FAQ’s for Title III and English Learners (ELs)

**Active EL & Monitor Status Students Questions**

1. Can Monitor Status students be part of AMAO calculations?
   * No. Monitor Status students cannot be included in AMAO determinations. Each year, only those students that were categorized as Active EL students going into ACCESS for ELLs™ testing are to be included in AMAO determinations.
   * Once an Active EL student tests ‘proficient’ on the ACCESS for ELLs™ he/she is no longer included in AMAO determinations.
   * The one exception to this is for AMAO #3, AYP for the EL subgroup. Former ELs on Monitor Status are included in AMAO #3 calculations as part of the EL subgroup for the two years of mandatory Federal Monitoring.
2. Why are EL students that are on Monitor Status (year 1 or 2) not included in the count for Federal funding and yet they are included in the subgroup for EL students on PAWS?
   * Title III and Title I federal requirements are very different:
     + Title III: AMAO #1 is a measure of how students that took the ACCESS for ELs in the previous year, but were not exited from the EL program (exited = tested proficient on the ACCESS for ELLs™) perform on the ACCESS for ELLs™ in the current year’s administration in comparison to the most recent previous administration (i.e. a measure of progress). AMAO #2 is a measure of the number of students that achieve English Language Proficiency. Only Active ELs are included in AMAO #1&2.
     + Title I: Federal flexibility exists around the inclusion or exclusion of Monitor Status students in the EL subgroup for AYP purposes. As a result of overwhelming requests to the WDE for Wyoming to take advantage of this flexibility and include year 1 and 2 Monitor Status students in the EL subgroup for AYP determination processes, this change was made effective for the first time in the 2007-08 school year.
3. If districts are not receiving Title III funds, do they have to follow WDE guidelines for identification and placement of students who need EL services, including the Home Language Survey, English language proficiency screening assessment (W-APT), the state’s Annual English Language Proficiency Assessment (ACCESS for ELLs™), and EL services?
   * Yes. Districts must follow the WDE guidelines set out in the Wyoming Department of Education Active EL Identification and Reporting Guidebook. EL funding determinations for the State Funding Model are made based on the appropriate identification of ELs as outlined in this guidebook. Future audits of the State Funding Model will use this guidebook to determine if students were appropriately reported as ELs and were eligible for funding.
   * Title I requires that all Active ELs participate in the administration of ACCESS for ELLs™. Therefore, ALL Active ELs must take the ACCESS for ELLs™ during the Spring administration of that assessment.
   * Identification and placement of students who need EL services is a Civil   
     Rights requirement first and foremost. All districts are required by Civil   
     Rights guidance to identify, place and serve Active EL students.
   * The identification of a student as an Active English Language Learner in Wyoming is typically a two step process. 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 (W-APT). 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 identification and 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 place the student in services and notify parents within the above specified timeframes.
   * Also, parent notification is required for all Active ELs within 30 days of the beginning of the school year even if they are returning ELs.
   * **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 at least 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.

