employ an MLL Administrator, the LEA shall employ an MLL Coordinator in the interim. An administrator in a low incidence LEA who does not have an English as a Second Language teaching certificate or an English as a Second Language endorsement must appoint an ELL Coordinator, who must have at least one of these credentials. High incidence LEAs must appoint a full-time ELL Administrator whose primary responsibility is the development and management of the LEA's ELL program.
 3. Low-incidence LEAs that utilize an ~~M~~ELL Administrator on a less than full-time basis must also appoint an ~~M~~ELL Coordinator, who must have a workday that includes enough time dedicated to coordinator duties to ensure that these duties are adequately carried out.
 4. LEAs that face operational and fiscal challenges with employing a full-time MLL Administrator may apply for a waiver to employ an administrator on a less than full-time basis as long as all of the requirements of these regulations are adequately implemented.
 5. When LEAs enter into a Cooperative Service Agreement under R.I. Gen. Laws § 16-3.1-1 to provide a Language Instruction Educational

Program ELL services, the agreement should be formulated with input from RIDE to ensure that EMLLs receive quality services. The Commissioner shall determine through the Cooperative Service Agreement approval process whether the Agreement is so comprehensive that appointment of an EMLL Administrator is required.

~~B.~~ D. LEAs shall employ a sufficient number of MELL Teachers certified pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island to ensure that EMLL students receive the instruction and the support required by these regulations.

E. LEAs may adopt a co-teaching approach when feasible, to ensure that language and literacy skills develop while students participate in an equitable learning environment with full access to grade-level opportunities.

F. It is recommended that LEAs employ a sufficient number of MLL Coaches to ensure that MLL Teachers are supported in ensuring the day-to-day delivery of instructional models as required in this Part. MLL Coaches shall:

1. Have experience teaching MLLs and hold an appropriate certificate pursuant to 200-RICR-20-20-1 Regulations Governing the Certification of Educators in Rhode Island;

2. Have a workday that includes enough time dedicated to coaching duties to ensure that these duties are adequately carried out.

~~GG.~~ All high-incidence LEAs shall have at least one School and/ Community Liaison to effectively support the LEA's Language Instruction Educational ~~E~~LL ~~p~~Program. This liaison shall:

1. ~~f~~Familiarize all ~~English Language Learners~~ MLLs and their families with their new community and assist families ~~to in~~ participate ing in family engagement activities;

2. Have knowledge of the culture(s) and linguistic diversities of the LEA's MLL population and/or have completed cultural competency training to enable them to carry out the duties of a school and community liaison. The liaison shall also help ensure that English Language Learners receive those programs and services that are required by these regulations. Low-incidence LEAs will ensure regular pertinent communication with their ELL families and encourage these families to participate in the LEA's family engagement activities.

~~H.~~ D. All LEAs shall ensure regular pertinent communication with MLL families and encourage these families to participate in the LEA's family engagement activities.

I. It is recommended that High and Medium incidence LEAs employ school counselors who are:

1. Proficient in at least one of the predominant language(s) of the School's LEA MLL population; or
2. have received training in second language acquisition and cultural competency. LEAs shall provide on-going professional development for those teacher assistants who work with English Language Learners.

3.12 Ongoing Professional Development Learning

- A. Language Instruction Educational Program ongoing professional learning activities shall be included in the LEA's professional development plan, in LEA and school improvement plans, and in teachers' learning plans. These activities shall be aligned with Rhode Island's Professional Development Standards.
- B. As part of its comprehensive professional learning plan, LEAs must provide ongoing sustained, high-quality, job-embedded professional learning to meet the requirements of this Part to all certified personnel and support staff, inclusive of Pre-Kindergarten staff.
- C. By the beginning of the SY 2029-2030 and each subsequent year thereafter, in addition to the ongoing professional learning as described in this Part, teachers and administrators as defined in this Part, employed in Rhode Island public schools, must demonstrate awareness or proficiency aligned to the MLL competencies:
 1. Educators and administrators may fulfill this requirement by:
 - a. Holding an appropriate MLL certification or endorsement as defined in §3.2(A)(5)(c)(4), or §3.2(A)(5)(c)(5), or §3.2(A)(5)(c)(6), or
 - b. Completing RIDE-approved proficiency or awareness training, as specified by the individual's role.
 2. For educators:
 - a. Proficiency training is required for core content educators and special educators responsible for Integrated Language and Content Instruction.
 - b. Proficiency training is recommended, but only awareness training is required for core content educators and special educators not responsible for Integrated Language and Content Instruction.
 - c. Awareness is required for all non-core content educators.
 3. All school and building leaders are required to complete the awareness training or hold appropriate MLL credential as per §3.2(A)(4)(a)(1) or §3.2(A)(4)(a)(3).

