

A. Purpose

To outline procedures and guidelines related to student access and services within the Multilingual Education (ME) Program in Frederick County Public Schools (FCPS).

B. Background

1. Title III, Part A of the Every Student Succeeds Act (ESSA) of 2015 provides federal financial support to state and local educational agencies to supplement English language development programs in order to help ensure that all multilingual learners, including immigrant children, attain English proficiency and develop high levels of academic language achievement in English, and achieve at high levels in academic subjects so that all multilingual learners can meet the same challenging academic standards that all children are expected to meet.
2. The ME Program is one in which FCPS students are instructed using established research-informed methodologies for developing language skills. and mastering academic content. Multilingual Learner (ML) students in FCPS are provided with ME Program supports to ensure equitable access and opportunity within the comprehensive school programs available and to meet the same rigorous standards as all Maryland students.
3. In alignment with [Board Policy 444](#), *Educational Equity and Excellence*, and [FCPS Regulation 444-01](#), *Educational Equity and Excellence*, the ME Program aims to provide ML students with educational equity and opportunity by ensuring that all students, regardless of language background or ability, are provided with the individual support they need to fairly access education, thus ensuring educational equality.

C. Definitions

1. “English Language Proficiency Assessment” or “ELP Assessment” is defined to mean a tool that is utilized to screen students for ME Program eligibility and/or to monitor progress in acquiring English proficiency.
2. “Home Language Survey” is defined as a set of one or more questions posed to all parents and students upon entering a local school system in order to determine the language or languages spoken in the home.
3. “Immigrant Children” is defined to mean children aged three (3) through twenty-one (21) who were not born in any state within the United States, and have not been attending one (1) or more schools in any one (1) or more states for more than three (3) full academic years.

4. “Multilingual Education Program” or “ME Program” is defined to mean an educational initiative by FCPS to promote successful integration in mainstream academic programs for ML students in pre-kindergarten through grade 12 whose first, or primary, language is not English and who have not yet attained English language proficiency.
5. “Multilingual Learner” (ML) is defined to mean an individual aged three (3) through twenty-one (21) who is enrolled or preparing to enroll in FCPS and who communicates in a language other than English, or whose family uses a primary language other than English in the home, and whose English language proficiency falls within the range established by the State for an English language development program.
6. “Parent” is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Article of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement).
7. “Student” is defined to mean an individual who is enrolled in FCPS and for whom FCPS maintains the student’s records or personally identifiable information. “Student” does not mean an individual who has not been in attendance at an FCPS school or program.

D. Procedures

1. This regulation applies to all ML students, including those transferring from other schools, whether within or outside of Frederick County.
2. **Identification and Enrollment**
 - a. Students referred to a designated ME Program registrar for an ELP assessment will be interviewed and then assessed by the designated screener. A student is considered to have demonstrated eligibility for the ME Program if they:
 - i. Score at the State’s recommended placement level into ME Program services.
 - ii. Are, due to language differences, not able to equitably access mainstream content instruction without ME Program support.
3. **Eligibility**
 - a. Parents must receive written notification, no later than thirty (30) days after the beginning of the school year, that their child is eligible to receive ME Program services. Parents of students enrolled after the school year has begun must receive written notification within two (2) weeks of the child being identified as eligible for the ME Program.
 - b. A ML student, who has been enrolled in the mainstream program without previously being referred to a designated ME Program registrar for assessment, may be referred to a registrar for an ELP assessment by a member of the school’s instructional or administrative staff. Before the student can be assessed, the school must:
 - i. Notify the parent in writing, using a language the parent(s) can understand, to explain the reason for the request.
 - ii. Obtain written approval from the parent(s).

- iii. Complete the Home Language Survey and update relevant student records in the Student Information System.
- c. Exit criteria for the ME Program is determined by the Maryland State Department of Education (MSDE) and used to guide program exit decisions within FCPS. To exit from ME Program services, ML students must achieve an overall score of 4.5 or above on the annual Maryland Comprehensive Assessment Program (MCAP) ELP assessment: ACCESS for ELLs. Consideration may also be given to students' performance and grades in mainstream classes, teacher recommendations, parent input, and special circumstances. Exit decisions based on special circumstances should be made with input from the ME Program office, instructional staff, and the parents of the ML student.

4. Services

a. Parental Right to Refuse/Re-Request Provision of Services

- i. Parents have the right to refuse ME Program services for their child at any time.
 - 1. If a parent decides to opt their child out of ME Program services, that child still retains their status as a ML.
 - 2. FCPS may not recommend that a parent opt a child out of ME Program services for any reason.
 - ii. The parents of a student who have previously refused ME Program services for their child retain the right, at any time, to request that the child be provided services through the ME Program should the child face barriers to success or opportunity in the mainstream academic program.
- b. At the time of pre-enrollment, the ME Program registrar provides the receiving school with information regarding the ML student's language proficiency results and any other pertinent information related to the student's educational or language background, as provided by the parent at enrollment. The receiving school will be informed in writing of student's ELP assessment results and education background information, as appropriate.
 - c. ME Program services will be provided by a ME Program teacher or a ME Program instructional assistant, depending on the school and the student's need for services.
 - d. ML students are placed in the appropriate grade-level by chronological age. Special student circumstances may be considered and reviewed in collaboration with the receiving school and the ME Program office.
 - i. **Elementary.** Receiving school staff will place the students in the grade-appropriate class while making provisions for ME Program instruction during the school day. The school staff also will enter the child's ML indicator, country of birth, and primary language spoken at home (determined by the home language survey) into the student information system.
 - ii. **Secondary.** Receiving school staff will make grade level and course placement decisions based on the student's education background, academic needs, ELP assessment results, additional academic assessments (when applicable), and the student's transcripts (if available). The school staff also will enter the child's ML indicator, country of birth, and primary language spoken at home (determined by the home language survey) into the student information system. Additionally, the

