

# Colorado Standardized Identification

## Procedure and FAQs



### Culturally and Linguistically Diverse Students

Colorado districts and schools\* must support the academic, linguistic, and social-emotional challenges and opportunities of culturally and linguistically diverse students to ensure appropriate access to grade level standards and a well-rounded education for all students identified as a Multilingual Learner (ML).

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 English language development instruction to achieve standards in grade-level content in English”. Following the Colorado Standardized Identification Procedures to identify MLs ensures that Language Instruction Educational Programs (LIEPs) are designed to best meet the needs of students. Colorado districts and schools must develop comprehensive English Language Development (ELD) and academic programs for MLs that accurately reflect the size and characteristics of the population to be served.

Districts and schools must ensure that students who enroll complete a Home Language Survey (HLS), a tool to identify languages used and spoken by the student and their family. The use of a language other than English does not signify that the student requires academic and linguistic supports. However, when response(s) on the HLS indicate 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\*\*.

### English Language Proficiency Screener Assessment

The Screener (Screener for Kindergarten and WIDA Screener for Grades 1-12) is used to assess the level of English Language Proficiency (ELP) of students who may have a language influence other than English. Based on assessment scores and a Body of Evidence (BOE), each student will be designated in the Colorado Department of Education (CDE) Data Pipeline as Non English Proficient (NEP) or Limited English Proficient (LEP) or Primary Home Language Other Than English (PHLOTE).

\*In this document, the term “district and school” references any public local educational agency, the State Charter School Institute, as well as, public facility, online, and charter schools (Title 22, C.R.S. 22-1-101).

\*\*HLS indicates “English only” or “No”, but there is evidence of a primary or home language other than English observed by educators and/or seen in Data Pipeline reports. When this occurs districts and schools must conduct further investigation upon enrollment to determine if the student is a potential ML and eligible for ELD instruction.

#### Home Language Survey

The Home Language Survey (HLS) must be completed for each student at the time of enrollment; it should be provided in the language most frequently spoken in the local community. It is advisable to be the first form filled out in the registration process for all students.

U.S. Department of Education Office for Civil Rights (OCR) and the U.S. Department of Justice (DOJ) in their compliance work under *Title VI* of the *1964 Civil Rights Act* and the *Equal Educational Opportunities Act of 1974* requires asking these three questions, and then testing a student whose parent or guardian responded to one or more of these three questions with a language other than English, is considered minimally compliant under the law.

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OCR- and DOJ-approved home language survey questions:

- 1) What is the primary language used in the home, regardless of the language spoken by the student?
- 2) What is the language most often spoken by the student?
- 3) What is the language that the student first acquired?

*(OELA Toolkit, Chapter 1)*

Colorado's Standardized Identification Guidance requires districts and schools to establish accurate, systematic and timely procedures that strengthen procedures to identify potential multilingual learners and to protect students' civil rights to educational opportunities. The standardized identification and use of ELP assessments prior to placement into a LIEP process includes multiple steps described below:

#### Include Home Language Survey

The HLS must be provided to and completed by families as part of the registration process to identify students who may have a language influence other than or in addition to English. The HLS is a tool, but responses alone should not be used to determine ELP level or qualification for ELD instruction. Surveys and questionnaires should remain on file in the district and school and should be easily accessible to educators and made available during State audits and reviews.

#### Review Data Pipeline Reports (CEDAR/COGNOS)

For students who have prior school experience in Colorado or other WIDA states, districts and schools should review ML Historical reports found in Data Pipeline (CEDAR/COGNOS) to verify if enrolling students have been previously designated as ML and/or if ELD instruction has been provided. Additional information about how to review student reports and records can be found below in the 'ML Student Enrollment' section of this document.

#### Administer Screener for Kindergarten and/or WIDA Screener for grades 1-12

The administration of the Screener and/or obtaining ELP assessment records from the prior district and school must occur within the first 30 days of enrollment. If student enrolls after Student October Count, the district and school must determine English language proficiency level within two weeks.

#### Evaluate Scores and Collect Evidence

District and school must evaluate Screener and/or ELP assessment scores to confirm scores are within the current test administration year (records provided by other Colorado and WIDA states meet the same requirement) **and** also collect a Body of Evidence (BOE) prior to determining the current English language proficiency level of the student.

**Screener for Kindergarten** – Screening assessment administered to kindergarten and first semester first grade students.