4. Other school personnel are recommended to complete the awareness training, unless holding an MLL credential as per §3.2(A)(4)(a)(2) .
5. By the beginning of the SY 2029-2030, if a teacher does not meet proficiency requirements, LEAs may not place that teacher in a role requiring proficiency and must grant teachers who were unable to complete proficiency training due to extenuating circumstances one (1) additional year to do so and remain in a position requiring proficiency.
6. By the beginning of the SY 2029-2030, and each subsequent year thereafter, an educator or administrator who completes a state-approved Educator Preparation Program must meet proficiency or awareness requirements, as determined by their role.
7. By the beginning of the SY 2029-2030, and each subsequent year thereafter, out-of-state teachers will have two (2) years from date of appointment to provide evidence of meeting proficiency or awareness requirements, as determined by their role.
8. By the beginning of the SY 2029-2030, and each subsequent year thereafter, teachers working in roles that require awareness who move to a role requiring proficiency will have two (2) years from date of appointment to meet proficiency requirements.
9. By the beginning of the SY 2029-2030, and each subsequent year thereafter, teachers working on a preliminary certification will work toward meeting proficiency or awareness requirements while working under preliminary certification.

D. Local Education Agency (LEA) Responsibilities

1. Ongoing professional learning provided by LEAs should be based on student need as identified within each LEA's strategic plan and each school's School Improvement Plan, pursuant to § 3.20 of this Part.
2. All LEAs should align and integrate ongoing professional learning for the LIEP with the professional learning plan for all other content areas in the district.
3. LEAs shall provide proficiency and awareness training at no cost to the teachers, administrators, and other school personnel needing proficiency and awareness training.
4. When possible, proficiency and awareness trainings will be completed during the workday.
5. LEAs may develop and submit for RIDE's approval in-district proficiency and/or awareness training.

E. Educator Preparation Program (EPP) Responsibilities

1. By June 30, 2028, each RIDE approved educator preparation program must submit materials demonstrating how they prepare candidates to meet proficiency and awareness requirements for approval from RIDE.
2. By June 30, 2029, each RIDE approved educator preparation program shall post on its website information describing how it prepares teachers to meet proficiency and awareness requirements.
3. Starting in August 2029, each RIDE approved educator preparation program must include the completion of proficiency or awareness requirements as a condition for completion.
4. By July 31, 2030, each RIDE approved educator preparation program shall include in its Index Report to the Department of Elementary and Secondary Education a description of programs that prepare teachers to teach using MLL instruction.

F. RIDE Responsibilities~~All LEAs with ELL programs must provide sustained, high-quality job-embedded professional development for administrators, coordinators, instructional coaches, school and community liaisons, guidance counselors, all teachers and other personnel who work with English Language Learners. The following topics, along with other topics the LEA deems to be appropriate, shall be addressed on a quarterly basis:~~

1. RIDE will provide guidance to LEAs on high-quality ongoing professional learning opportunities on a variety of topics, including, but not limited to:
 - a. Research-based instructional methods and assessment practices;~~for ELLs and ELLs with disabilities~~
 - 2b. Second-L language acquisition;
 - 3c. Culturally Responsive and Sustaining Education Practices;
 - 4d. Family and Community involvement strategies; and
 - 5e. Diversity within MLL student population and instructional implications.~~Language minority issues in education~~
2. RIDE will develop MLL Competencies for educators and administrators.
3. RIDE will articulate proficiency and awareness level components of MLL Competencies for teachers and administrators, which must be addressed within approved provider programs.