- receiving school counselor or designee may update the ML student's transcript history to reflect any additional information provided at enrollment.
- e. English language proficiency levels, as determined by an ELP assessment that measures a student's English language proficiency in the areas of listening, speaking, reading, writing, and literacy, are used to describe typical ways ML students might develop across six levels of English proficiency within the WIDA framework. English language proficiency levels may be used, per state guidelines, to determine continued eligibility for student participation in the ME Program and to guide instructional decision-making for beginner, intermediate, and advanced ML students.
 - f. FCPS utilizes a diverse range of models to provide ME Program services. These models may include, but are not limited to:
 - i. **Co-Teaching in Mainstream Coursework or Classrooms.** This method is used to make academic instruction in English accessible to ML students by helping them enhance their proficiency in English while at the same time achieving in content areas. In a co-taught program model, teachers strategically use language, physical activities, visual supports, and the environment to teach language for concept development in English language arts, mathematics, science, social studies, and other subjects.
 - ii. **Sheltered Instruction.** This model involves ML students accessing grade-level academic content with services provided collaboratively with mainstream teachers and ME Program teachers. Specialized language support is provided in addition to a child's regular academic programming. This model may also include specialized English language instruction in a dedicated course or series of courses designed for ML students. Such specialized coursework is provided in addition to other mainstream and, occasionally, co-taught classes. Sheltered Instruction is aligned to content area standards as well as English Language Development (ELD) standards.
 - iii. **Dual Language.** A Dual Language program provides grade-level content and literacy instruction to students through two languages—English and a partner language.
 - g. **Accommodations**
 - i. ME Program committees are responsible for making informed decisions about accommodations for ML students. The Student Services Team (SST) will serve as the ME Program committee, unless the principal designates a separate team. A ME Program instructional staff member must be part of this team.
 - ii. ML student accommodations should be:
 - 1. Formally established during a ME Program committee meeting within forty-five (45) calendar days from either the start of the school year or the student's date of enrollment.
 - 2. Documented on the ML student accommodation form and reflected in the student's ML student plan.
 - 3. Aligned with criteria in the MSDE's [Maryland Assessment, Accessibility, and Accommodations Manual \(August 2023\)](#).
 - 4. Shared with the ML Program office, teachers, administrators, school test coordinator, and parents.
 - 5. Reviewed on an annual basis for returning ML students.

5. Assessments

- a. Maryland uses the WIDA Screener for Kindergarten and the WIDA Screener (for Grades 1-12).
- b. All ML students in grades K-12, including those ML students whose parents have refused participation in the ME Program, are required to take the MCAP ELP assessment, specifically the ACCESS for ELLs, during the state-mandated administration of the test.
- c. Students identified as ML students must participate in statewide math assessments immediately upon enrollment. ML students must participate in other statewide assessments after they have been enrolled in a school, or schools, in the United States for one (1) school year.
- d. A student's proficiency in English is not a determinant in deciding eligibility for participation in statewide assessments. The length of time that a ML student has been enrolled in school determines whether or not that student is required to take the assessment.
- e. All ML students have timely and responsive access, regardless of language proficiency, time in the United States, or differences in educational background, to programming for additional support. This includes, but is not limited to, Special Education programs and services, Advanced Academics programs and services, Advanced Placement (AP) and International Baccalaureate (IB) courses, and Dual Enrollment, and other supplementary instructional programs aimed at providing additional support for individual students' needs in both academic and non-academic areas.

E. Related Information

1. Board Policy

- a. [Policy 117](#), *Anti-Racism*
- b. [Policy 444](#), *Educational Equity and Excellence*

2. Code of Maryland Regulations (COMAR)

- a. [COMAR 13A.05.07.02](#), *Definitions*
- b. [COMAR 13A.05.07.03](#), *Programs for English Learners*

3. External Resources

- a. [Maryland State Department of Education. \(August 2023\). *Maryland Assessment, Accessibility, and Accommodations Manual \(MAAAM\)*](#)
- b. [MSDE Multilingual Learners: Eligibility, Guidance and Laws Website](#)

4. FCPS Regulations

- a. [Regulation 400-07](#), *Enrollment Residency Requirements*
- b. [Regulation 444-01](#), *Educational Equity and Excellence*

5. FCPS Resources

- a. [FCPS International Office Website](#)
- b. [FCPS Multilingual Educational Program Website](#)

6. Federal Law

- a. Elementary and Secondary Education Act, Reauthorization 2015

- b. Equal Education Opportunities Act of 1974
- c. Every Student Succeeds Act (ESSA) of 2015
- d. Individuals with Disabilities Education Act (IDEA), 20 USC § 1400, *et seq.*
- e. Title VI of the Civil Rights Act of 1965

7. **Federal Statutes**

- a. 20 USC § 6812
- b. 20 USC § 7011

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Curriculum, Instruction, and Innovation
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