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# Active English Learner (EL) Identification and Reporting Guidebook

2012-2013 School Year

## Wyoming Department of Education Active EL Identification and Reporting Guidebook

The purpose of this guidebook is to set forth the conditions and methods for identification and reporting to the Wyoming Department of Education (WDE) of a student as an Active English Learner (EL) or Monitor Status Year 1 or 2 student. This reporting is used to determine eligibility for the Wyoming Funding Model and Federal Title III – EL funding. Only Active ELs (those currently identified as Active ELs based on this guidebook) are eligible for Federal Title III – EL funding. Students that are Active ELs and those that are in the federally mandated two years of Monitor Status are eligible for state funding through the Wyoming Funding Model.

### **Authority**

Title III of the Elementary and Secondary Education Act (ESEA) as amended by No Child Left Behind (NCLB) requires that States make allocations to districts based on the population of Active ELs in each district with the exception that no allocation shall be below \$10,000 (ESEA 3114(a) and 3114(b)).

The authority to define students who are identified as Active ELs is given to the Wyoming Department of Education under Wyoming Statute W.S. § 21-13-309(m)(v)(A). Further information can be found in the Chapter 8 Rules and Regulations.

### **Active EL Identification Process – Typical**

The identification of a student as an Active English Learner in Wyoming is typically a two step process. Some exceptions occur and these will be dealt with in the Special Cases section below. When a student enrolls in a Wyoming school district for the first time he/she and/or his/her parents are asked to complete a Home Language Survey (HLS). The HLS asks questions to determine if the student may be an Active EL based on language use by the child and in the home. If the HLS indicates that a language other than English has influenced the student’s language, then an English Language Proficiency (ELP) Screening Assessment is administered. If the student tests below English proficient on the ELP screening assessment he/she is deemed eligible for EL services and is included in the count of Active ELs.

The Elementary and Secondary Education Act requires that students are identified as Active ELs and the parents of these students are notified of placement in EL services within 30 calendar days from the beginning of the school year or within 14 calendar days if the student enrolls mid-year. For the case where a student newly enrolls during the initial 30 calendar days of the school year, the longer of the two time periods apply. Thus, the ELP screening assessment must be administered with sufficient time to notify parents within the above specified timeframes.

**Home Language Survey (HLS)** – A home language survey is a type of questionnaire that is asked of parents and students to help determine if the student *might* be in need of EL services. It is key to note that a student cannot be identified as an Active EL based on a HLS alone. A HLS must have questions that are designed to collect three key pieces of information. The HLS may have additional questions aimed to gather further information, but minimally, the three key pieces of information that must be collected

are 1. the language the child first began to speak, 2. the language the child currently speaks most frequently at home, and 3. the primary language spoken by the family in the home. Typically the following three questions are used.

- What language did your child learn when he/she first began to talk?
- What language does your child most frequently speak at home?
- What language is spoken by you and your family most of the time at home?

**English Language Proficiency (ELP) Screening Assessment** – An ELP screening assessment is a test of ELP that is used in the initial EL identification process and for placement in appropriate EL services. A student who takes an ELP screening assessment receives an ELP score that indicates the student’s level of English proficiency. ***The score on the ELP screening assessment is what determines if a student is initially identified as an Active EL or not.*** The state’s annual ELP assessment, the ACCESS for ELLs™, is not an ELP screener and is never used for initial identification and placement.

### **Initial Active EL Identification**

A student that is newly enrolled, whose HLS indicates a language other than English may have influenced the student’s language, is tested using an ELP screening assessment. The student’s proficiency level on the ELP screener is used to determine if the student is an Active EL or not, and if an Active EL, what services are appropriate based on his/her proficiency level. Typically a score that is considered as English Proficient is assigned by the test designers, or in the case of the WIDA – ACCESS Placement Test (W-APT) by the Wyoming Department of Education (see W-APT proficiency score determination section below). *Wyoming recommends the use of the W-APT ELP screening assessment because it is provided free to Wyoming school districts and has proficiency levels that are aligned to our ELP Standards and to the state’s ELP assessment, ACCESS for ELLs™.*

ELP screening alone is not sufficient evidence that the student is an Active EL. A student must test below English proficient in order to be identified and reported as an Active EL. If the student’s test score is below English proficient, the student is to be reported to the WDE as an Active EL and will continue to be reported as such until the student tests English proficient on the state’s annual ELP assessment, currently the ACCESS for ELLs™ provided through Wyoming’s membership in the World-class Instructional Design and Assessment (WIDA) Consortium. Once an Active EL student tests English proficient on the ACCESS for ELLs™ he/she is placed in Monitor Status for the following two years (see Monitor Status below).

