Chapter 3: Understanding Obligations to Identify, Assess, Place, Monitor, and Exit Multilingual Learners

3.1 Standardized Procedures for the Identification and Assessment

To develop comprehensive English language acquisition and academic programs for Multilingual Learners (MLs), districts, schools, and public charter schools must first have accurate knowledge regarding the size and characteristics of the population to be served. Proper identification of MLs helps ensure that the district's English language acquisition program is best designed to meet the needs of its students. The state definition of "English learner" is derived from the 2014 Colorado Revised Statutes under the English Language Proficiency Act 22-24-103 (4) and is defined as "a student who is linguistically diverse and who is identified [using the state-approved English language proficiency assessment] as having a level of English language proficiency that requires language support to achieve standards in grade-level content in English. All procedures outlined in this chapter are designed to protect the child's civil rights to an appropriate education and begins with two steps:

Step 1—Identification of Students Primary or Home Language is Other Than English

> *The Home Language Survey determines if there is a language influence other than English. If the district/ school confirms there is a language influence other than English that is impacting a student's level of English proficiency, the student should be assessed using Placement Tests, W-APT for students in kindergarten and first semester, first grade or WIDA Screener for students in second semester, first grade through grade 12.*

A Home Language Survey must be completed for each student; it should be provided in the language most frequently spoken in the local community. It is advisable that this be the first form filled out in the registration process for all students. The Office for Civil Rights (OCR) suggests that the Home Language Survey (HLS) contain, at a minimum, the following three questions:

- Is a language other than English used in the home?
- Was the student's first language other than English?
- Does the student speak a language other than English?

The district must ensure that all students have a completed HLS on file (including monolingual English speakers). If **any** response on the HLS indicates the use of a language other than English by the student or another person in the home, further investigation must be conducted to determine the student's English language proficiency. The use of a language other than English does not signify that the student is not a competent and proficient English speaker.

> *Section 8501(a)(1) of the ESEA requires the Local Educational Agency (LEA) to provide services under Title III, among other Federal programs, to private school children, their teachers, and other educational personnel. The responsibility under the Title VIII Uniform Provisions for providing Title III service to EL students in private school lies with the LEA and, consequently, the LEA is responsible for assessing the English language proficiency of private school students if requested by private school representatives.*

Information about ESSA Regulations Table of Contents **(oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-legislation-table-contents/)**

Districts, schools, and public charter schools must establish equitable and systematic procedures to identify all multilingual learners. The identification, assessment and placement procedure must include:

- A Home Language Survey (HLS) must be completed as part of the registration process to identify students who have a language influence other than or in addition to English. The HLS does not determine eligibility for ELD instruction; it is a part of the required process for identification. Surveys should remain on file, easily accessible to school and staff and available for state audits, see Appendix A.

- If districts, schools, and public charter schools confirms a student has a language influence other than English, assess student using the W-APT*/WIDA Screener.

- The Screener is administered to all new to district students with a language influence other than English within the first 30 days of school or 2 weeks after the first 30 days to determine English language proficiency.

- Review results of the Screener **and** a Body of Evidence (BOE) to determine the English language proficiency level.

- Written notification to parents of students identified for Language Instruction Educational Program (LIEP). Parent notification should be in a language and format parents can understand.

- Placement in LIEP for students identified as MLs (Non-English Proficient NEP/Limited English Proficient LEP).

- Identified MLs are required by federal law to take the annual English Language Proficiency (ELP) assessment, ACCESS/Alternate ACCESS. This includes students whose parents choose to decline or opt-out of LIEPs. ELP accountability for MLs has been moved from *Title III* to *Title I* of the *ESEA*, as amended by *ESSA*. *Title I* require the districts, schools, and public charter schools to notify parents of their child's ML status and their right to opt their child out of ML programs [Section 1112 (e)(3) and (4)], and also requires continued annual ELP assessment of all MLs [Section 1111(b)(2)].

- Sample HLS forms, Parent Notification Letter (Opt-Out) and more information about Standardized and Interim Identification Placement Procedures are found at www.cde.state.co.us/cde_english/identification-placement.
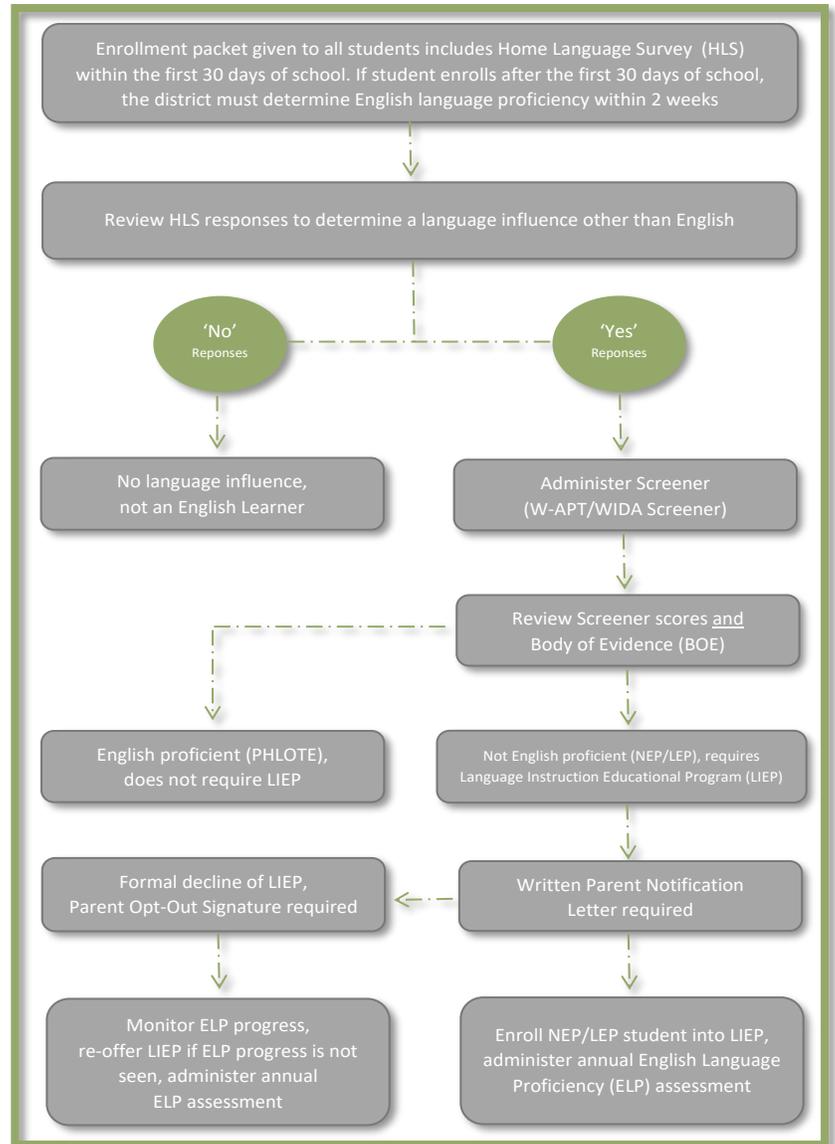
* The full transition and requirement to administer WIDA Screener for Kindergarten will start August 2022. WIDA Screener for Kindergarten is a new individually administered paper-and-pencil test that helps educators identify MLs in Kindergarten and 1st semester first grade. Colorado will continue to administer W-APT to kindergarten and 1st semester first grade students during SY21-22.