1. Should Monitor Status students be tested with the ACCESS for ELLs™ in the future   
   since they are still included in the EL subgroup for AYP for two years after exit?
   * No. Once a student moves to Monitor Status, they are no longer considered   
     an Active EL but are referred to as Former ELs. For Title III federal funding purposes they should not take the ACCESS for ELLs™. ACCESS for ELLs™ scores are used to determine eligibility for Title III federal funding. A student who scores below ‘proficient’ on the ACCESS for ELLs™ is included in the count for Title III funding. Monitor Status students are **not** included in the Active EL count for Title III funding. They are included in the EL subgroup for AMAO #3, but that does not involve funding calculations.
   * To clarify, the definition of an Active EL student used for federal funding and reporting is a student who:
     + 1) Is newly enrolled in the district or enrolled in the district after the state annual ELP assessment, ACCESS for ELLs™ was given in the prior school year; **and** has been identified and evaluated by the district as being an Active EL through the use of an ELP screening assessment; **or**
     + 2) Is returning to the district from the previous school year; **and**
       - Took the state’s annual ELP assessment in the prior school year and has not yet achieved the “proficiency” level.
   * For federal AYP determination and state funding model purposes ONLY, student’s who have exited the EL program but are in year 1 or 2 of Monitor Status are also included in what is referred to as the “EL subgroup”. It was determined to be appropriate to include students exited from Active EL status but who are still in year 1 or 2 Monitor Status in the Wyoming funding model at-risk student counts (See the ‘Work Plan For The 2005 Recalibration Of The Wyoming Resource Block Grant Education Funding Model’ page 6 and 7 at <http://legisweb.state.wy.us/2005/interim/schoolfinance/Recalibration/Workplan.pdf>). The state department has the flexibility and authority to include Monitor Status students for state funding purposes, but not for federal funding purposes.
2. Can a student who tested as English proficient on the ACCESS for ELLs™ (either on Monitor Status or even after Monitor Status) and later appears to be struggling due to a language acquisition reason re-enter Active EL Status?
   * In some cases, a student who was identified as an Active EL through a below English proficient 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.
3. Which AMAOs should a student be included in if a district has moved them from Monitor Status back to Active EL Status using the process described in Question 4 above?
   * If the student re-enters Active EL Status based on ACCESS for ELLs™ results, they are to be included in all AMAOs in the subsequent school year. They are not included in AMAOs in the school year in which they re-entered Active EL Status. Since the student had already tested proficient on the ACCESS for ELLs™ they would not be included in AMAOs until they are returned to Active EL status.
   * If the student re-enters Active EL Status based on being re-screened using an ELP screening assessment, then they would be included with the EL subgroup for AMAO #3 only.
4. Can a student who transfers from another WIDA state and was identified as an Active EL in that state be included as an Active EL in a Wyoming district without needing to be tested on an ELP screening assessment?
   * Yes, 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. 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. **FURTHER NOTE: Wyoming does not accept the results of an ELP screening assessment from any other state as sufficient evidence of Active EL Status. Only ACCESS for ELLs™ test results are acceptable evidence of Active EL Status for students transferring from another WIDA State.**
5. On the WDE684 there are two fields for WY EL students. How do I fill these out   
   for monitor students and refused services students?
   * Regarding storage of Active EL and Monitor Status data elements in student information systems, there are two fields within the WDE684 data collection (the collection that includes student rosters) related to this discussion:
   * First is the “StudentELL” field (Y = Yes, N = No, or R = Refused). The definition provided for this data element is:
     + Status of the student with respect to the district's English Learner (EL) program:
     + Active English Learner (EL) Student. Any student on   
       October 1:
       - 1) Is newly enrolled in the district or enrolled in the district after the state annual ELP assessment, ACCESS for ELLs™ was given in the prior school year; **and** has been identified and evaluated by the district as being an Active EL through the use of an ELP screening assessment; **or**
       - 2) Is returning to the district from the previous school year; **and** took the state’s annual ELP assessment in the prior school year and has not yet achieved the “proficiency” level.
       - 3) A student who meets the above qualifications, but whose parent/guardian refuses services should be reported as “R”. The value “R” should only be used for students who have been identified as needing services; it should not be used for students who have not yet been evaluated.
       - 4) Determination of Immigrant status and EL status are NOT RELATED. A student can be an immigrant student without need for EL services, and conversely can require EL services without having immigrated to the United States from another country.
   * Second is the “StudentELLMonitoring” field (1 or 2). The definition provided for this data element is:
     + Is this student in year 1 or year 2 EL Monitor Status? Once an Active EL student has achieved English proficiency on the ACCESS for ELLs™, they are required to be entered into Monitor Status for 2 years.
       - 1 - former EL student, year 1 Monitor Status
       - 2 - former EL student, year 2 Monitor Status
   * In keeping with the Active EL definition for federal funding and reporting, students are no longer “Active EL students” for these primary purposes once they reach the proficiency on the ACCESS for ELLs™. It follows from this federal definition and the wording of the WDE684 form that if StudentELLMonitoring is submitted with a value of 1 or 2 (the only allowable values), the StudentELL field must be N for this same student. Front end business rule checks prevent submission of the overall WDE684 data set if this condition is violated for any students. For AYP purposes and state funding purposes, the “EL subgroup” includes the count of student records with a value of Y in StudentELL or values of 1 or 2 in the StudentELLMonitoring field (year 1 and 2 monitored former EL students). The most recent WDE684 data element resource is located at <http://portals.edu.wyoming.gov/wise/>