A student that tests English proficient on the ELP screener is **not** to be identified nor reported as an Active EL or Year 1 or 2 Monitor Status. If a student’s test score on the ELP screener is in the English proficient range, then the student is also **not** eligible for EL services. This student should be placed in mainstream services and attention should be paid to the student’s academic progress, especially in the content area of Language Arts.

### **Foreign Exchange Students potential EL status**

In the past, Wyoming has allowed a score of English proficient on an English proficiency assessment associated with a foreign exchange student program as sufficient evidence of English proficiency on the part of foreign exchange students participating in the exchange program. This guidance is no longer valid.

Wyoming was monitored for Title III by the US Department of Education in January 2012. During that visit the program manager from the US Department of Education informed the WDE staff that, even if a foreign exchange program required an English proficiency assessment, unless it was the ACCESS for ELLs™ or the W-APT, that assessment was not aligned to Wyoming's English proficiency assessment system. Because of this, a score that a foreign exchange program considers as English proficient may not be English proficient by Wyoming's standards and there is no valid comparison available between these assessments. Therefore, foreign exchange students should be treated like any other student if the home language survey indicates a language other than English has influenced the student's language. The student should be screened for English proficiency and if the student scores below proficient reported as an Active EL and provided EL services.

### **W-APT English proficiency score determination**

For the Pre-Kindergarten - Kindergarten W-APT, if a student's raw score on the Listening and Speaking portion of the test is 29 or higher, the student is considered English proficient and is not reported to the WDE as an Active EL nor as Year 1 or 2 Monitor Status. A score below 19 in the Listening and Speaking portion of the test qualifies the student as an Active EL and the student is therefore identified and reported to the WDE as an Active EL. If the student's raw score on the Listening and Speaking portion of the test is 19 or greater and 28 or less, then the student is administered the Reading and Writing portion of the test. If the student's Reading raw score is 11 or higher **and** the Writing raw score is 12 or higher, then the student is considered English proficient and is not reported to the WDE as an Active EL nor as Year 1 or 2 Monitor Status.

For the Grades 1 through 12 W-APT, if a student's composite proficiency level on the W-APT is 5 or higher, the student is not to be identified or reported to the WDE as an Active EL nor as Year 1 or 2 Monitor Status. A student must test below a composite proficiency level of 5 in order to be identified and reported to the WDE as an Active EL.

### **Kindergarten MODEL English proficiency score determination**

Wyoming is allowing the use of the Kindergarten MODEL assessment available through the WIDA consortium as an English proficiency screening assessment for all students in Kindergarten and for students in the first semester of first grade that have had no formal education.

The MODEL assessment provides two separate and distinct proficiency levels. One is the Instructional Proficiency Level and the other is Accountability Proficiency Level. Wyoming is using the MODEL Accountability Proficiency Level scores to determine if a student qualifies as an Active EL or not.

Any student entering the first semester of Kindergarten, or a student in second semester Kindergarten or first semester of first grade with no prior education, who is administered the MODEL for Kindergarten and who scores below a 5.0 composite oral (speaking and listening sections only) accountability proficiency level qualifies the student to be included in the count of Active ELs and is eligible for EL services. Any student that receives a score of 5.0 or greater for the composite oral accountability proficiency level is considered English proficient and is not included in the count of active ELs.

Any student who is administered the MODEL for Kindergarten during the second semester of Kindergarten or the first semester of first grade and scores below a 5.0 overall composite accountability proficiency level qualifies the student to be included in the count of Active ELs and is eligible for EL services. This score is based on the student taking all parts (listening, speaking, reading, and writing) of the MODEL for Kindergarten. Any student that receives a score of 5.0 or greater for the overall composite accountability proficiency level is considered English proficient and is not included in the count of Active ELs.