Step 2—Assessment of English Language Proficiency (confirmation of responses on the HLS)

When HLS responses indicate that English is the only language used by the student and all individuals in the home, the student is considered an English only speaker. Procedures established by the districts, schools, and public charter schools for placement in the general student population should be followed.

W-APT/WIDA Screener is used to assess English language proficiency of students who have a language influence other than English. Based on screening results **and** a Body of Evidence (BOE), each student will be identified as Non-English Proficient (NEP) or Limited English Proficient (LEP) or Primary Home Language Other Than English (PHLOTE). Program placement and instructional decisions will be based on the student's English language proficiency designation and the BOE. When parents/guardians answer "no" to all HLS questions and educators notice evidence of a primary or home language other than English, the student should be tested using W-APT/WIDA Screener. A parent may decline LIEP but cannot decline the multilingual learner designation if the district has made that decision based on state guidelines. If a student is identified as Non-ML or identified as PHLOTE, they are not eligible for LIEP.

Information about screening and annually assessing identified MLs is found at English Language Proficiency Assessments **(www.cde.state.co.us/cde_english/english-language-proficiency-assessment)**

> **To ensure an equitable identification process for all students, all students must follow the same process. This process includes, new to district students, foreign exchange, migrant, refugee, home school, online, charter, and adopted students.** *See U.S.E.D. guidance on Serving Foreign Students at oese.ed.gov/files/2020/07/InfoBulletinServingforeignstudentsDec2010FedGuidance.pdf*

W-APT is Administered to Kindergarten & First Semester First Grade Students

The following guidelines and cut scores have been determined for identification of a student as a Multilingual Learner (ML) using W-APT scores. Educators will continue to administer the W-APT for incoming Kindergarten & first semester first grade students, as outlined in the Colorado identification procedures to assess a student's English language proficiency. The W-APT cut points to guide educators in making NEP, LEP, and FEP determinations can be found below.

Kindergarten: First Semester Speaking and Listening	Kindergarten: Second Semester Speaking, Listening, Reading, and Writing	1st Grade: W-APT for Semester 1
Scores from administration of only oral domains (listening and speaking) of Kindergarten WAPT • NEP: 0–21 (total raw score of 2 domains) • LEP: 22–28 (total raw score of 2 domains)	Scores from administration of all four domains of the Kindergarten W-APT • NEP: 0– 28 (total raw score of 4 domains) • LEP: 29-59 (total raw score of the 4 domains) OR Not meeting minimum required score in any domains: Oral (Speaking/Listening) <29 Reading < 14 Writing < 17	Scores from administration of all four domains of the Kindergarten W-APT (Speaking, Reading, Writing, Listening) • NEP: 0– 28 (total raw score of 4 domains) • LEP: 29-59 (total raw score of the 4 domains) OR Not meeting minimum required score in any domains: Oral (Speaking/Listening) <29 Reading < 14 Writing < 17

W-APT scores and BOE should always be used when making initial identification and programming decisions.

WIDA Screener is Administered to Second Semester Grade 1 & Grades 2-12 Students

The following guidelines and cut scores have been determined for identification of a student as a Multilingual Learner (ML) using WIDA Screener scores. Educators must use the WIDA Screener for incoming second semester 1st grade and 2nd–12th grade students, with a Body of Evidence (BOE), as outlined in the Colorado identification procedures, to assess a student's English language proficiency. The WIDA Screener cut points guide districts, schools, and public charter schools in making NEP, LEP, and FEP/Non-ML/FELL/PHLOTE determinations for state reporting have been established and can be found below.

1st Grade: Second Semester	Grades 2-12
• NEP: 1.0–2.4 (Overall) • LEP: 2.5–3.9 (Overall) • Non-ML: 4.0 Overall AND 4.0 Literacy	• NEP: 1.0–2.4 (Overall) • LEP: 2.5–3.9 (Overall) • Non-ML: 4.0 Overall AND 4.0 Literacy

WIDA Screener scores and BOE should always be used when making initial identification and programming decisions.

WIDA ACCESS cut points guide districts, schools, and public charter schools in making NEP, LEP, and FEP determinations for state reporting can be found below or at Colorado Identification and Placement (www.cde.state.co.us/cde_english/identification-placement).

ACCESS Proficiency Level Cut Point Guidelines	
• NEP: 1.0–2.4 (Overall) • LEP: 2.5–3.9 (Overall) • FEP M1: 4.0 Overall AND 4.0 Literacy	• NEP: 1.0–2.4 (Overall) • LEP: 2.5–3.9 (Overall) • FEP M1: 4.0 Overall AND 4.0 Literacy

3.2 Data Reporting and Student October Count

Multilingual learners are identified based upon two data fields in the student demographic file language background and language proficiency, a student's ability to speak, listen, read, and write in English. Students are determined to be MLs in Student October Count collection if they have:

> **Three Data Elements collected about MLs in Student Demographic File:**
> - **Language Background**
> - **Language Proficiency**
> - **Language Instruction Program**

1. Language Background other than English
   (Language Background <> 'eng') and;

2. Language Proficiency of Non-English Proficient (NEP), Limited English Proficient (LEP), Fluent English Proficient (FEP) monitor year 1, or FEP monitor year 2 (Language Proficiency = 1, 2, 6, or 7)

Parents may decline a LIEP but cannot decline the ML designation if the districts, schools, and public charter schools has made that decision based on state identification procedures. If a student is identified as Non-ML or PHLOTE (Language Proficiency = 0 or 4), they are not eligible for enrollment in LIEPs.

