



Culturally and Linguistically Diverse Students

Colorado districts, schools, and charter schools must support the academic, linguistic, and social-emotional challenges and opportunities of culturally and linguistically diverse students to ensure equitable access to grade level standards and a well-rounded education for all students identified as an English Learner/Multilingual Learner (EL/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 EL/MLs ensure that the district’s Language Instruction Educational Program (LIEP) is designed to best meet the needs of its students. Colorado districts, schools, and charter schools must develop comprehensive English Language Development (ELD) and academic programs for EL/MLs that accurately reflect the size and characteristics of the population to be served.

Districts, schools, and charter schools must ensure that **all** 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. If response(s) 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.

English Language Proficiency Screener Assessment

The Screener for Kindergarten and WIDA Screener are used to assess the level of English Language Proficiency (ELP) of students who have a language influence other than English. Based on assessment results and a Body of Evidence (BOE), each student will be coded 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). **LIEP program placement and instructional decisions must be based on the student’s ELP designation and the student’s BOE.**

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.

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)

When parent/guardian answers “no” to all HLS questions but there is evidence of a primary or home language other than English, districts, schools, and charter schools must determine if the student should be tested using the Screener for Kindergarten/WIDA Screener. **Additionally, families of students may not decline ELP assessments and cannot decline the NEP/LEP designation if the district has made EL/ML identification decisions based on state guidance outlined in this document.** Students coded in CDE’s Data Pipeline as Non-EL/ML or identified as PHLOTE, are not required to be provided ELD instruction. The school district must establish an effective and systematic procedure to identify potential English learners/multilingual learners that follow the Colorado Standardized Identification Procedures. The standardized identification, assessment, and placement into a LIEP procedure includes:

Include Home Language Survey

The HLS must be provided to and completed by all new and transferring back families 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 but is part of the required process for standardized EL/ML identification. Home Language Surveys should remain on file in the district and should be easily accessible to school and staff and available for state audits.

Review Responses Indicated on the HLS

If a district/school/charter school confirms a student has a language influence other than English, the district/school/charter school must assess student’s ELP level using the Screener for Kindergarten/WIDA Screener assessment according to student’s grade level.

Administer Screener for Kindergarten/WIDA Screener

The administration of the Screener for Kindergarten/WIDA Screener must occur within the first 30 days of school. If student enrolls after the first 30 days of school, the district must determine English language proficiency level within 2 weeks.

Review Results

Districts, schools, and charter schools must review Screener for Kindergarten/WIDA Screener **and** a Body of Evidence (BOE) to determine the English language proficiency level of the student as NEP/LEP/PHLOTE.

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

WIDA Screener – Screening assessment administered to second semester first grade - grade 12 students.

Body of Evidence (BOE) - Collect sources to demonstrate student’s language proficiency status which includes assessment scores, family interviews, student academic records, previous student data in Data Pipeline, and/or local or district assessments.

Parent/Guardian Notification

The Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA) requires districts, schools, and charter schools to notify families of identified EL/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 date of October 1 for beginning of school year), and must include:

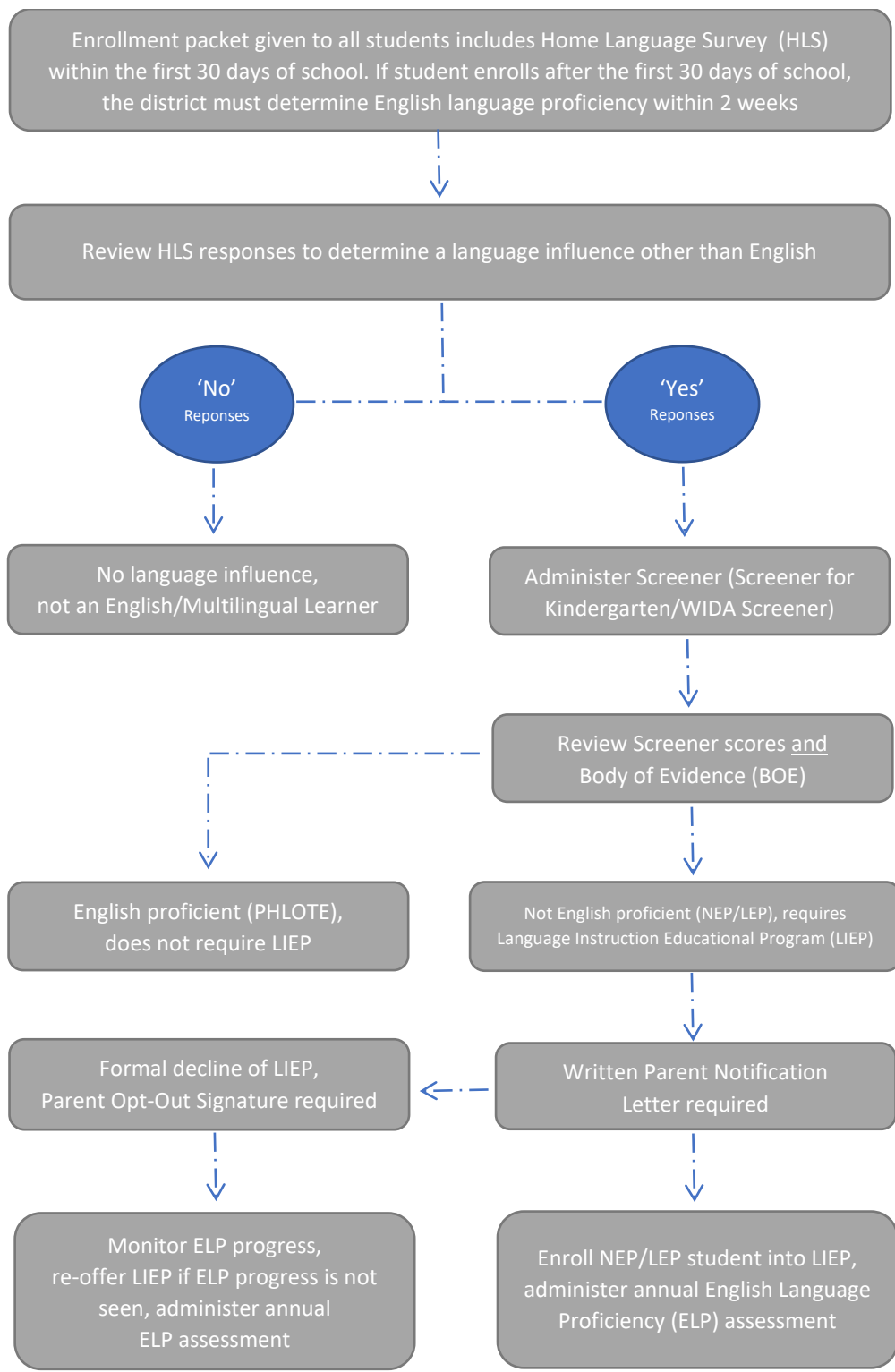
- The reasons for the identification of their child as an EL/ML and in need of placement in a language instruction education program;



- 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 EL/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 rights that includes written guidance;
 - Detailing the right that parents have to have their child immediately removed from such a program upon their request;
 - 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.

Language Instruction Educational Programs

All identified NEP and LEP students must be enrolled in and receive adequate and appropriate English language development through the identified LIEP. PHLOTE students are fully proficient in English and are not required to be provided ELD instruction through an LIEP. NEP and LEP students are required by federal law to take the annual state ELP assessment, ACCESS/Alternate ACCESS. This includes students whose parents have chosen to decline the instruction offered in an LIEP. Districts, school, and charter schools must continue to monitor the English language development and academic growth of students whose parents have chosen to decline the instruction offered in an LIEP. If these students do not demonstrate appropriate ELP progress or achievement at appropriate academic grade levels, the district, school, and charter schools must inform families of student's English language proficiency level and academic achievement and offer the family an opportunity to re-enroll student in an LIEP program or decline ELD instruction through an LIEP (see above).



Frequently Asked Questions

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, screener assessments are administered to all new and transferring back 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.

Online Registration and Collection of HLS: Districts, schools, and charter 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 systemic process in place to collect and evaluate HLS responses including how to evaluate and verify responses are accurate.

