



**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*

**MEMORANDUM**

**TO:** Superintendents  
ESEA Title III MLP Coordinators

**FROM:** Dr. Sarah Longshore  
Director, Office of Federal and State Accountability

**DATE:** May 3, 2022

**RE:** Multilingual Learner Identification

**Multilingual Learner Identification**

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires standardized, statewide entrance and exit procedures for multilingual learners (MLs). ESEA section 3113(b)(2) states that all students who may be MLs are assessed for such status within thirty (30) calendar days of enrollment in a school. In South Carolina, all potential MLs must be screened using a South Carolina approved English Language Proficiency (ELP) screener to determine identification within the first thirty (30) calendar days of enrollment at the start of the school year. Additionally, students who enroll after the start of the school year should be identified within the first two (2) weeks, or fourteen (14) calendar days, of enrollment to ensure students are receiving the appropriate services within a timely manner.

Special circumstances regarding the identification timeline requirements may arise during the process, including but not limited to the Covid-19 pandemic, inclement weather, illness, delay in transfer records, and year-round modified school calendars. The identification process should be completed as timely as feasible to provide students with the appropriate services. However, South Carolina will allow up to, and not more than, thirty (30) calendar days for identification to meet the federal requirement or ESEA section 3113(b)(2). The school or district must document or have evidence of the special circumstance to show why identification was delayed beyond two (2) weeks, but no later than the thirty (30) calendar day timeline when requested. Documentation can be kept with or within student records, and electronic documentation is acceptable.

MLs that are already identified and served begin receiving services on or as close as reasonably practicable to the first day of school each year. At the start of the school year, all newly identified MLs must begin receiving Multilingual Learner Program (MLP) services no later than thirty (30) calendar days after enrollment. Additionally, students who enroll after the first thirty (30) calendar days of the school year should begin receiving services within the first two (2) weeks after ML identification to ensure students are receiving the appropriate support. If a special circumstance occurred during the identification period, the school and district are responsible for documenting the circumstance. In the interim, the student should be considered an ML and receive necessary support and accommodations until the identification process is complete.

Federal guidelines require parents/guardians of students with a language other than English indicated on the Home Language Survey (HLS) to receive notification of the student's identification as an ML and placement in the language instruction educational program (LIEP), also referred to as the MLP. According to Title I, Section 1112(e)(3)(A) and 1112(e)(3)(B) of the ESEA, the notification must be provided no later than thirty (30) calendar days after the beginning of the school year or within the first two (2) weeks of placement in the MLP for students who enroll after the start of the school year. Notification letters must be communicated meaningfully to parents or guardians in a language and format they understand as required by the Office of Civil Rights (OCR) under Title VI of the Civil Rights Act (Lau).

Additional details and information will be included in the 2022-23 Title III, Multilingual Learner Program and Immigrant Children and Youth Guiding Principles document when released prior to the 2022-23 school year.

For more information or questions, please contact Susan Murphy, [SMurphy@ed.sc.gov](mailto:SMurphy@ed.sc.gov) or Elizabeth Supan, [ESupan@ed.sc.gov](mailto:ESupan@ed.sc.gov), in the Office of Federal and State Accountability.