File Layout and Definitions for coding can be found on the CDE Data Pipeline Student Interchange website at www.cde.state.co.us/datapipeline/inter_student

Once a student has been identified as a multilingual learner they should also be identified as participating in a Language Instruction Education Program (LIEP), which in the student demographic data files is called Language Instruction Program (LIP). Students are expected to be reported with a non-zero language instruction program as defined for reporting in ED Facts and in CDE's data file layouts. The acceptable LIP codes are in the following table:

Language Instruction Program Codes

CODE	LANGUAGE INSTRUCTION PROGRAM
00	No or Not Applicable
01	English as a Second Language (ESL) or English Language Development (ELD)
02	Dual Language or Two-way Immersion
03	Transitional Bilingual Education or Early-Exit Bilingual Education
04	Content Classes with integrated ESL Support
05	Newcomer programs
97	Other
98	Not in a Language Instruction Program, Parent Choice (Parent Refusal)

To find a LIP definition related to Language Instruction Program Descriptions refer to www.cde.state.co.us/datapipeline/std-dem-language-programs

State Language Proficiency Progression

Students who have been identified as a multilingual learner through district, school, and public charter schools' evaluation of Screener scores (W-APT/WIDA Screener) **and** BOE must be reported as ML (NEP/LEP) in Student October count data collections. Redesignation is a term used to describe when the student's English language proficiency level has changed from Limited English Proficient (LEP) to Fluent English Proficient (FEP). This process is initiated by the annual ELP assessment data: ACCESS (Pathway 1) or Alternate ACCESS (Pathway 2) explained further in Section 3.5 of this chapter. Once a student has been redesignated as Fluent English Proficient (FEP) they will be reported as monitored status (FEP Monitor Year 1 and FEP Monitor Year 2, respectively) for two consecutive years and then exited status (FEP Exited Year 1 and FEP Exited Year 2, respectively) for two consecutive years. MLs who have completed two years of monitor and two years of exit status will be reported as a Former English Language Learner (FELL).
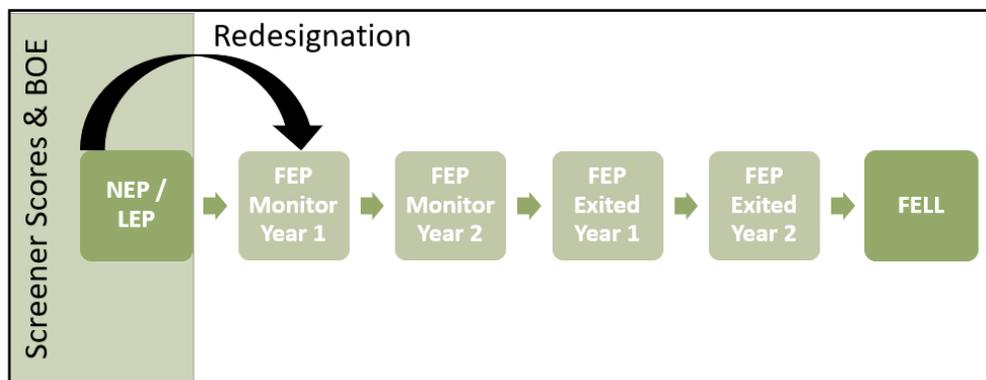
Exception Request Template and Instructions for Student Profile Interchanges, Student October, and Student End of Year are found at www.cde.state.co.us/datapipeline/snap_studentoctober

3.3 Language Proficiency Assessment Instruments

Assessment of MLs encompasses three distinct areas—screening, formative and summative measures—outlined below. This section and the next address the initial phases of the process, screening measures to determine language proficiency and appropriate program placement.

A Description of Standards-Based Assessments for MLs

Type	Purpose of Assessment	Function of Assessment	Assessments
Screening	Set eligibility criteria for support services and threshold or benchmark levels that trigger participation in large-scale assessment.	Determine student language and academic proficiencies in English and their home language (confirm the HLS).	The required WIDA Placement test (W-APT/WIDA Screener). Optional assessments may include LAS, IPT or Woodcock Munoz, etc.
Formative	Report classroom-based information, linked to standards, that complements large-scale assessment.	Determine student progress in language development and academic achievement in all content areas.	BOE (Composed of various measures). Optional assessment may include WIDA Model.
Summative	Report individual, school, district and state information, anchored in standards, which demonstrates accountability for student learning.	Determine student movement toward attainment of content standards.	BOE including, but not limited to, WIDA ACCESS, CMAS ELA and other standardized tests aligned to the CELP and CAS standards in reading, writing and math.

Based on Gottlieb (2006) *Assessing English Learners: Bridges from Language Proficiency to Academic Achievement* Corwin Press

Purposes of Language Proficiency Testing

A well-planned process for language proficiency assessment is critical to ensure that the Language Instruction Language Instruction Educational Program (LIEP) complies with legal requirements and that the educational needs of MLs are being met. The districts, schools, and public charter schools assessment plan should include provision for a timely 30 days (2 weeks if student enrolls after the first 30 days) screening placement assessment (W-APT/WIDA Screener) as students enter the district, as well as an ongoing program of assessment (ACCESS/Alt. ACCESS) of student progress to support educational planning and monitor student achievement.

Information provided through language proficiency assessments can be used for several purposes impacting the educational programs of MLs: procedural/decision making, program planning and evaluation, reporting and instructional planning. It is essential that all five language proficiency areas are assessed in English and in the student's home language when possible:

Comprehension—Understanding the content of oral/written materials at age- and grade-appropriate levels.

Speaking—Using oral language appropriately in the classroom and social interactions.

Listening—Understanding the oral language of the teacher, extracting information, and following the instructional discourse.

Reading—Comprehending and interpreting text at age- and grade-appropriate levels.

Writing—Producing written text with content and format in classroom assignments at age-and grade-appropriate levels.

State Sanctioned Language Proficiency Assessment

In 2002, the Colorado Legislature enacted Senate Bill 02-109 requiring CDE to develop/approve a single instrument to be used by districts to identify and measure proficiency of MLs by school year 2005–06. CDE adopted the CELA Pro in 2003, and in 2012, sanctioned the WIDA ACCESS (WIDA ACCESS includes: ACCESS for ELLs 1-12, Kindergarten ACCESS, and Alternate ACCESS) for the purposes of the English Language Proficiency Act (ELPA).

> **Requirements of SB 02-109: By 2005–06:**
>
> - **All districts will adopt the single state-approved language assessment system.**
> - **Districts must assess students on the entire instrument (oral, reading, listening, writing).**
> - **The assessment will be conducted at least annually.**
> - **Districts annually must certify to CDE the number of students whose dominant language is not English by language.**

Assessing Comprehension and Communication in English State-to-State for English Learners (ACCESS for ELLs): Test items are written from the model performance indicators of WIDA's English Language Development standards that include five Colorado English Language Proficiency (CELP) standards found at www.cde.state.co.us/cde_english/celpstandards.

Language Proficiency in Students' Home Language

Federal guidelines do not require testing ML students in their home language, nor can the results of such testing be used to determine whether students are ML. Nevertheless, ML students may be tested for home language proficiency in addition to English. Because English instructional approaches vary depending on whether students have a strong academic foundation in their first language, home language assessment can be extremely helpful in determining the best educational approach. Knowing the first language level is especially helpful when students are placed in a bilingual education program or being considered for special education services.