### **Continuing Active EL Identification**

A student is continued to be reported as an Active EL as long as he/she tests below English proficient on the state's annual ELP assessment, ACCESS for ELLs™. The state's definition of English proficient is found in Wyoming's Annual Measureable Achievement Objectives (AMAOs), AMAO #2. According to AMAO #2, a student is considered English proficient on the ACCESS for ELLs™ if his/her score is a composite proficiency level of 5 with no sub-skill (Listening, Speaking, Reading, and Writing) proficiency level below 4.

### **Monitor Status**

When an Active EL student tests English proficient on the ACCESS for ELLs™ he/she is moved to Monitor Status Year 1 at the beginning of the following academic year. In the subsequent academic year the student is moved to Monitor Status Year 2. Students in Monitor Status Year 1 or Year 2 are called Former ELs and are no longer considered Active EL students. Students are no longer to be reported as Active ELs or Monitor Status Year 1 or 2 in all subsequent academic years following Monitor Status Year 2.

### **Active EL Identification Process – Special Cases**

**In state transfers** – If a student in a Wyoming school district transfers to another Wyoming school district and the HLS indicates that a language other than English has influenced the student's language, an attempt should be made to obtain documentation from the sending district regarding the student's EL Status. The receiving district should attempt to get a copy of the student's ELP screening assessment results and if available ACCESS for ELLs™ score reports. If this documentation confirms that the student is an Active EL, or on Monitor Status Year 1 or 2 the student is to be identified and reported as such by the receiving district. In this case, there is no need to test the student on an ELP screening assessment. NOTE: Documentation must be obtained within the mandatory timeframe for parent notification of identification and placement in EL services. As mentioned above, parent notification is to

be completed within 30 calendar days at the beginning of the school year or within 14 calendar days if the student enrolls mid-year. If the district is unable to obtain proper documentation of the student's Active EL Status or Monitor Year 1 or 2, then the district must screen the student using an ELP screening assessment and follow the typical Active EL identification process outlined in this guidebook.

**Out of State transfers: WIDA state** – If a student from another state that is a member of the WIDA Consortium (see [www.wida.us](http://www.wida.us) for a list of current WIDA States) transfers to a Wyoming school district and the HLS indicates that a language other than English has influenced the student's language, an attempt should be made to obtain documentation from the district in the sending WIDA State regarding the student's EL Status. The receiving district should attempt to get a copy of the student's most recent ACCESS for ELLs™ score report. If this documentation confirms that the student is an Active EL according to the established definition for English Proficiency set by the WDE, or on Monitor Status Year 1 or 2 based on when the student tested as English Proficient on the ACCESS for ELLs™ in the sending WIDA state, the student is to be identified and reported as such by the receiving district. In this case, there is no need to test the student on an ELP screening assessment. **NOTE: Documentation must be obtained within the mandatory timeframe for parent notification of identification and placement in EL services. As mentioned above, parent notification is to be completed within 30 calendar days at the beginning of the school year or within 14 calendar days if the student enrolls mid-year.** If the district is unable to obtain proper documentation of the student's Active EL Status or Monitor Year 1 or 2, then the district must screen the student using an ELP screening assessment and follow the typical Active EL identification process outlined in this guidebook. **FURTHER NOTE: Wyoming does not accept the results of an ELP screening assessment from any other state (or country) as sufficient evidence of Active EL Status (this includes ELP assessments that are required for foreign exchange students participating in an exchange program in a Wyoming school). Only ACCESS for ELLs™ test results are acceptable evidence of Active EL Status for students transferring from another WIDA State.**

**Out of State transfers: Non-WIDA state** – If a student from another state or country (this includes foreign exchange students) that is not a member of the WIDA Consortium (see [www.wida.us](http://www.wida.us) for a list of current WIDA States), transfers to a Wyoming school district and the HLS indicates that a language other than English has influenced the student's language, the district must screen the student using an ELP screening assessment and follow the typical Active EL identification process outlined in this guidebook.

**HLS indicates only English, but heritage language may have impacted student's language** – In some cases, a student may qualify as an Active EL even though the HLS indicates only English used by the student and in the home. This is usually the result of inadequate acquisition of Standard English on the part of the student's immediate family (parents, grandparents, guardians) due to influence from a heritage language. A heritage language is a language that was spoken by family members in the recent past (within the past two to three generations). A district might want to include a question about heritage language in their home language survey if they suspect they have students whose parents or grandparents may have learned English as a second language but report that the student understands only English. Since it sometimes takes more than one generation for a family to shift from their heritage

language to the standard variety of English, knowing information about the existence of a heritage language can help keep students from being misidentified as needing special education services.