6. Should refused service students be listed as Active EL students and what about   
   Monitor Status students?
   * For EL reporting on the WDE684, monitor students should be marked as ‘no’,   
     but refused service students who have not reached the proficiency level on the ACCESS for ELLs™ should be marked ‘R’. The ‘R’ is an indication of Active EL status and only students who have been identified as Active ELs whose parents/guardians have refused the EL services the district offers should be reported as ‘R’. If a student is on Monitor Status, you need to include if they are in year 1 or year 2 of Monitor Status (see question 8 above).
   * For Title III purposes, Monitor Status students are not included in the Active EL count for Federal Funding. Refused service students who have not reached the proficiency on the ACCESS for ELLs™ are included in the Active EL count for state and federal funding.
7. Are refused service students eligible for Title III funding? Should refused service students take the ACCESS for ELLs™?
   * Yes. Refused service students are Active ELs and are eligible for Title III funding. They must continue to take the ACCESS for ELLs™ until they test ‘proficient’. If they are not tested on the ACCESS for ELLs™ they will not be included for participation rate for AYP.
8. Some districts concentrate EL services in certain schools. Can parents who desire EL services for their students be required to refuse EL services if they want their child to attend the local school instead of the school where the district concentrates EL services.
   * No, the district must offer some form of EL services for students in schools where EL services are not concentrated if there are EL students attending the school whose parents desire EL services. These services do not have to be identical to the services offered at the centralized ‘EL’ schools, but the services do need to be of such quality that they have a reasonable chance of success, according to EL experts, in increasing English proficiency and providing access to academic content.
9. Can parents refuse to have their children participate in the EL screening process and screening assessment?
   * No. Parents can refuse services, but under Civil Rights legislation districts are obligated to accurately assess the educational needs of all students. If parents refuse services, the district is still obligated under Civil Rights legislation to provide appropriate services in the mainstream classroom and the appropriate accommodations for the Active EL student whose parent’s have refused EL services to ensure that s/he can adequately access the school’s educational program.
10. What is the relationship between ACCESS for ELLs™ scores and Title III funding?
    * The funding provided by the US Department of Education for Title III purposes is distributed to districts based on the number of Active ELs that are identified in each district. Wyoming uses the ACCESS for ELLs™ scores to identify a student as an Active EL for Title III funding purposes. Students that score below ‘proficient’ on the ACCESS for ELLs™ are included in the count of Active ELs. The amount of Title III funding a district receives is proportional to the number  
       of Active ELs in the district compared to the number of Active ELs in the state.
11. When does a student exit a language education program?
    * The term 'exit' is one that has caused confusion. After a student is identified as an Active EL through the screening process, the entry date for Title III funding purposes is when s/he tested below proficient on the ACCESS for ELLs™. The exit date for Title III purposes is when s/he tests proficient on the ACCESS for ELLs™. At that time Title III considers them to be 'exited' to Monitor Status year 1 for the following school year.
12. When a student transfers from another Wyoming school district to my district, what   
    is the best way to find out their EL status (i.e. did the previous district consider this student as an Active EL, Monitor Status year 1, or Monitor Status year 2)?
    * **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. 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.
13. If a student is exempt from taking the Language Arts portion of the PAWS during   
    their first year as an Active EL, are they also exempt from taking the ACCESS for ELLs™?
    * No, a student who has been enrolled in a U.S. school for less than a year as of the start of the PAWS operational administration and qualifies as an Active EL student is exempt from taking the Language Arts portion of the PAWS provided that the student participates in the ACCESS for ELLs™. With an approved exemption, the student is not included in the ELA AYP calculations for participation or performance during his/her first year of enrollment. The student still takes the math and science portion of the PAWS, with standard EL accommodations as appropriate and is counted for participation only in AYP.
    * If a student does not take the language arts portion of the PAWS and does not take the ACCESS for ELLs™, s/he will be included as not participating in the AYP participation.
14. What is the process for removing students that were misidentified as Active ELs   
    from the EL subgroup on PAWS and the Active EL counts for Title III?
    * **Scenario A** – *Home language other than English reported, ACCESS for ELLs™ tested below proficient*  
      1. An examination of the student’s original home language survey should be conducted to determine if a language other than English was reported in the home. If no home language survey exists, then one should be administered.  
      2. If a language other than English is reported on the home language survey, then the student should be considered an Active EL and remain there since the ACCESS for ELLs™ identified them as such.  
      3. If the district believes that this is incorrect and that there is another reason for this student’s ACCESS for ELLs™ scores, then the district should form a Building Intervention Team (BIT) or an Individual Education Plan (IEP) team to examine this case and determine if the student is in need of EL services. If it is determined that the student is not in need of EL services, the specific reasons why this is so should be documented in the student’s file for future reference. The BIT or IEP team should also determine what services this student should be provided to meet this student’s educational needs. This should also be documented in the student’s file for future reference.