Upon entry into a districts, schools, and public charter schools, first language proficiency and academic assessment are important for MLs who have been receiving instruction in their home languages. Home language proficiency and academic assessment provide information that helps:

- Determine language dominance and strength.

- Preview language learning abilities as a pre-assessment for special education consideration.

- Measure students' initial academic knowledge in content area subjects.

- Measure students' growth in academic knowledge when instructed in the home language.

- Predict students' ability to meet/exceed state standards.

A comparison of performance in both languages provides a more valid profile of the ML. For example, if a student has grade-level literacy skills in their home language and will be receiving all instruction in English, instruction would focus on transferring skills already learned rather than on initial development of these skills. Guidelines for this type of assessment include the following:

Examine student educational experiences. Information available from districts, schools, and public charter schools records or parental input may provide clues to the student's abilities in content areas in the home language. With the exception of those with severe processing problems, students who have attended school in their home country generally are cognitively proficient in their home language. Skills and abilities are transferable from the first language to the second.

Students should be asked to read in English. Find out if they can understand the text, answer simple questions related to the text, and compare and contrast information.

> **Language Dominance vs. Language Proficiency**
>
> **Dominance denotes the relative level and strength in each language. Dominance is often, but not always, indicated by the language the individual prefers to use. Language dominance may shift across linguistic environments.**
>
> **Proficiency is the speaking, understanding, reading and writing ability level in a particular language. Full proficiency denotes abilities comparable to a native speaker of similar age.**

Older students should be assigned to write about something they know (e.g., family, favorite television show or food). Judge whether or not the writing is meaningful rather than tense, grammar and word placement. Focus on meaning, not on form.

Observe carefully. Determine any coping skills, how MLs are processing information and what resources they are relying upon.

Adapted from LMM News, Indiana Department of Education, Indianapolis, IN.

Compare English language and home language assessment results to make instructional decisions and provide students with specific curriculum materials. It is critical that educators recognize that the nature of students' instruction **in English** will vary and that they will need to account for whether or not students have already attained grade level literacy and academic skills in their first language. Tools and resources for identifying all multilingual learners can be found at OELA English Learner Tool Kit, Chapter 1 at www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.

3.4 Program Placement for Multilingual Learners

Students identified as MLs through W-APT/WIDA Screener scores **and** a thorough review of a BOE must be placed in a research-or evidence-based LIEP. Different programs can be successful depending on the quality of instruction; ESL, structured immersion with ESL methodologies, and bilingual/ dual language education are examples of LIEPs that have been recognized by experts in the field. The range and nature of different program types is discussed in detail in Chapter 4; they include programs where all instruction is in English, as well as those in which students' primary language is used for a portion of the instructional day.

Bilingual programs that have proven as sound instructional environments are:

Dual Language: Programs in which two languages are used for instruction for a substantial period of time. The goal is for students to develop full conversational and academic proficiency in both languages. It can serve as an umbrella for several models: Developmental Bilingual Education, in which only second language learners of English receive instruction in the two languages; and Two-Way or Dual Immersion programs that serve both home English speakers and second language learners, where all are expected to become bilingual and biliterate.

Transitional Bilingual Programs: Programs where the primary language is used for a limited time (usually 2–3 years), after which there is a transition to all-English instruction. The primary language is a vehicle to English proficiency and not used specifically to develop academic bilingualism.

Sheltered content instruction in English and home language enrichment instructional approaches, alone, are not recognized by experts in the field as sound LIEPs, although they can augment other program models that have been recognized as sound. To place students in an appropriate program, the district should rely on language proficiency information along with other diagnostics, such as the student's home language proficiency, especially where bilingual education programs are prescribed. Tools and resources for providing multilingual learners with a language assistance program can be found at OELA English Learner Tool Kit, Chapter 2 at www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.

Parent Notification - Informed Consent for Placement

For a child identified as limited English proficient prior to beginning the school year, each local educational agency that receives funds under this subpart shall make a reasonable and substantial effort to obtain informed parental consent prior to the placement of a child in an English language instruction program for LEP children funded under this subpart, if the program does not include classes which exclusively or almost exclusively use the English language in instruction.

The Every Student Succeeds Act (ESSA) requires districts, schools, and public charter schools to inform parents of eligibility for placement in a timely and meaningful manner. Make an effort to receive parental input for program placement if there is more than one program. Prior to placing a student in a LIEP, the district must notify parents in writing regarding:

- The reasons for identifying the child in need of English language instruction.

- The child's level of English proficiency, how such level was assessed and the status of the child's academic achievement.

- The methods of instruction used in the program in which their child is, or will be participating, as well as the methods of instruction used in other available programs, including how the programs differ in content, instructional goals, and the use of English and a home language in instruction.

- How the English language instruction program specifically will help the child acquire English and meet age-appropriate standards for grade promotion and graduation.

- The specific exit criteria from the program, including the expected rate of transition from a language instruction program into classrooms not tailored for LEP children.

- The expected graduation rate for children in the program in secondary schools.

- How the program will meet the objectives of the individual education program of the child as described in section 614(d) of the Individuals with Disabilities Education Act (sites.ed.gov/idea/about-idea/).

> **Parent refusal/opt-out /decline of LIEP does not mean that districts, schools, and public charter schools should discontinue testing English Language Proficiency (ELP).**
>
> **All identified NEP and LEP students are tested annually. Administer ACCESS/Alternate ACCESS to determine student's ELP level.**

Parent notification must be communicated in a language the parent understands within the first 30 days of school. If student enrolls after the first 30 days of school, parent notification must be completed within two weeks. Tools and resources for ensuring meaningful communication with limited English proficient parents can be found at OELA English Learner Tool Kit, Chapter 10 at www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.

> **Upon receipt of any written instructions from the parent, a districts, schools, and public charter schools may withdraw a ML from a LIEP. Nevertheless, under Office for Civil Rights and ESSA policy, the district still is obligated to provide appropriate means to ensure that the student's English language and academic needs are met. Tools and resources for serving multilingual learners who opt-out of LEIPs can be found at OELA English Learner Tool Kit, Chapter 7 at www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.**

3.5 Pathways to Redesignate Multilingual Learners

State and Federal Requirements

Title VI of the Civil Rights Act of 1964, The Equal Educational Opportunities Act (EEOA), the Every Student Succeeds Act (ESSA), and Colorado's English Language Proficiency Act (ELPA) all outline school districts' responsibilities in developing, implementing, and evaluating programs for Multilingual Learners (MLs). As part of these requirements, districts must provide English language development instruction until the student attains Fluent English Proficiency (FEP) and can transition successfully to grade-level content classrooms, with minimal English Language Development (ELD) instruction.