- a. RIDE will articulate the depth and breadth of the MLL Competencies components to define the difference between awareness and proficiency expectations.
- b. RIDE will approve proficiency and awareness trainings developed by LEAs and professional learning providers.
- 4. RIDE will publish a list of:
 - a. approved proficiency and awareness training providers, and
 - b. LEAs whose in-district proficiency and awareness training has been approved by RIDE as part of their strategic and school improvement plans.
- 5. Starting with the SY 2025-2026, RIDE will annually report the percentage of each LEA's educators and administrators that meet these requirements.

~~B. During their first year of employment, all LEA staff who work with English Language Learners shall be trained in ELL program requirements as well as in LEA practices and procedures for English Language Learners.~~

~~C. ELL professional development activities shall be included in the LEA's professional development plan, in LEA and school improvement plans, and in teachers' I-Plans, and these activities shall be aligned with Rhode Island's Professional Development Standards.~~

3.13 Reporting Student Progress

A. The same policy for reporting a student's progress in the ~~generalschool-~~education program shall be used in reporting a student's progress in the Language Instruction Educational ELL-pProgram. Progress reports shall be in English and in a language parents prefer the home/native language of the student and shall include an explanation of the school's grading system in a language parents prefer. the home/native language of the parents unless it can be demonstrated to RIDE that this requirement would place an unreasonable burden on the LEA.

3.14 Annual Assessment of Student Progress

A. All ~~English Language Learners-MLLs~~ shall be evaluated ~~at least~~ once a year through the state's ~~English language proficiency test~~ELP assessment, as a part of the statewide accountability system, pursuant to ESSA 1111(b)(2)(G)(i). Assessment shall continue until the student is formally exited from active MLL status. Results of the assessment will be collected and publicly reported through each LEA and school's Report Card as required by ESSA 1111(g)(2)(N).~~ACCESS for English Language Learners.~~

- B. ~~When a student fails to progress appropriately within the Language Instruction Educational ~~ELL~~ Program, other assessment procedures that have been normed or aligned to state endorsed ELD standards shall be used to determine the reason for the lack of progress. Appropriate instructional interventions shall be provided. An MLL English Language Learner shall not be retained solely on the basis of ~~his or her~~ their English language proficiency ~~MLL~~ status. MLLs ~~ELL~~ students shall participate in the State Assessment Program in accordance with state assessment policies, and their progress shall be reported as required by R.I. Gen. Laws § 16-~~97-8~~ 1-13.~~

~~3.15~~ **Participation in General Education**

~~An English Language Learner shall be eligible to participate without ESL support in any content area when there is documented evidence of the student's ability in English to be successful. Parents must be informed of any change in the English Language Learner's program or service. Written notification concerning any significant change in a student's program or services must be sent to the parent with a simple description of the rationale for the program or service change and must include information about the student's new program or service. A record of this notification shall be maintained by the LEA in the student's permanent record. Notification to parents shall be in English and the home/native language of the parents, unless it can be demonstrated to RIDE that this requirement would place an unreasonable burden on the LEA.~~

3.156 Student Exit from Active Multilingual Learner Status

- A. A student shall be eligible to exit from active MLL status ~~an ELL program~~ when ~~she or he~~ they ~~has~~ have met all exit criteria as approved by the Council on Elementary and Secondary Education. RIDE shall be responsible for evaluating the exit criteria and making recommendations on changes to exit criteria to the Council on Elementary and Secondary Education for their approval. RIDE shall consult the Statewide Advisory Council for MLLs, as established pursuant to R.I. Gen. Laws § 16-54-5, on any proposed revisions to MLL exit criteria prior to recommending changes to the Council on Elementary and Secondary Education for their approval. ~~state-defined required exit criteria as described in the English Language Instructional Program Exit Criteria document.~~
- B. Written notification of the proposed exit decision must be sent to the parent along with a description of the rationale for exit and a description of the student's new program placement. Notification shall be in English and in the home/native language of the parents prefer, ~~unless it can be demonstrated to RIDE that this requirement would place an unreasonable burden on the LEA~~. A record of this notification shall be maintained by the LEA in the student's permanent record.
- C. Parents shall be informed of their right to appeal the LEA's decision to exit their child-student from active status ~~the school's English Language Learner program~~ in accordance with § 3.213 of this Part.