**Screener for Grades 1-12** – Screening assessment administered to second semester first grade - grade 12 students.

**Body of Evidence (BOE)** - Student level data that demonstrates student's language proficiency. Educators who are responsible to collect and evaluate BOE must use cut scores/scoring rubrics that clearly show criteria for determining student's ELP level on various pieces of evidence. Examples of BOE include but are not limited to: responses provided during family interviews, student academic records, previous student data available in CEDAR/COGNOS, and/or local or district and school assessments.

**Multilingual Learner (ML)** - As part of its asset-based belief system, multilingual learner is used in place of English Learner (EL) in this document to describe students who are linguistically diverse and identified as having a level of ELP that requires language support to achieve standards in grade-level content in English. Refer to the [ML Letter](#) for more information.

**Consent Decree (CD)** – In addition to guidance described in this document, districts and schools under an active CD with DOJ/OCR regarding ML Identification should also adhere to obligations, requirements and terms mandated in such agreements.

#### Parent/Guardian Notification

The Elementary and Secondary Education Act (ESEA Section 1112(e)(3)), reauthorized as the Every Student Succeeds Act (ESSA, 2015) requires districts and schools to notify families of identified ML student in writing, in a language and format families can understand. This notification must be sent no later than 30 days after the beginning of the school year (CDE defines the Student October Count date as the beginning of school year), and must include:

- The reasons for the identification of their child as an ML and in need of placement in a language instruction education program;
- 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 and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
- How the program in which their child is, or will be, participating will meet the education strengths and needs of their child;
- How such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- The specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for MLs, and the expected rate of graduation from high school if funds are used for children in high schools;
- In the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- Information pertaining to parental legal rights that includes written guidance;
  - Detailing the right that parents have to have their child immediately removed from such a program upon their request; parent opt-out documentation is required
  - Detailing the options that parents have to decline to enroll their child in such a program or to choose another program or method of instruction, if available; and
- Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

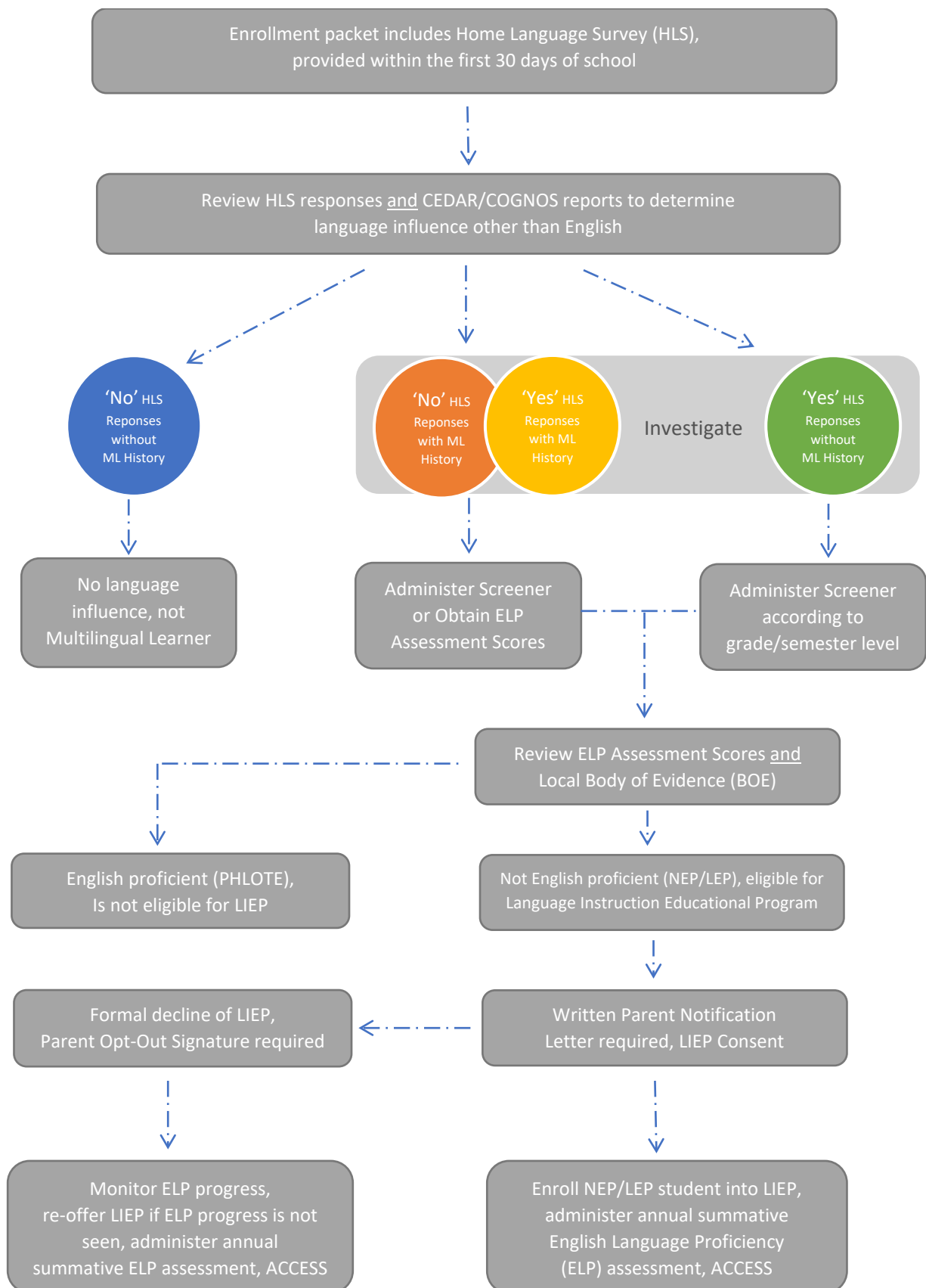
Please Note: Parents have the legal right to opt their child out of programs or particular services for their child at any time. However, parents cannot formally opt-out of ML designation, or the annual summative ELP assessment designed for students with a language proficiency designation of NEP or LEP. Districts and schools must administer ACCESS (Kindergarten ACCESS, ACCESS for ELLs or Alternate ACCESS) until opt-out students demonstrate ELP level proficiency following the [Standardized Redesignation Guidance](#).