The Elementary and Secondary Education Act (ESEA), reauthorized in 2015 as the Every Student Succeeds Act (ESSA), highlights these civil rights by requiring states to establish and implement standardized entrance and exit procedures for MLs, including MLs with disabilities. As part of this requirement, the state's English Language Proficiency (ELP) assessment must be used in the state's procedures in making redesignation and exit decisions for MLs. The proficiency score(s) on the (ELP) assessment must be set at a level that enables students to effectively participate in grade-level content instruction. Additional objective criteria may also be used as supplemental information in determining whether to redesignate a student, but these additional sources may not take the place of a proficient score on an ELP assessment (U.S. Department of Education, 2016).

To appropriately meet the ESSA state standardized procedures requirement and ensure this guidance meets the needs of Colorado's multilingual learners, the Colorado Department of Education (CDE) convened a number of stakeholders to represent views across the state. The stakeholder groups included institutes of higher education, CDE staff representing multiple offices, Title III consortia representing small rural school districts, district personnel representing the interest of students with disabilities, school districts representing the geographic diversity of Colorado, as well as advocacy groups such as the Colorado Association of Bilingual Education (CABE) and the Colorado Teachers of English to Speakers of other Languages (COTESOL). CDE has synthesized and embedded stakeholders' thinking, feedback, and contributions, as well as relevant state and national research, into the current redesignation procedures and supporting guidance and best practices documents.

Multilingual Learner Standardized Redesignation Procedures

Redesignation is a term that describes a process that districts, schools, and public charter schools must develop to determine when MLs are Fluent English Proficient (FEP) and can transition successfully to classrooms, with minimal ELD instruction. It is a term that is used when a student's English language proficiency level changes from Limited English Proficient (LEP) to Fluent English Proficient (FEP) Monitor 1.

This process is initiated by the annual ELP assessment data: ACCESS (Pathway 1) or Alternate ACCESS (Pathway 2). When a student has not been assessed with the annual English Language Proficiency (ELP) assessment, local data may not be used to initiate the redesignation procedures. ELD and Individual Education Program (IEP) teams are responsible for determining which of the two pathways presented in this framework is the most appropriate for individual MLs with disabilities. The teams work in partnership to decide which pathway is best suited for the student (e.g., whether the student should take the general ELP assessment or an alternate ELP assessment, and/or whether the student should participate in all or some of the domains).

For more information about Colorado Standardized Redesignation Procedures and monitoring exited students visit www.cde.state.co.us/cde_english/redesignation

Monitoring and Exiting English Learners from Programs and Services, OELA English Learner Tool Kit, Chapter 8 at www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html

Pathway 1: ACCESS Assessment Data (see visual below)

Pathway 1a. Districts, schools, and public charter schools should consider ML students whose score meets the ACCESS Assessment criteria for English language proficiency (4.0 Overall and 4.0 Literacy) eligible for redesignation. If the districts, schools, and public charter schools determines that the student meets the standardized state ELP assessment criteria, two additional pieces of evidence must be collected to confirm the student's ELP. Evidence must include two pieces of local data that demonstrates success in reading and writing through English language arts (ELA), science, social studies, and/or math as comparable to non-ML/home English speaking peers.

Pathway 1b. Districts, schools, and public charter schools should consider this pathway, when a student's ACCESS assessment is incomplete, a misadministration of a particular section has occurred, or the district/school has determined the score(s) are not reflective of the student's typical performance and/or English proficiency level.

In addition, ML students with disabilities whose disabilities preclude assessment in one or more domains (i.e., significant language disability, deaf or hard of hearing, intellectual disability, and/or visually impaired) should be considered and possibly eligible for redesignation through pathway 1b. State and federal law require schools and districts to provide ML students with disabilities both LIEPs and special services to support their individual learning needs. Therefore, districts, schools, and public charter schools need to ensure that students with disabilities have been provided with adequate and quality ELD instruction before considering redesignation through pathway 1b.

CDE recommends that districts, schools, and public charter schools establish a trajectory to ELP based on all ML students and consider, at a minimum: proficiency level at the time of enrollment, grade span, and program model(s). ML students with a disability and on an IEP should be provided, at a minimum, the same time to attain English language proficiency, as all other ML students before considering the student for redesignation.

Pathway 1: ACCESS Assessment Data Visual

PATHWAY 1 ACCESS ASSESSMENT DATA		
ASSESSMENT CRITERIA	1a. Meet CDE criteria for demonstrating English Language Proficiency on ACCESS • 4.0 Overall AND • 4.0 Literacy	1b. Meet *partial* CDE criteria by demonstrating English Language Proficiency on ACCESS • <4.0 Literacy OR • <4.0 Overall Composite or no overall composite score reported * AND MUST INCLUDE • One additional piece of evidence that confirms English proficiency that is aligned with the CELP standard(s) in missing domain(s) or that does not reflect typical student performance*
AND MUST include additional data and pieces of evidence listed below		
BODY OF EVIDENCE	• At least one piece of local data that demonstrates success in Reading through English Language Arts (ELA), Science, Social Studies, and/or Math as comparable to non-ML/native English speaking peers **AND INCLUDE** • At least one piece of local data that demonstrates success in Writing through English Language Arts (ELA), Science, Social Studies, and/or Math as comparable to non-ML/native English speaking peers	
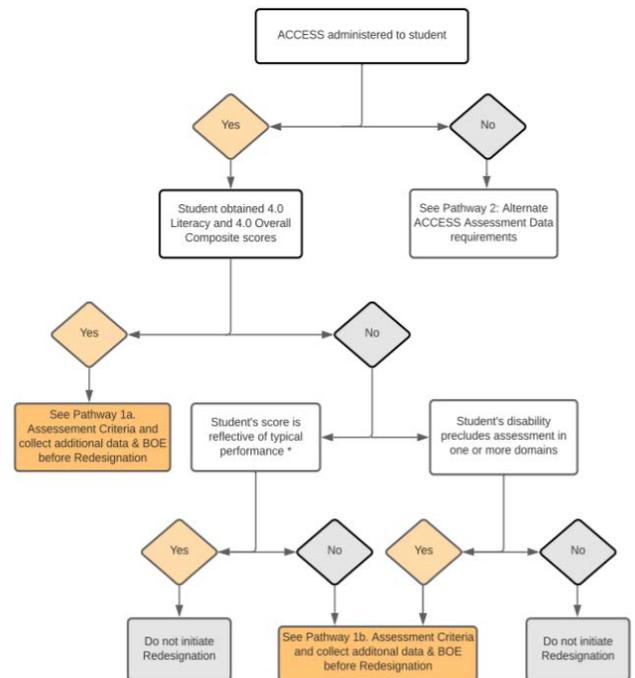
To be used for students whose score does not reflect typical performance OR for ML students with disabilities whose disabilities preclude assessment in one or more domains