If it is apparent through observation and academic progress that a student with a heritage language in his/her recent past is struggling academically, and if the district believes it may be because of influence from the heritage language in the acquisition of Standard English, then the district may refer the student for evaluation to determine if the student may be in need of EL services. **This process must be documented and evidence included in the students cumulative file.** This is typically done through a referral process such as a Building Intervention Team (BIT) review. If the BIT or similar evaluation team believes the student may be in need of EL services, they may request that the student be screened using an ELP screening assessment to determine if the student is in need of EL services. If the ELP screening assessment results indicate that the student is below English proficient, then the student is identified as an Active EL and the student is therefore reported to the WDE as an Active EL and should be placed in the appropriate EL services. If the ELP screening assessment results indicate that the student is English proficient, the student should not be reported as an Active EL and should not be placed in EL services. The BIT or similar evaluation team should reconvene to determine appropriate interventions for this student.

**Rescreen for Active EL status: Student who tested proficient on ELP screener** – In some cases, a student whose HLS indicated that a language other than English may have influenced his/her language and who subsequently tested English proficient on an ELP screening assessment may need to be rescreened at a later date. If it is apparent through observation and academic progress that the student is struggling academically, and if the district believes it may be because of a lack of English proficiency, then the district may refer the student for evaluation to determine if the student may be in need of EL services. **This process must be documented and evidence included in the students cumulative file.** This is typically done through a referral process such as a Building Intervention Team (BIT) review. If the BIT or similar evaluation team believes the student may be in need of EL services, they may request that the student be rescreened using an ELP screening assessment to determine if the student is in need of EL services. If the ELP screening assessment results indicate that the student is below English proficient, then the student is identified as an Active EL and the student is therefore reported to the WDE as an Active EL and should be placed in the appropriate EL services. If the ELP screening assessment results indicate that the student is English proficient, the student should not be reported as an Active EL and should not be placed in EL services. The BIT or similar evaluation team should reconvene to determine appropriate interventions for this student.

**Rescreen for Active EL status: Former EL student who tested proficient on ACCESS for ELLs™** – In some cases, a student who was identified as an Active EL through a below proficiency test result on an ELP screening assessment, and who later tested English proficient on ACCESS for ELLs™, may need to be referred back for EL services. If it is apparent through observation and academic progress that the student is struggling academically, and if the district believes it may be because of a lack of English proficiency, then the district may refer the student for evaluation to determine if the student may need to be returned to EL services. **This process must be documented and evidence included in the students**

**cumulative file.** This is typically done through a referral process such as a Building Intervention Team (BIT) review. If the BIT or similar evaluation team believes the student may be in need of EL services, they may request that the student be rescreened using an ELP screening assessment to determine if the student is in need of EL services or the district may choose to have the student tested on the ACCESS for ELLs™. If the ELP screening assessment or ACCESS for ELLs™ results indicate that the student is below English proficient, then the student is identified as an Active EL and the student is therefore reported to the WDE as an Active EL and should be placed in the appropriate EL services. If the ELP screening assessment results indicate that the student is English proficient, the student should not be reported as an Active EL and should not be returned to EL services. The BIT or similar evaluation team should reconvene to determine appropriate interventions for this student.

**Active ELs who also qualify for Special Education** – For the case of Active ELs who also qualify for Special Education services, there is currently no difference in the required testing for identification and placement or for the State’s annual ELP assessment, ACCESS for ELLs™. These students are required to be assessed for identification and placement and are required to participate in all domains (Listening, Speaking, Reading, and Writing) of the state’s annual ELP assessment, ACCESS for ELLs™.

The WIDA consortium has developed an assessment called the Alternate ACCESS for ELLs™ that can be administered to Active EL students who qualify to take the state’s alternate content assessment, PAWS – ALT. The Alternate ACCESS for ELLs™ can only be administered to Active ELs that qualify for the PAWS – ALT. Active EL students that qualify for special education services who take the state’s content assessment, PAWS, must also take the ACCESS for ELLs™.

### **Reporting**

For initial identification and placement, only those students whose ELP screening assessment results indicate that the student is below English Proficient are to be reported as Active ELs to the WDE.