3.167 Monitoring Student Performance

- A. The performance of all exited students shall be monitored for a minimum of two consecutive years after exiting to determine whether they are succeeding in the LEA's general-education program. The LEA shall continuously evaluate and document a student's progress, through review of the student's most recent report cards, parental feedback, teacher evaluations, and the student's recorded performance level on state and local assessments. The LEA shall implement appropriate procedures or benchmark assessments in order to determine whether additional interventions or other supports are needed. Monitored students shall be appropriately identified during the state assessment process.
- ~~B. When an exited student fails to progress in her or his current general-education placement, the LEA shall implement appropriate procedures or assessments in order to determine whether additional interventions or other supports are needed, including the provision of further ELL instruction.~~

3.178 Responsibilities of RIDE

- A. RIDE shall ensure that the sState EMLL Advisory Council is composed of representatives from the various MELL constituent groups and that it shall meet and act as per its By-laws. on a regular basis no fewer than four (4) times per year.
- B. RIDE shall inform LEAs of their respective fiscal entitlements as soon as possible, but not later than the beginning of the fiscal year.
- C. RIDE shall provide LEAs with appropriate applications, forms, guidance, and timelines, as may be necessary to ensure the successful implementation of these regulations.
- D. RIDE shall provide LEAs with technical assistance on program design, curriculum alignment, professional-development strategies, program management and evaluation, testing and instructional modifications, and parent engagementinvolvement.
- E. RIDE shall encourage LEAs to combine funds to establish collaborative programs to meet the needs of students.
- F. RIDE shall coordinate a comprehensive effort to disseminate information about successful and promising practices and procedures.
- G. RIDE shall prepare and submit to the Rhode Island General Assembly an annual financial and program evaluation report on the status of state and local efforts on behalf of MultilingualEnglish Language Learners.

3.128 RIDE Monitoring

A. RIDE shall:

1. Send the general timelines and criteria for monitoring to LEA's and/or superintendents.
2. Establish specific monitoring dates in cooperation with local administrators.
3. Notify LEA's and/or superintendents of monitoring visitation dates and purposes.
4. Conduct periodic monitoring visitations to ensure that each LEA is performing according to the standards and procedures prescribed by law and by regulation governing MLLs' ELL-instruction.
5. Monitor the quality of the programs or services including the rate of student English language and academic growth as indicated by statewide assessments tests and graduation rates.
6. Ensure that all statewide assessment reports include data disaggregated by MLL ELL-status in accordance with R.I. Gen. Laws § 16-97-81-13. This disaggregation shall include separate statements of data describing students in the program and students that have been exited from program. Reporting of data will be in accordance with State English Language Proficiency assessment policy.
7. Notify LEA's and/or superintendents and appropriate administrators in writing of monitoring-visitation findings.
8. Provide technical assistance and support to schools and LEAs to help them:
 - a. Comply with these regulations;
 - b. Provide effective the Language Instruction Educational Program and ELL services to students; and
 - c. Reach their school LEA improvement goals, specifically as these goals relate to EMLL students and the Language Instruction Educational ELL pProgram.
9. If a RIDE monitoring visit demonstrates that an LEA is not in compliance with these regulations, a corrective action plan shall be developed in concert with by the LEA and submitted to RIDE. Where appropriate, this corrective action plan may become part of a Negotiated Agreement with the LEA. RIDE will monitor compliance with the corrective action plan

for an agreed upon period of time. Nothing herein shall be construed to prevent the Commissioner from implementing other enforcement procedures, including, but not limited to requiring the LEA to implement certain components of Language Instruction Educational Program.

3.19 Language Instruction Educational Programming and LEA Strategic and School Improvement Planning Responsibilities of LEAs

- A. Each LEA with MLLs ELL students must incorporate into their Strategic and School Improvement Plan priorities, goals, initiatives, and/or action steps to ensure that MLLs meet their ELP growth targets. write an annual action plan to ensure that all ELLs meet the AMAOs to be included in the LEA Strategic Plan. The action plan must include the instructional program design components, outcomes, staffing, professional development learning, parent engagement initiatives, and steps LEAs shall take to support MLLs to demonstrate proficiency to close gaps in ELL performance on state assessments. The action plan must be updated at least annually to reflect additional support for MLLs not meeting their ELP growth targets or demonstrating proficiency on state assessments. revised if the LEA failed to meet its AMAOs.
- B. LEAs must engage in annual program evaluation utilizing tools to monitor for effectiveness of program implementation and student language growth. LEAs must utilize quantitative data also made available by RIDE, along with locally collected qualitative and quantitative data, when such data is collected for all students.
- C. In line with data analysis for program evaluation, LEAs must collect and analyze longitudinal data in order to compare the performance of MLL groups. Such data collection and analysis shall not be limited to accountability purposes, and include program evaluation, student language growth, and the goals set by the LEA and the state.
- D. LEAs should establish rigorous monitoring systems that include benchmarks for expected growth and take appropriate steps to assist students who are not adequately progressing towards those goals.