#### Language Instruction Educational Programs

Upon providing parent notification, all identified NEP and LEP students must be enrolled in and receive adequate and appropriate English language development instruction through the identified LIEP. Moreover, dually identified (ML, SpEd) students must receive both language instruction and specially designed instruction as outlined in their Individualized Education Programs (IEP) per state and federal regulations. The program model used for language instruction, and/or implementation of the curriculum being used as well as the service minute requirement is a local decision determined by the linguistic needs of the student. However, if the district and school is under an OCR or DOJ Consent Decree, they must adhere to service minute requirements mandated in the district and school Consent Decree.

NEP and LEP students are required by federal law to take the annual summative state ELP assessment, ACCESS. This includes students whose parents have chosen to formally decline the language instruction (parent signature required) offered in an LIEP. Students' language proficiency coded in CDE's Data Pipeline as Not Applicable (NA), PHLOTE, Fluent English Proficient (FEP), or Former Multilingual Learner, are not eligible for ELD instruction and do not take annual ELP summative assessments, ACCESS.

Districts and schools must continue to monitor the ELP development and academic growth of students whose parents have chosen to decline the instruction offered in an LIEP. However, when opt-out students do not demonstrate appropriate ELP progress or achievement at appropriate academic grade levels, the district and school should annually inform families of student's ELP level and academic achievement and offer the family an opportunity to re-enroll student in an LIEP program or continue to decline ELD instruction through an LIEP.



## Additional Standardized Identification Information

**Identification Timeline:** The Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds (ESSA), requires State Educational Agencies (SEAs) that receive *Title III* grants, after “timely and meaningful consultation with local educational agencies,” to create and implement “standardized, statewide entrance and exit procedures” for ELs, “including an assurance that all students who may be [ELs] are assessed for such status within 30 days of enrollment in a school in the State.” [ESEA section 3113(b)(2)]. As such, English language proficiency level determination must be completed within 30 days of school or 2 weeks if the student enrolls after Student October Count in Colorado.

**Online Registration and Collection of HLS:** Districts and schools using online registration during student enrollment must continue to maintain the same standards as in-person registration when evaluating HLS submitted electronically. There should be an internal process in place to collect and evaluate HLS responses including how to evaluate and verify responses are accurate. Furthermore, to ensure districts and schools are meeting the civil rights and educational needs for all students, and to provide accurate reporting of student’s language proficiency level, there should be steps to gather additional information/evidence to identify and report a reasonable cause to screen without indication of a language other than English evident on the HLS. As such, CDE recommends reviewing CEDAR/COGNOS reports (i.e., extract and upload Student Demographic File to view potential coding errors) monthly to support ML designation and coding location on the language progression sequence per the [ML Coding Guide](#) published by Data Services at CDE.