Students can only be reported as Active EL or Monitor Status Year 1 or Monitor Status Year 2. A student cannot be reported in two of these categories at the same time.

A Pre-Kindergarten student reported as an Active EL will not be included in State or Federal funding.

A student, who has been identified as an Active EL, who fails to be tested on the state’s annual ELP assessment, yet remains in the district, is to continue to be reported as an Active EL to the WDE. A student cannot move out of Active EL Status until he/she tests English Proficient on the state’s annual ELP assessment, ACCESS for ELLs™.

A student who has been identified as an Active EL and whose parents have refused the EL services offered by the district must still be assessed on the State’s annual ELP assessment and included in reporting to the WDE as an Active EL until he/she tests English Proficient on the State’s annual ELP assessment, Access for ELLs™.



## **Record Retention**

If an Active EL or Former EL transfers out of a Wyoming School District, copies of the HLS, ELP screening assessment results, and ACCESS for ELLs™ score reports should be both sent to the receiving district and retained in the sending district. Also, HLS and copies of ELP screening assessments for students not identified as Active ELs should be both sent to the receiving district and retained in the sending district. This documentation must be retained for audit purposes.

## **Services**

Civil Rights legislation requires that districts provide appropriate services to English Learners. The Office of Civil Rights at the US Department of Education has provided the following guidance (<http://www2.ed.gov/about/offices/list/ocr/eeolep/index.html>):

The following procedures should be used by school districts to ensure that their programs are serving LEP [Limited English Proficient, another term for EL] students effectively. Districts should:

- a) identify students who need assistance;
- b) develop a program which, in the view of experts in the field, has a reasonable chance for success;
- c) ensure that necessary staff, curricular materials, and facilities are in place and used properly;
- d) develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students; and
- e) assess the success of the program and modify it where needed.

Some programs that meet the requirement of point b) are:

**Two-Way Immersion/Dual Language** – a native English-speaking group and a non-English group (e.g. Spanish speakers) are both taught academic content in both languages for an extended period of time. Both groups develop academic proficiency in both languages.

**Transitional Bilingual Education** – Active ELs receive academic instruction in their first language for part of the day. For the remainder of the day, they receive EL services taught traditionally, with the focus on language, plus some mainstream classes. As English proficiency increases, instruction through the first language decreases. The program lasts 2-4 years.

**ESL Pullout** – Students attend mainstream classes for much of the day and also meet separately for about 3-10 hours a week in small groups with an EL instructor who focuses on language development.

**Content-Based ESL** – Active ELs receive EL instruction, taught by an EL licensed teacher, in preparation for grade-level content instruction in English. The emphasis is still on language development, but augmented with academic subject matter vocabulary and beginning concepts.

**Sheltered English Instruction** – Active ELs are taught academic content in English by a content licensed teacher. However, the English language used for instruction is adapted to the proficiency level of the students. While the instruction focuses on content, sheltered English instruction also promotes English language development. This is also called Sheltered Instruction Observation Protocol (SIOP).

**Structured English Immersion** – Active ELs are taught subject matter in English by a content licensed teacher who is also licensed in EL or bilingual education. The teacher is proficient in the first language of the student. Students may use their native language for clarification, but the teacher uses only English. No ESL instruction is provided in this model.

**Heritage Language** – A program where Active ELs are taught literacy in the language a person regards as their native, home, and/or ancestral language. This covers indigenous languages (e.g. Arapaho and Shoshone) and immigrant languages (e.g. Spanish). The intent is to provide literacy skills that can then transfer to English language acquisition.

**Specially Designed Academic Instruction in English (SDAIE)** –A program of instruction in a subject area, delivered in English, which is specially designed to provide Active EL students with access to the curriculum. It involves teaching content and English language development simultaneously. This program is intended to be a transitional instructional approach after ELs reach intermediate levels of English proficiency.

**Native Language Literacy** – A program where language arts instruction focuses on developing oral language, reading and writing skills in the student’s first language. Teachers fluent in the students’ native language provide instruction utilizing techniques, methodology and special curriculum in the students’ primary language. Literacy in the student’s first language facilitates literacy in the student’s second language.

**Parental refusal students** – Districts that have students whose parents have refused the EL services offered by the district must still provide the Active EL student with the services necessary to acquire English fluency and access the academic content of the curriculum. This places the burden of EL services on the mainstream classroom teacher who must provide appropriate accommodations and adjust teaching to the student appropriately in order for the student to access the content and acquire English.