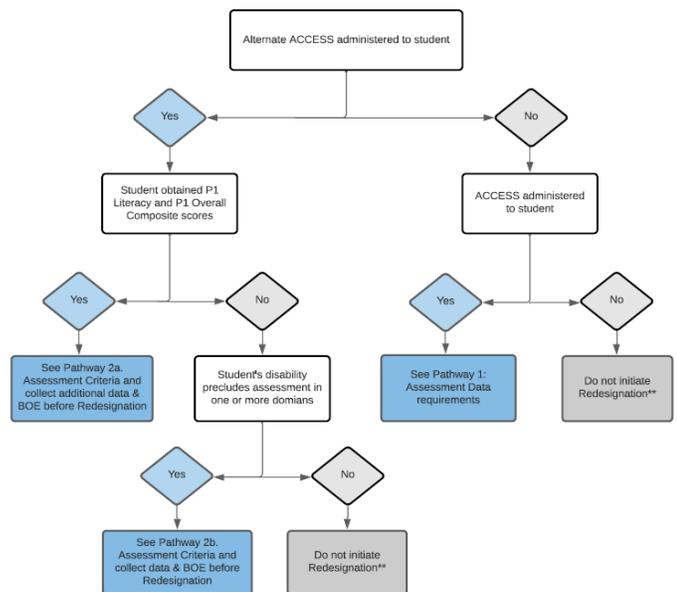## Pathway 2: Alternate ACCESS Data (see visual below)

Pathway 2a. Districts, schools, and public charter schools should consider ML students with disabilities whose score meets the Alternate ACCESS Assessment criteria for English language proficiency (P1 Overall and P1 Literacy) eligible for redesignation. If the district determines that students meet the standardized state Alternate ELP assessment criteria, two additional pieces of evidence must be collected to confirm the student's ELP:

1) At least one piece of local data that demonstrates adequate performance and/or proficiency in English. This should be reviewed in collaboration with ELD and special education specialists. The data should be representative of multiple years of the LIEP and special education services which have been provided in an integrated manner.

2) At least one piece of local data that demonstrates broad generalization of skills in English in the content areas of ELA, Science, Socials Studies, and/or Math. The student demonstrates sufficient English language to adequately understand and/or express themselves in one or all four domains (listening, speaking, reading, and writing). Skills demonstrated are reflective of the integration between language objectives and individualized goals for the multilingual learner with a disability.

Pathway 2b. Districts, schools, and public charter schools should consider this pathway, when a student's Alternate ACCESS assessment is incomplete, a misadministration of a particular section has occurred, or when for ML students with disabilities whose disabilities preclude assessment in one or more domains (i.e., significant language disability, deaf or hard of hearing, intellectual disability, and/or visually impaired) should be considered and possibly eligible for redesignation through pathway 2b. State and federal law require schools and districts to provide ML students with disabilities both LIEPs and special services to support their individual learning needs. Therefore, districts, schools, and public charter and schools need to ensure that students with disabilities have been provided with adequate and quality LIEP before considering redesignation through pathway 2b.

Pathway 2: Alternate ACCESS Assessment Data Visual

*To be used for ML students with disabilities whose disabilities preclude assessment in one or more domains

** USED not allowing Redesignation for ML students who did not take ACCESS/Alternate ACCESS in SY21-22

Standardized Body of Evidence

Colorado's standardized redesignation procedures include ELP assessment criteria to initiate the redesignation process using ACCESS and Alternate Access. Districts, schools, and public charter schools must develop and implement a standardized process, to include objective criteria, for further investigation and confirmation of a student's ability to meet grade-level performance expectations through a body of evidence. Each piece of evidence must align to the Colorado English Language Proficiency (CELP), the Colorado Academic Standards (CAS), and when determined, the CAS Extended Evidence Outcomes (EEOs).

LANGUAGE PROFICIENCY	GRADE LEVEL ACADEMIC CONTENT PROFICIENCY
- District Review Committee Evaluation ≥ 4.0 proficiency in each language domain of ACCESS - Language Samples (reading, writing, listening, and speaking) - Observation Protocols (ex. SOLOM, Mondo Oral Language Assessment, etc.) - District Language Proficiency Assessments (ex. IPT, Woodcock Muñoz, LAS, WIDA MODEL, etc.) - Interim Benchmark Assessments - Student Journals - English Language Development Checklists - Student Performance Portfolios - WIDA Speaking and Writing Rubrics	- District Review Committee Evaluation - Evaluation of Common Grade Level Assessments (formal or informal) - Demonstration of Meeting Grade Level Expectations (GLEs) and Prepared Graduate Competencies (PGCs) - Observation Protocols - District Content-specific Proficiency Assessments - Interim Benchmark Assessments - Student Journals - Achievement/Proficiency Checklists - District Assessments - Student Performance Portfolios - READ Act Assessments - CMAS: English Language Arts (ELA), Social Studies, Science, Mathematics. *ELA includes two reporting categories, reading and writing, which may be considered two individual pieces of evidence.*

Standardized Body of Evidence: ML students receiving instruction on the CAS Extended Evidence Outcomes

When ML students receive their instruction through the Extended Evidence Outcomes (EEOs) and are administered the Alternate ACCESS assessment, the student's body of evidence must include a piece of evidence that demonstrates relevant English proficiency and/or performance as demonstrated through the CAS Extended Evidence Outcomes (EEOs) and/or CELP standard(s) in missing domain(s). In addition, the body of evidence (BOE) must also include a piece of evidence that demonstrates student's generalization of skills in English in the content areas of ELA, Science, Social Studies, and/or Math.

The table on the following page includes examples of evidence that could be used in the body of evidence for students who receive their instruction on the CAS EEOs and are on an IEP.

DEMONSTRATION OF ADEQUATE ENGLISH PERFORMANCE/PROFICIENCY	DEMONSTRATION OF GENERALIZATION OF SKILLS IN CONTENT AREA(S)
- District/school review evaluation team in collaboration with student's IEP team (MTSS/Progress monitoring teams) - Language Samples (reading, writing, listening, and speaking) - Observation Protocols (ex. District/School, SOLOM, Mondo Oral Language Assessment, etc.) - District Language Proficiency Assessments (ex. IPT, Woodcock Muñoz, LAS, WIDA MODEL, etc.) - Interim Benchmark Assessments - Student Journals - English Language Development Checklists - Student Performance Portfolios - WIDA Speaking and Writing Rubrics - WIDA Alternate Model Performance Indicators - IEP Progress Monitoring Data - Functional Communication Skills/Checklist	- District/school review evaluation team in collaboration with student's IEP team (RTI/Progress monitoring teams) - Evaluation of Common Grade Level Assessments (formal or informal) - Demonstration of meeting grade-level Extended Evidence Outcomes (EEOs) - District/School Observation Protocols that incorporate a variety of school environments and people - Interim Benchmark Assessments - Student Journals - Achievement/Proficiency Checklists - District/School Assessments - Student Performance Portfolios - READ Act Assessment: Colorado Emergent Literacy Scales (CMLS) - WIDA Alternate Model Performance Indicators - IEP Progress Monitoring Data - Functional Communication Skills/Checklist - CMAS-COALT: English Language Arts (ELA), Social Studies, Science, Mathematics. *ELA includes two reporting categories, Reading and Writing, which may be considered two individual pieces of evidence.*