3.20 Responsibilities of Individual Schools

- E. Each School Improvement Plan in a school with English Language Learners MLLs shall include an action plan that identifies measurable goals for EMLL

instructional and support services and for the professional development learning to be provided to those who teach English Language Learners MLLs.

3.201 Parent Involvement and Notification

- A. All communications to parents must be provided in the language parents prefer, with a qualified translator or interpreter provided by the LEA. Criteria for Parent Involvement R.I. Gen. Laws § 16-54-3(6).
- B. Each LEA shall provide for translation and/or interpretation services to support and encourage the involvement of parents of English Language Learners MLLs in the development, implementation, and evaluation of programs for these students.

3.22 ~~Minimum criteria for Parent Involvement~~

- CA. The LEA together with the school and community liaison employed by the LEA, shall develop a written parent-involvement plan that includes outreach to the EMLL community. Parents shall be informed of the multiple ways that they can become involved in the education of their children students, not only in ELL programs, but also in other and in all school programs, services, and activities.
- BD. The LEA shall provide culturally and linguistically appropriate responsive parent-education programs or parent outreach and training activities that are designed to assist all parents of MLLs ELL students to become active participants in the education of their children students.
- CE. The LEA shall include input from the parents of English Language Learners MLLs when it considers improvements not only in Language Instruction Educational ELL-pP programs but also when it considers improvements in other school programs in which English Language Learners MLLs may be involved.
- ~~D. The LEA shall present the annual ELL action plan from the LEA Strategic Plan and the Federal Title III component of the Consolidated Resource Plan for parent review. Results of English Language Learner performance on state assessments and ELL graduation rates shall be provided annually to parents.~~
- ~~E. The LEA shall require each one of its schools to have at least one parent representative of ELL students from each of the language groups with more than twenty (20) students in that school to serve on School Improvement Teams (SIT). School Improvement Teams shall receive training and information on relevant ELL issues including, but not limited to, ELL state regulations and federal programs~~
- F. Parents shall be informed of their right to voluntarily decline to have their child student participate in the Language Instruction Educational English Language Learner-pP programs and to remove their child student from the Language

Instruction Educational English Language Learner Pprograms pursuant to 20 U.S.C. § 6312(e)(3)(A). Parents will also be informed that even though Language Instruction Educational ELL pProgram services are waived, the student will still be considered ~~to be an~~ active English Language Learner MLL who must be assessed on the state's annual English Language Proficiency assessment. If a family does not participate in the identification, assessment screening and placement process, the student shall not be penalized; additional outreach and attention shall be given to the family to educate-inform them about the process and to encourage participation.

3.213 Procedural Safeguards

Parents have the right to appeal any MELL decision affecting their child-student through the appeals process established by R.I. Gen. Laws §§ 16-39-1 and 16-39-2. RIDE will prepare a brief and accessible simple language explanation of the appeals process for distribution to parents in the top ten (10) languages spoken in the state. In cases where a parent's primary language is not among the top ten languages provided, RIDE will include additional home/native languages as needed. This commitment aims to ensure that all parents, regardless of their home/native language, can effectively participate in the appeal process and understand their rights.