Glossary of Acronyms:

AMAO – Annual Measurable Achievement Objectives

BIT – Building Intervention Team

EL – English Learner

ELL – English Language Learner

ELP – English Language Proficiency

ESEA – Elementary and Secondary Education Act

HLS – Home Language Survey

LEP – Limited English Proficient

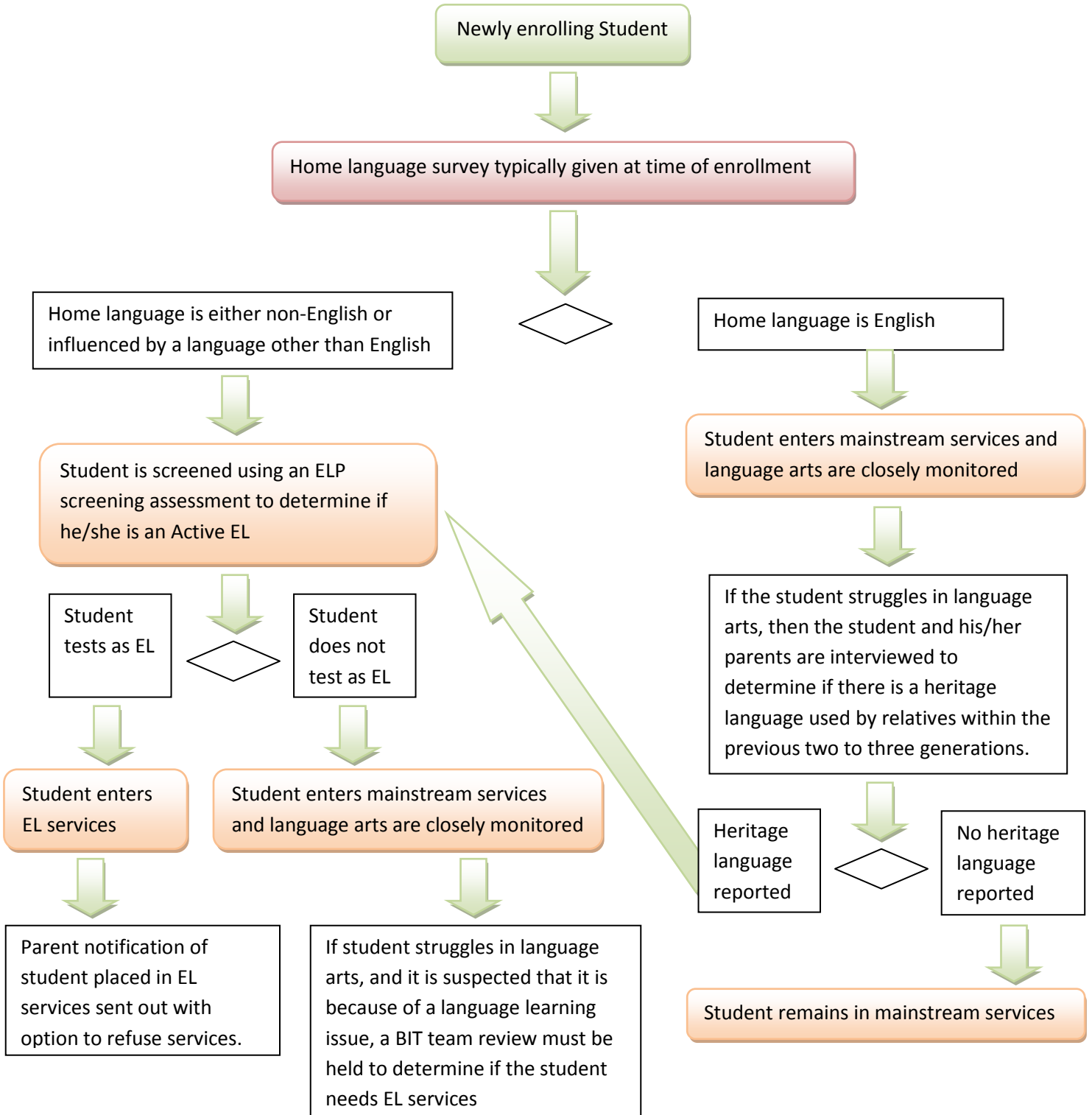
NCLB – No Child Left Behind

W-APT – WIDA – ACCESS Placement Test