Monitoring of ML Students

When districts, schools, and public charter schools determine ML students are Fluent English Proficient (FEP), they must monitor students' linguistic and academic progress for two consecutive years (FEP Monitor Year 1 and FEP Monitor Year 2, respectively). If the ML student is not progressing academically as expected, and monitoring suggests persistent or developing language need, schools/districts should consider re-evaluating the student's English language proficiency level and determine if the student needs additional LIEPs and provide the appropriate English language development instruction. If the student is re-entered into LIEP, the districts, schools, and public charter schools must document the reasons why and provide written parent notification in a language the parent understands.

If the ML student continues to make academic progress in year 1 of monitoring, as determined by the districts, schools, and public charter schools, the following school year the student is placed in year 2 of monitoring. Upon completion of two consecutive school years of monitoring, the ML student will be moved to exit status for two consecutive years (FEP Exit Year 1 and FEP Exit Year 2, respectively) in the Colorado Data Pipeline.

Dually Identified Students: When districts, schools, and public charter schools make a determination that a student is a ML and is placed on an IEP, they must monitor the IEP goals for continued academic progress, as well as the student's linguistic and academic progress. IEP goals should delineate the mode of communication used by the student in acquiring functional and academic skills. Should monitoring of IEP goals identify persistent or developing language needs, districts, schools, and public charter schools should consider re-evaluating the student's English language proficiency level to determine whether additional LIEPs are necessary and provide documentation in the IEP regarding who will be providing the supports and how the English language supports will be provided.

Website Resources

Linquanti, R . & Cook, H . G (2015). *Re-examining Reclassification: Guidance from a National Working Session on Policies and Practices for Exiting Students from English Learner Status.* Washington, DC: Council of Chief State School Officers. (www.wested.org/resources/re-examining-reclassification/)

Molle R ., et . al . (2016). *Discerning — and Fostering — What English Learners Can Do With Language: Guidance on Gathering and Interpreting Complementary Evidence of Classroom Language Uses for Reclassification Decisions.* Washington, DC: Council of Chief State School Officers. (www.wested.org/resources/discerning-and-fostering-what-english-learners-can-do-with-language/)

National Center on Educational Outcomes. *Meeting the Needs of ELs with Disabilities in Your State: making EL Exit Decisions* (nceo.info/Resources/publications/OnlinePubs/briefs/brief13/brief13/brief13.html)

U.S Department of Education, 2015, Chapter 6. *Tools and resources for Addressing English Learners with Disabilities.* (www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html)

Colorado Academic Standards (www.cde.state.co.us/standardsandinstruction)

Colorado English Language Proficiency Standards at (www.cde.state.co.us/coenglangprof)

Colorado Instructional Standards and Adaptations for Students with a Disability (www.cde.state.co.us/cdesped/instructionalstandards)

Council of Chief State School Officers, English Learners with Disabilities Guide (www.ccsso.org/sites/default/files/2017-11/CCSSO%20MLSWD%20Guide_Final%2011%2011%202017.pdf)

(See Appendix A)

Appendix A
Data Collection, Paperwork and Record Keeping

This appendix provides specific information about how to collect and maintain adequate data. It can serve either as a starting blueprint for districts, schools, and public charter schools without a collection system, or to fine tune a data collection system already in place.

To help all students succeed, it is necessary to track student progress, interventions and their effectiveness and any resulting modifications to programs accurately. *There are three major elements of a good data collection system: a well constructed and flexible database, which generates information for comparison tables, which in turn generates the evaluation report.* It is critical that the system be designed from the outset to be inclusive of all students and able to accommodate information not typically included when keeping records only on home English speakers. This may include language proficiency levels, dates of entry and exit to the program, number of months in program, program type, access to primary/home language development, etc.

The first step in building a data collection system is to thoroughly understand the requirements of the evaluation plan itself (what the data will be used for): what data elements need to be tracked, who the stakeholders are and what their interests are, what systems are currently in place that needs to be interfaced with, and what resources are available. The development process for the data collection and management system should take into account a long range view of how the system needs to function in the future. The ideal circumstance is for the developer of the data management system to understand and follow the whole process from beginning to end, from the design of the evaluation plan through the development of the database fields down to the construction of the paper data collection instruments. The developer of the data management system also needs to be aware that changes will need to be made in the system (database and collection instruments) on an ongoing basis and allow for that in the construction process.

Data Retention and Deposition: CDE has created guidance documents to assist with maintaining student information security and privacy. Districts, schools, and public charter schools are strongly encouraged to review and comply with the data retention and disposition schedules outlined by the Colorado State Archives in the School District Records Management Manual in order to securely store and safely transfer student records/score reports/test materials and other relevant documentation used to identify multilingual learners.

To view **Student Information Security and Privacy Policies, visit
www.cde.state.co.us/cdereval/districtguidanceoninformationsecurityandprivacypolicies**

To view **School District Records Management Manual, visit
www.colorado.gov/pacific/sites/default/files/SchoolsRMManual.pdf**

Purposes of Data Collection and Management

- To make data readily accessible and able to be analyzed quickly through computer automation. In Federal ML resource materials, the authors noted that "most of the data needed should be already available in the district's records for students generally." However, data that is available in paper records is not the same thing as data that is usable, retrievable, or analyzable, especially if needed quickly.

- To evaluate student progress, program effectiveness, and staff training over time to identify longitudinal trends in these areas.

- To help analyze the results of federal, state, and district assessments.

- To assist with both regional and federal Office for Civil Rights (OCR) submissions.

- To assist with English Language Proficiency Act (ELPA) and Migrant counts.

- To assist with grant applications.

- To monitor student progress means being able to disaggregate data along the multiple dimensions that impact ML student progress.

- To refer students for Gifted Education (GE) or consider Multi-Tiered Systems of Support (MTSS).

Basic Principles

- Design an evaluation plan that determines the database fields, table organization, paper/computerized collection instruments, and timelines.

- Build the data collection system keeping in mind future as well as current needs, such as language backgrounds, length of time in program, description of ELD instruction received, prior academic preparation, continuous or interrupted presence in district.

- Develop the system to accommodate changes, so other personnel can both use and revise the system as staff and procedures change.