**ML Student Enrollment:** Beginning SY25-26, Data Pipeline reports (CEDAR/COGNOS) will display ACCESS Overall and Literacy scores from the current test administration year. Assessment scores provided in these reports should be used to determine student’s ELP level and data coding upon student enrollment. However, individual domain scores will not be included in reports. Enrolling districts and schools seeking individual domain scores must contact the district which administered ACCESS. Reports containing annual summative ELP Overall and Literacy scores will be refreshed each school year in July.

The enrolling district and school remain obligated to make ELP decisions following federal and state identification procedures: to provide written parent notification in a language parents can understand, and to adhere to identification timeline requirements when using ML History and ACCESS Overall and Literacy scores seen in Data Pipeline reports (CEDAR/COGNOS) to make designation and data coding decisions prior to determining student’s location in the language progression sequence for Data Pipeline coding.

- Enrolling NEP/LEP student meets the state criteria for redesignation after evaluating the current test administration year’s ACCESS scores: following the Standardized Redesignation procedures, the enrolling district and school must gather a local BOE to confirm the student is no longer NEP/LEP and is eligible for redesignation
- Enrolling NEP/LEP student does not meet state criteria for redesignation after evaluating the current test administration year’s ACCESS scores: following the Standardized Redesignation procedures, the enrolling district and school should not redesignate. Student must continue receiving language instruction, continue to be designated NEP/LEP, and take the annual English Language Proficiency (ELP) summative assessment until the student meets the criteria for redesignation.
- Enrolling NEP/LEP student does not have the current test administration year’s ACCESS/Screeners scores, or scores are unobtainable, beyond the current administration year, and/or does not align with local BOE: the enrolling district and school should determine ELP level through Screener administration and a collection of local evidence before making an ELP level decision and determining data coding.

- Enrolling PHLOTE or FEP or Former ML student typically will not have ACCESS/Screener scores from the current test administration year: the enrolling district and school must collect local BOE in reading and writing prior to making an ELP level decision and determining data coding. However, when local evidence indicates students are not English proficient, the enrolling district and school must follow the Standardized Identification Guidance outlined in this document and administer the appropriate Screener to determine if student should be re-enrolled into an LIEP. Identification timeline and written parent notification must be applied in these circumstances.

Unique situations to consider regarding ML Student Enrollment:

A) NEP/LEP student enrolls after Colorado’s annual summative ELP assessment window (January-February) or around non-instructional school days (spring, winter, summer break): districts and schools may either administer the Screener or continue to designate student as NEP/LEP until the enrolling district and school receives/obtains ELP assessment scores to make ELP level decisions. In these cases, upon evaluation of ELP assessment scores and local evidence, the language background, proficiency and instructional program codes should be updated during the following Student October Count.

B) Students with ML history reported in CEDAR/COGNOS, but has disenrolled before districts and schools were able to screen or obtain ELP assessment scores (i.e., the identification process was not fully completed because the enrollment period was less than the identification timeline, 30 days or 2 weeks if enrolling after Student October Count): in these cases, districts and schools should follow designation or coding sequence found in Data Pipeline.

C) Districts and schools may accept ELP assessment scores (ACCESS/Screener) as an official score report issued by WIDA and/or as data submitted in the student cumulative file or score reports from another WIDA state. However, enrolling districts and schools must verify that score reports and records are within the current test administration year prior to making an ELP decision and determining the student’s location in the language progression sequence for Data Pipeline coding.

**Assessing Students with Screener for Kindergarten and Screener for grades 1-12:** Assessments are designed to provide an initial measure of a student’s academic English Language Proficiency (ELP) level. It assists educators in identifying students who are candidates for Language Instruction Educational Programs (LIEPs). It also helps parents and education teams make decisions about students’ initial need for ELD instruction.

ELPA requires all districts and schools to identify and report multilingual learners. In addition, Colorado Senate Bill 109, CRS 22-24-106 requires the use of one common State approved ELP screening assessment, WIDA Screener (for grades 1-12) or Screener for Kindergarten, to determine if the definition of an English Learner is met under Title III of ESEA. The results of the screener assessment indicate the level of the student’s proficiency in each domain and will guide accurate placement into an LIEP. Students who fall below the minimum cut score which is confirmed with local BOE are identified as MLs, are eligible for services, and must take the annual summative ELP assessments, ACCESS during the current school year until they demonstrate English language proficiency criteria described in the [Standardized Redesignation Guidance](#). Students who score at or above the minimum score for English language proficiency on WIDA Screeners should not be identified as MLs and are not required to be assessed further.