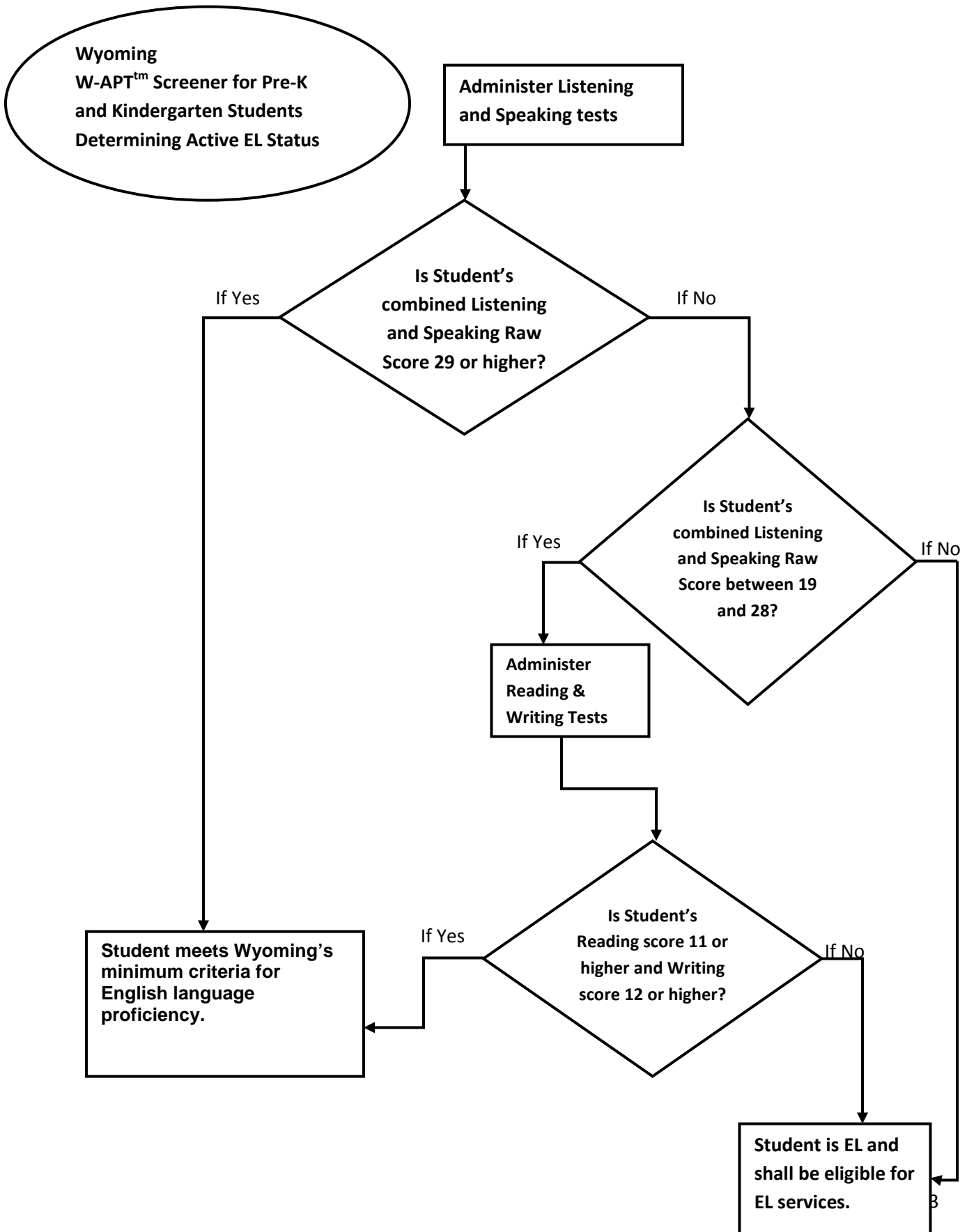
WDE – Wyoming Department of Education

WIDA - World-class Instructional Design and Assessment (WIDA) Consortium

Appendix A: Decision tree for typical Active EL identification



Appendix B: Decision tree for determining ELP proficiency for grades Pre-K and K W-APT



Appendix B: Decision tree for determining ELP proficiency for grades 1-12 W-APT