- Plan to continually work back and forth between the evaluation plan, database, tables, and paper/computerized collection instruments in order to keep improving and revising the data management system. (This is where the distinction between FEP—(never LEP) and FLEP— (formerly LEP) becomes important, while not required by federal or state law, it's inclusion can allow districts, schools, and public charter schools to keep more accurate track of program effectiveness while at the same time providing classroom teachers who receive FLEP students greater insight into potential continuing academic challenges resulting from both linguistic and cultural factors as they continue to develop higher order cognitive skills.)

- Construct the evaluation report as a stationary word processing template with capability to expand the tables, add in the new year's data, and edit the conclusions; this facilitates doing a yearly evaluation report.

- Develop a user-friendly system and solicit input from the people using it.

- Think "data-driven, thorough, accurate, and error-free."

- Plan for capacity to both aggregate and disaggregate data, especially by ML status; include all students in district on database. In the Federal ML resource materials, a guiding question is, "Are data systems maintained that permit ML and former ML students to be compared to the population generally?"

- Maintain data in a consistent place and format. Plan to train building secretaries and/or other appropriate staff as to process, timelines, forms, etc.

- Build the capacity to revise the system on an ongoing basis without losing prior data.

- Assign one person to do the data input to ensure accuracy. Larger districts, schools, and public charter schools may need more data specialists. Regardless of the size of the district, however, data entry training is essential.

Database Design Concepts

- Use full capabilities of the computer to automate and validate routine data entry (error-checks, value fields, strict validation, date ranges, etc.) and to automate and simplify common queries, use calculation formulas to define critical groups.

- Keep database as simple as possible and still be able to do the job required, so that it can be easily modified by later personnel.

- Develop using all standard features of a standard database product; good documentation of database development process necessary—although a more narrow-use product might be used, the district should explore whether that product is flexible and can be modified in-house.

- Develop in-house where developer is also primary user.

- Develop a multi-year database to track data longitudinally to compare the same data elements from one year to the next.

- Consider whether a cross-platform database is needed; think through advantages and disadvantages of networking.

- Plan for security, consistent backups of the database; keep clean clones of any district-built databases.

- Output layouts provide means to view data in understandable form. Database users should be able to build layouts as needed. Examples of output layouts:

  - testing lists for annual language proficiency testing including prior proficiency levels in both English and the other language, school, grade, languages spoken, home language survey information.

  - ML students, comparing standardized test scores, progress reports, and CMAS test scores with language level.

  - ML exit students who are failing any core subjects, including which subjects are low, what programs are currently in place with amount of service time, any follow-up initiated.

Model Data Collection Process

Legal Underpinnings. In 1982, the U.S. Supreme Court ruled in *Plyler v. Doe* [457 U.S. 202 (1982)] that undocumented children and young adults have the same rights as U.S. citizens and permanent residents to attend public primary and secondary schools. Like other children, undocumented students are required under state laws to attend school until they reach a legally mandated age. As a result of the *Plyler* ruling, districts, schools, and public charter schools **may not:**

- deny admission to a student during initial enrollment or at any other time on the basis of undocumented status;

- treat a student differently to verify residency;

- engage in any practices that "chill" or hinder the right of access to school;

- require students or parents to disclose or document their immigration status;

- make inquiries of students or parents that may expose their undocumented status;

- require social security numbers as a requirement for admission to school, as this may expose undocumented status.

Changes in the F-1 (Student) Visa Program **do not** change the *Plyler* rights of undocumented children. These changes apply only to students who apply for a student visa from outside the U.S. and are currently in the U.S. on an F-1 visa.

Even with recent changes in immigration laws, students without social security numbers should be assigned a number generated by the districts, schools, and public charter schools. Adults without social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.

Also, the Family Educational Rights and Privacy Act (FERPA) prohibits districts, schools, and public charter schools from providing any outside agency—including the Immigration and Customs Enforcement (ICE)—with any information from a child's school file that would expose the student's undocumented status without first getting permission from the student's parents. The only exception is if an agency gets a court order—known as a subpoena—which parents can then challenge. Schools should note that even requesting such permission from parents could act to "chill" a student's *Plyler* rights. Finally, districts, schools, and public charter schools personnel—especially building principals and those involved with student intake activities—should be aware that they are under no legal obligation to enforce U. S. immigration laws.

Identification of PHLOTE students (Primary or Home Language Other Than English)—A Home Language Survey/Questionnaire (HLS/HLQ) is a required part of the registration packet for all new students and is maintained in the cumulative file for all students in the districts, schools, and public charter schools. A designated person who has thorough knowledge of the LIEPs being used by the districts, schools, and public charter schools as well as the ability to interpret data and information found in a body of evidence is responsible for reviewing the home language questionnaire upon registration of the student and immediately forwarding those identified as PHLOTE to the ELD department. Students are considered PHLOTE if there is any influence of another language in the home; students who learn a second language in an academic setting are not considered PHLOTE.

Assessment of PHLOTE students, determination of ML status—All students determined to be PHLOTE are assessed using the English version of a language survey to ascertain whether they can speak, read, write, or understand the English language. The test publisher's criteria is used to decide which of those students are identified as ML. Timelines for this process are in place, with new students tested upon enrollment and continuing students tested yearly (generally in the spring). Language proficiency test reports are retained in the cumulative files with a copy in the ESL/Bilingual files. The language assessment scores are also entered on the database.

Program Placement for ML students—Program placement is made by a district-designated person or team. This information is collected for each grading period, is entered on the database, and can be correlated with the training of the various instructional providers. The way the information is collected can vary by grade level (class schedules at secondary level, service delivery forms at elementary, etc.). A summary of program placements can also be printed out and maintained over consecutive years in both the cumulative and ESL/Bilingual files. Instruction and documentation of services, continue every grading period until the student meets the exit criteria.

Parental Notification—Students who are identified as LEP have a legal right to receive instruction tailored to their needs. Parents of ML-identified students must receive notification of participation in a Title I, Part A-funded language instruction educational program under Title III of the ESEA, annually, not later than 30 days after the beginning of the school year for children identified before the beginning of the year or within the first two weeks of a child being placed in a LIEP.

Identification and monitoring ML exit students—As "trigger" for Redesignation a student must score a 4.0 Composite and 4.0 Literacy score on the ACCESS/Alternate ACCESS. Districts, schools, and public charter schools must develop a standardized process and criteria for further investigation and confirmation of a student's ability to meet grade-level performance expectations. Each piece of evidence must align to the Colorado English Language Proficiency (CELP) standards and Colorado Academic Standards (CAS). A body of evidence should represent local data that is used to define academic growth/success/grade-level proficiency as well as growth to English language proficiency. For more information on Standardized Redesignation and monitoring ML exit students visit www.cde.state.co.us/cde_english/redesignation.

Documentation of additional information—Additional information can also be included. This information is collected on an ongoing basis as it becomes available and is entered in the database.

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