Certification to Administer ELP Screener Assessments: Test Administrators (TAs) are required to complete WIDA Screener modules and quizzes to become fully certified to administer and/or score ELP assessments. Districts, schools, and charter schools can determine if TAs need to re-certify annually, but unlike ACCESS/Alternate ACCESS there is no state requirement to re-certify for WIDA Screener each year. WIDA and CDE recommend annual refreshers and review of scoring procedures each school year.

Assessing Students with Screener for Kindergarten/WIDA Screener: ELPA requires all districts and schools to identify English learners/multilingual learners. In addition, Colorado Senate Bill 109, CRS 22-24-106 requires the use of one common assessment to identify potential EL/MLs. Following State guidance to ensure equitable practices for all students, newly enrolled and students transferring back to the district must follow the same standardized identification process. This process includes foreign exchange, migrant, refugee, home school, online, charter, and adopted students. If the district, school, and charter school confirm there is a language influence other than English that is impacting a student’s level of English language proficiency, the student must be assessed using Screener for Kindergarten/WIDA Screener.

Pre-K students who are identified as EL/ML using a district developed assessment, must receive ELD instruction in an LIEP while in Pre-K programs. Upon enrolling into kindergarten, districts, schools, and charter schools must follow standardized identification procedures and administer Screener for Kindergarten to determine a student’s English language proficiency.

Parent Right to Decline LIEP Program: Districts may not recommend parents opt their child out of an LIEP or instruction for any reason. ESSA requires school districts 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. “If a parent decides to opt his or her child out of EL/ML programs or particular EL/ML services, that child retains his or her status as an EL/ML. The LEA remains obligated to take affirmative steps and appropriate action required by civil rights laws to provide the EL/ML student meaningful access to its educational program. Thus, the LEA must continue to monitor periodically the opted-out student’s academic progress.” (OELA Toolkit, Chapter 7, Pg. 2). Students coded as NEP or LEP are required to take the annual ELP assessment, ACCESS/Alternate ACCESS even when families have declined ELD instruction in an LIEP.



Secure and Save Records: Districts, schools, and charter 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 English learners/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. Compliance audits including a review of documentation requires district, school, and public charter schools to retain Screener score reports following guidance found in the English Language Learner Count Audit Resource Guide.

Kindergarten W-APT: As of July 1, 2022, the Kindergarten W-APT assessment will no longer be available for Colorado districts, schools, and charter schools to use in the Standardized Identification process. Districts, schools, and charter schools must use the Screener for Kindergarten beginning SY22-23 to assess student's ELP level. CDE will not be supplying Screener for Kindergarten assessment kits. Student and test administrator materials related to this assessment can be downloaded at no cost or can be purchased through the WIDA Store.

Accessibility and Accommodations: Screener for Kindergarten and WIDA Screener for grades 1-12 are not available in an alternate assessment format. 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 EL/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.

LINKS TO MORE INFORMATION & RESOURCES

[Colorado Standardized Identification and Placement](http://www.cde.state.co.us/cde_english/identification-placement) (www.cde.state.co.us/cde_english/identification-placement)

[English Language Proficiency Assessment](http://www.cde.state.co.us/cde_english/english-language-proficiency-assessment) (www.cde.state.co.us/cde_english/english-language-proficiency-assessment)

[Data Services](http://www.cde.state.co.us/datapipeline/inter_student) (www.cde.state.co.us/datapipeline/inter_student)

[OELA Toolkit](http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html) (www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html)

[Student Information Security and Privacy](http://www.cde.state.co.us/cdereval/districtguidanceoninformationsecurityandprivacypolicies) (www.cde.state.co.us/cdereval/districtguidanceoninformationsecurityandprivacypolicies)

[School District Records Management Manual](http://archives.colorado.gov/records-management/school-district-records-management) (archives.colorado.gov/records-management/school-district-records-management)

[English Language Learner Count Audit Resource Guide](http://www.cde.state.co.us/cdefinance/auditunit_ell_count) (www.cde.state.co.us/cdefinance/auditunit_ell_count)

[WIDA](http://wida.wisc.edu/) (wida.wisc.edu/)