**Foreign Exchange Students:** Colorado follows Guidance from The Office of Civil Rights, which does not exempt foreign exchange students from the protections established under Title VI of the Civil Rights Act of 1964. Under the Elementary and Secondary Education Act (ESEA), a foreign exchange student is not exempt from any Title I or Title III required assessment, specifically English language proficiency assessments. Foreign exchange student a district and school enrolls and is receiving state and federal funding is held to all statewide assessment and accountability processes.

Following State guidance ensures appropriate practices for all students which includes foreign exchange, migrant, immigrant, non-immigrant, refugee, part-time home school, online, charter, and adopted students. If the district and school confirm there is a language influence other than English that is impacting a student's access to academic content, districts and schools should investigate students ELP level using the same processes used with all other students as outlined in this document.

**Preschool Students:** Colorado does not have a State Screener for pre-K students. However, pre-K students who are identified as ML using a district and school developed assessment, must receive ELD instruction in an LIEP while in pre-K programs. Upon enrolling into kindergarten, districts and schools must follow standardized identification procedures and administer Screener for Kindergarten to determine the student's current English language proficiency level. The earliest recommended testing window is from mid-April to June for students preceding their initial enrollment in kindergarten. Administration of the test earlier than mid-April may not support accurate decision-making about these young students' English language development.

**Certification to Administer Screener Assessments:** Test Administrators (TAs) are required to complete Screener modules and pass quizzes (earn 80% or higher) prior to administering and/or scoring the assessment. Districts and schools must collect and store TA certificates locally and ensure TAs follow certification guidance. CDE requires TAs to fully recertify every two years. However, if there is a district or school requirement to recertify yearly, educators administering or scoring Screener assessments must comply with local policy.

**Legal Right to Decline LIEP Program:** ESSA requires districts and schools to provide written notification to parents of their child's recommended LIEP program in a language they understand within 30 days of the beginning of the school year and two weeks after the beginning of the school year. Districts and schools may not recommend parents opt their child out of an LIEP or instruction for any reason. If a parent voluntarily decides to opt their child out of ML programs or particular ML services, that child retains their ML designation. Appropriate signed opt-out documentation is important to support legal compliance and should be reviewed with parents annually.

Additionally, the LEA remains obligated to take affirmative steps and appropriate action required by civil rights laws to provide ML students meaningful access to its educational program. Thus, the LEA must continue to monitor periodically the opted-out student's academic progress. These steps may include, but are not limited to, further assessing the student's ELP; sharing the Individual Student Reports (ISRs) with parents or guardians before the end of the school year, notifying the student's parent about their child's lack of progress and encouraging them to opt the child into ML programs and services, and providing supports for the student's English language development, such as offering professional development in second language development to the student's core curriculum teachers (OELA Toolkit, Chapter 7). Students designated as NEP or LEP are required to take the annual summative ELP assessment, ACCESS even when families have declined ELD instruction in an LIEP. Similar to students enrolled in language instruction, opt-out students continue to take summative ELP assessments until they meet criteria to redesignate through an evaluation of assessment scores and a collection of local academic evidence.

**Implementing LIEP:** Districts and schools must ensure that MLs are not unnecessarily segregated. Even though a selected LIEP may require that MLs receive separate instruction for portions of the school day or school year, districts and schools must carry out their language instruction and programs in the least segregative manner possible.

ML students with disabilities are entitled to both language assistance and disability-/special education-related services. When designing IEPs for ML students with disabilities, it is important that educators knowledgeable about their language needs are included. Districts and schools must ensure that steps are taken to prevent MLs from being mistakenly identified as students with disabilities because of their limited English proficiency, such as evaluating MLs for special education services based on the student's needs and language needs.

**Effective Engagement:** parent and family engagement are crucial to students' educational success. Districts and schools must ensure they provide meaningful communication to parents of MLs and LEP parents. These parents must be provided with adequate notice of information about any program, service, or activity provided to non-LEP parents in a language they can understand. This may involve providing translated materials and/or language interpretation. More information about the rights of LEP parents can be found in the [LEP Parent Factsheet](#).

**Secure and Save Records and Score Reports:** Districts and schools are strongly encouraged to review and comply with student data retention security and privacy policies. The School District Records Management Manual in the Colorado State Archives outlines procedures to securely store paper test kits and safely transfer student records/score reports and other relevant documentation used to identify multilingual learners.