3.224 Multilingual Parent and Educator Input in LEA Strategic and School Improvement Planning Local Advisory Committee (LEA)

- A. As a part of their LEA Strategic Planning process, LEAs shall articulate a system to solicit input from LEAs shall appoint an LEA-wide ELL Advisory Committee consisting of parents and educators of MLLs. The LEA shall ensure that each year the Committee has active members and regularly scheduled meetings. The LEAs, in consultation with parents of MELL students, may choose to have this a parent Committee be as a stand-alone committee or have it be as a subcommittee of an existing LEA Parent Advisory Committee. The MELL parent membership shall be representative of at least the top five (5) language groups in the LEA. Low-incidence LEAs are encouraged to create a regional advisory committee. RIDE will provide guidance and assistance to LEAs that opt to create regional advisory committees. The membership of the Committee shall include representation from the School Improvement Team (SIT) of each school having an ELL population. Membership of each local Committee shall be composed of persons involved in or concerned with the education of ELL students. Family members of ELL students shall make up a majority of the committee membership, and at least fifty percent (50%) of this majority shall be selected by the families of ELL students. Each local Committee shall also include a
- B. Schools shall, as part of their School Improvement Planning process, solicit input at minimum, from members of the School Improvement Teams, identified in § 3.19 of this Part, and from each school in the LEA having an MLL population. Additionally, input should be solicited from former MELL student, an MELL

Administrator and/or an MELL Coordinator, an MELL classroom Teacher, and a general-education classroom teacher and/or administrator. Additional solicitation membership shall be at the discretion of the LEA. Appointment-Solicitation of input from community representatives from predominant appropriate language groups is encouraged.

CD. The LEA shall present the annual ELLMMLL -action plan from the LEA Strategic Plan and the Federal Title III component of the Consolidated Resource Plan for parent review. Results of MLL English Language Learner performance on state assessments and ELLMMLL -graduation rates shall be provided annually to parents.

DE. The LEA shall require each one of its schools to have at least one parent representative of MLL ELL students Learners from each of the language groups with more than twenty (20) students in that school to serve on School Improvement Teams (SIT). School Improvement Teams shall receive training and information on relevant MLLs ELL issues topics including, but not limited to, MLL ELL state regulations and federal programs.

3.25— Functions and Responsibilities of Advisory Committees

E. Input solicited in the manner indicated in §3.19 of this Part must be incorporated into LEA Strategic Plans and School Improvement Plans, particularly The Committee shall advise the LEA and individual schools in matters concerning: the Language Instruction Educational ELL pP programs currently offered, unmet needs of MLLs ELL students, the development and implementation of future plans, local compliance with state and federal laws and regulations, applications for state and federal funding; and evaluation of Language Instruction Educational ELL pP programs. The LEA shall provide information to the parents of MLLs ELL students about the advocacy roles of the LEA Liaison and the system of solicitation of input for parents and educators on LEA Strategic and School Improvement Plans the Advisory Committee when their children students enter the school system. Such information shall be shared in the LEA top five (5) languages.

3.26— Responsibilities of the School LEA — Advisory Committee

A. The LEA shall provide assistance to the Advisory Committee in:

- ~~1. Developing the Advisory Committee's organizational structure and bylaws. The organizational structure and bylaws of the Advisory Committee shall become effective upon approval by the LEA;~~
- ~~2. Developing procedures for the Advisory Committee to carry out its functions and responsibilities;~~
- ~~3. Providing technical and consultative services;~~
- ~~4. Making available appropriate records and data as permitted by law;~~
- ~~5. Providing in-service training for membership of the Advisory Committee in such areas as: the role of Advisory Committees, the role of advocacy groups, the conduct of meetings, state and federal laws and regulations, procedural safeguards, community resources, establishing two-way communication and support between the parent and the ELL student, between the LEA and Advisory Committee, and between home and school, including teachers and administrators; and~~
- ~~6. Notifying parents of the ELL Advisory Committee. When a student is referred for an ELL placement, the LEA shall provide the family with notification of the existence of the local ELL Advisory Committee and responsibilities of the Committee. The notification shall indicate that a majority of the local ELL Advisory Committee consist of families of ELL students and shall inform the families how the chairperson of the local ELL Advisory Committee can be contacted~~

~~3.27 Meeting Procedures for Advisory Committees~~

~~The Committee shall meet as often as necessary to conduct its business but at least four (4) times annually. By July 1st of each year, the Committee shall submit an annual report on the committee's activities, including any suggestions it has made to the LEA. The LEA shall respond to the ELL Advisory Committee in writing within sixty (60) calendar days of receiving the annual report. These reports shall be made available to the public in a manner consistent with other public reporting requirements. Reports and minutes of each meeting shall also be forwarded to the school LEA's superintendent's office. The LEA shall respond to the Committee within fifteen (15) calendar days after receiving the report. Official minutes shall be kept of all Committee meetings and shall be made available to the public on request. All Committee meetings and agenda items shall be publicly announced prior to any meetings, and these meetings shall be open to the public. Interpreters and other necessary services for committee members or participants shall be provided at Committee meetings by the LEA. The Committee membership shall serve without compensation but must be reimbursed by the LEA for reasonable and necessary expenses for attending meetings and performing duties.~~

