



**South Carolina Department of Education (SCDE)
Title III/Multilingual Learner
and Immigrant Student Program**



Signed Languages and Home Language Survey Guidance

Individuals who have an original Home Language Survey (HLS) indicating a language other than English or signed languages must undergo English language proficiency (ELP) screening to determine whether they qualify for services under Title III/Multilingual Learner Program (MLP) based on screener assessment scores and/or previous records for transfer students.

Although American Sign Language (ASL) and other signed languages (e.g., Mexican Sign Language (MSL), etc.) are considered languages other than English, if English and/or any signed language is the only language(s) listed on the HLS, the student must not participate in ELP screening. If a language(s) other than English/a signed language is listed on the HLS, the student will participate in ELP screening.

A student who uses a signed language for communication due to deafness or hearing impairment, who meets the definition of multilingual learner (ML), and whose primary language is based on national origin in which the HLS indicates a language other than English may qualify for Title III/MLP services.

Districts are advised to review their records for any student who has been wrongly identified based on the information specified above. Districts should remove students from the MLP who use a signed language for communication due to deafness or hearing impairment if the HLS indicates English/a signed language only.

If a student meets the criteria described above, to be removed from the MLP, districts must do the following:

- Inform school administrators;
- Inform teachers and school staff who work directly with the student;
- Document the change in the student's records by including the Signed Languages Exemption letter (page 4 of this document);
- Inform the parent/guardian and send a copy of the Signed Languages Exemption letter home with the student;
- Recode the student in PowerSchool as a 9-Native Speaker on the proficiency code field.

If you have any questions, please contact the Title III/MLP office at TitleIIIMLP@ed.sc.gov.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 27 2011

Dear Title III Director:

I am writing to you regarding questions we have received about how to determine if an American Sign Language (ASL) user is limited English proficient (LEP) and whether or not this qualifies the user for Title III services.

Under the former Title VII of the Elementary and Secondary Education Act (ESEA), as amended by the Improving America's Schools Act (IASA), Title VII was designed to address the needs of students whose language minority status was tied to their national origin status, hence it provided services to students covered by the *Lau* obligation under Title VI of the Civil Rights Act of 1964, rather than students with disabilities. The U.S. Department of Education's position was that an individual cannot be considered LEP solely because of his or her reliance on ASL for communication due to deafness or a hearing impairment. That did not mean, however, that individuals with deafness or a hearing impairment who relied on ASL for communication can never be served under Title VII. For example, an individual whose native language was Spanish, and who also had a hearing impairment and relied on ASL for communication, could be considered LEP under Title VII because his or her native language was a language other than English.

Under Section 9101(25) of the ESEA, as amended under the No Child Left Behind Act (NCLB), an individual that might be considered LEP must also meet the following federal definition:

(25) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient', when used with respect to an individual, means an individual—

- (A) who is aged 3-21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;
 - (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual –
 - (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.

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www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

A student who uses ASL for communication due to deafness or hearing impairment, who meets the definition of LEP as stated above, and whose primary language is based on national origin may qualify for Title III services.

If you have any further questions, please contact Supreet Anand, Title III Supervisor at Supreet.anand@ed.gov or 202-401-9795. Thank you for your efforts to meet the needs of students who are deaf or hearing impaired English learners.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thelma', with a stylized flourish extending to the right.

Thelma Meléndez de Santa Ana, Ph.D.

cc: Chief State School Officers



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Signed Languages Exemption Letter

According to the United States Department of Education (USED), under the former Title VII of the Elementary and Secondary Education Act (ESEA), as amended by the Improving America's Schools Act (IASA), Title VII was designed to address the needs of students whose language minority status was tied to their national origin status; hence it provided services to students covered by the Lau obligation under Title VI of the Civil Rights Act of 1964, rather than students with disabilities, individuals cannot be considered multilingual learners (MLs) solely because of their reliance on American Sign Language (ASL), or other signed languages, for communication due to deafness or a hearing impairment.

Although ASL and other signed languages (e.g., Mexican Sign Language (MSL), etc.) are considered languages other than English, if English and/or any signed language is the only language(s) listed on the Home Language Survey (HLS), the student must not participate in English language proficiency (ELP) screening. If a language(s) other than English/a signed language is listed on the HLS, the student will participate in ELP screening.

Students whose HLS indicates English and a signed language for communication due to deafness or hearing impairment only do not meet the criteria for participation in the Multilingual Learner Program (MLP).

Therefore, _____ (student name),
ID# _____ (student ID), grade _____, is being removed
from the MLP.

Please contact the district's Title III coordinator if you have any questions.

School District _____

School _____

Title III Coordinator (Name) _____

Title III Coordinator (Signature) _____

Date _____