As provided under SB21-268 and beginning with fiscal year 2021-2022, the English Language Learner funding factor will be included in the calculated total program funding for each district and school. Compliance audits including a review of documentation requires districts and schools to retain Screener and ACCESS score reports following guidance found in the [English Language Learner Count Audit Resource Guide](#).

Additionally, CDE recommends that ACCESS Individual Student Reports (ISRs) are downloaded and saved in the district and school Student Information System (SIS) during the current test administration year. ISRs are only available through WIDA AMS for up to two years from the administration year. These reports are confidential, and both electronic and hard copy distributions must also comply with state and federal privacy laws, as well as local school board policies, should be shared with parents or guardians before the end of each academic school year.

[ECEA Rules](#) and the [Transcript and Records Checklist](#) instructs districts and schools to provide student assessment data when a student transfers out or disenrolls. Specifically, ELP assessment results and other documentation or records related to multilingual learner identification and/or redesignation should follow the student into a new district and school.

**Accessibility and Accommodations:** Use Accessibility and Accommodations features to help diminish barriers and maximize opportunities for students to demonstrate their English language proficiency level. The WIDA Accessibility and Accommodations framework provides support for all potential MLs, as well as targeted accommodations for students with a documented Individualized Education Programs (IEP) or 504 plan at the time of testing. To protect the validity of Screeners, only those features explicitly identified in the Accessibility and Accommodations Manual should be used during test administration. The use of features that are not included could compromise the validity of the assessment and invalidate Screener results.

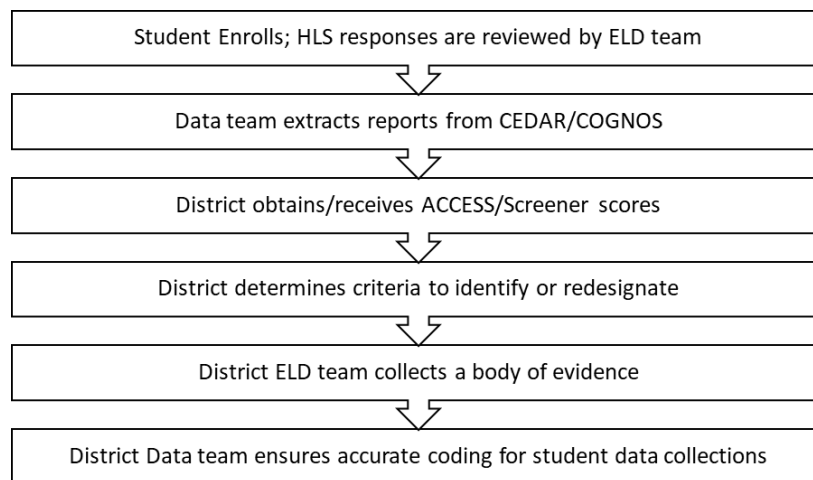
Refer to WIDA's guidance document about recommendations for IEP/504 Plan teams to consider when administering a screener to a student who is blind or visually impaired (BVI), or who is deaf or hard of hearing (DHH). It includes general



administration guidance, specific considerations for students who are BVI or DHH and a short list of resources for more information. Find this resource in the WIDA Secure Portal when filtering resources by Accessibility and Accommodations or any screener assessment.

**WIDA Secure Portal Account:** Contact the District Assessment Coordinator (DAC) to request account activation. WIDA will invite educators to create an account through the WIDA Secure Portal. This account will give educators access to self-paced workshops, workshop resources, and assessment materials for students and guides for test administrators and scorers. Screener for Grades 1-12 and Screener for Kindergarten training modules can be found by logging into the WIDA Secure Portal. In the Secure Portal, select Assessment Training, then filter by test type: 'WIDA Screener for Kindergarten Administration and Scoring' and/or 'WIDA Screener (1-12) online or paper Administration and Scoring' courses.

### Suggested Collaborations to Strengthen Standardized Identification Procedures and Processes



### LINKS TO MORE INFORMATION & RESOURCES

- [Colorado Standardized Identification and Placement Guidance](#)
- [Colorado Standardized Redesignation Guidance](#)
- [WIDA Screener Assessments](#)
- [English Language Proficiency Assessment](#)
- [Data Services](#)
- [OELA Toolkit](#)
- [Student Information Security and Privacy](#)
- [School District Records Management Manual](#)
- [WIDA](#)