~~3.28 RIDE Monitoring~~

~~A. RIDE shall:~~

- ~~1. Send the general timelines and criteria for monitoring to LEA's and/or superintendents.~~
- ~~2. Establish specific monitoring dates in cooperation with local administrators.~~
- ~~3. Notify LEA's and/or superintendents of monitoring visitation dates and purposes.~~
- ~~4. Conduct periodic monitoring visitations to ensure that each LEA is performing according to the standards and procedures prescribed by law and by regulation governing ELL instruction.~~
- ~~5. Monitor the quality of the programs or services including the rate of student English language and academic growth as indicated by statewide tests and graduation rates.~~
- ~~6. Ensure that all statewide assessment reports include data disaggregated by ELL status in accordance with R.I. Gen. Laws § 16-7.1-13. This disaggregation shall include separate statements of data describing students in the program and students that have been exited from program. Reporting of data will be in accordance with State ELL assessment policy.~~
- ~~7. Notify LEA's and/or superintendents and appropriate administrators in writing of monitoring visitation findings.~~
- ~~8. Provide technical assistance and support to schools and LEAs to help them:
 - ~~a. Comply with these regulations,~~
 - ~~b. Provide effective ELL services to students, and~~
 - ~~c. Reach their school improvement goals, specifically as these goals relate to ELL students and the ELL program.~~~~
- ~~9. If a RIDE monitoring visit demonstrates that an LEA is not in compliance with these regulations, a corrective action plan shall be developed in concert with the LEA. Where appropriate, this corrective action plan may become part of a Negotiated Agreement with the LEA. Ride will monitor compliance with the corrective action plan for an agreed upon period of time. Nothing herein shall be construed to prevent the Commissioner from implementing other enforcement procedures.~~

~~3.29~~ School-LEA Evaluations

A. ~~The LEA shall:~~

- ~~1. Include in its annual action plan for ELL services the expected outcomes, which shall be in accordance with the program outcomes for all students as reflected in the state standards.~~
- ~~2. Determine the process for program improvement, which shall be in accordance with closing the gaps for all students as required by R.I. Gen. Laws § 16-7.1-1 and by federal laws applicable to the education of ELL students.~~
- ~~3. Provide RIDE with an annual evaluation report which will include recommendations for improvement should the LEA not achieve the expected outcomes. Upon implementation of these recommendations, if the LEA still does not achieve the expected outcomes, RIDE shall provide technical assistance for program improvement or recommend the development of a corrective action plan.~~
- ~~4. Ensure that all schools with an ELL population participate fully in the Rhode Island School Accountability for Learning and Teaching (SALT) Program.~~
- ~~5. RIDE shall prepare an annual statewide evaluation report based on the evaluation reports submitted by the LEAs.~~

~~3.230~~ Census

Information concerning students enrolled in ~~English Language Instruction~~ Educational Learner Programs shall be ~~forwarded reported~~ to the RIDE in a state-approved secure format. The identity of these students shall be treated as confidential in accordance with R.I. Gen. Laws §§ 16-71-~~43~~, 38-2-1, ~~and~~ the Federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, ~~and~~ 34 C.F.R. ~~§§Part 99 et seq. Starting with SY2025-2026, information reported to RIDE by LEAs shall include pre-kindergarten students.~~

~~3.2431~~ **Triennial Review of Regulations**

The Commissioner of RIDE shall review this Part every ~~fifth third~~ (5th3rd) year from the date of its effect. Through this review the Commissioner will determine whether this Part is sufficient to support the provision of a free, appropriate, public education to all eligible ~~E~~ MLL students. In making this review, the Commissioner shall consider advice from stakeholders including, but not limited to, school administrators, the state and local E MLL Advisory Committees, School Improvement Team MLL representatives, and the results of monitoring activities

performed by RIDE staff. Recommendations for changes shall be made by the Commissioner to the Council on Elementary and Secondary Education.