4. A letter outlining the District’s justification to remove a student from EL services and what services the student will be provided, as well as a copy of the Home Language Survey, should be sent to the WDE Title III Director for approval (beth.vandewege@wyo.gov).  
5. For reporting and funding purposes, inform the WDE Data Steward that the number of Active ELs and Monitor students has been changed (brian.wuerth@wyo.gov).

* + **Scenario B** – *Home language reported as English, ACCESS for ELLs™ tested below proficient*  
    1. An examination of the student’s original home language survey should be conducted to determine if a language other than English was reported in the home. If no home language survey exists, then one should be administered.  
    2. If only English is reported on the home language survey, then the district should form a BIT or IEP team to review the case.  
    3. If the BIT or IEP team determines that the student is not in need of EL services, the specific reasons why this is so should be documented in the student’s file for future reference. The BIT or IEP team should also determine what services this student should be provided to meet this student’s educational needs. This should also be documented in the student’s file for future reference.  
    4. A letter outlining the District’s justification to remove a student from EL services and what services the student will be provided, as well as a copy of the Home Language Survey should be sent to the WDE Title III Director for approval (beth.vandewege@wyo.gov).  
    5. For reporting and funding purposes, inform the WDE Data Steward that the number of Active ELs and Monitor students has been changed (brian.wuerth@wyo.gov).

1. As used in Title III, what do the terms "supplement" and "supplant" mean?
   * The statute, in section 3115, requires that funds available under a subgrant be used "to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds." In this section, "*supplement*" means "an addition," and "*supplant*" means "to take the place   
     of." Thus, you can only use Title III funds in addition to state and local funds designated for Active EL student language education programs not in place of them. Core English language instruction educational programs are required of states and districts by Title VI of the Civil Rights Act of 1964. As such, Title III funds cannot be used for core English language instruction educational programs. Because of this, beginning with the 2009-2010 consolidated grant application, districts will be required to specify exactly what is their “core English language instruction educational programs”. Three key elements must be included in this description 1. the services provided, 2. the number of personnel needed to staff those services and 3. the materials (curriculum, etc.) needed   
     for those services.
2. We have recently received foreign exchange students. Do we treat them as any   
   other Active EL? Do we identify them with the home language survey? Do we   
   screen them? Do we provide the same services that we try to give traditional   
   Active ELs?
   * Yes to all these questions. 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™, 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 he/she indicates a language other than English on a home language survey. He/she should be screened for English proficiency and reported as an Active EL and provided EL services if he/she scores below proficient.
3. Are foreign exchange student also considered as Immigrant students?
   * Yes. Foreign exchange students fit the federal educational definition of an Immigrant student and are included in the count of Immigrant students the district reports on the WDE684 collection.

**Immigrant Students Questions**

1. Section 3114(d) of the Title III statute authorizes special sub-grants for districts with   
   a significant increase in the percentage or number of immigrant children and youth enrolled in the district. How does WDE determine eligibility?
   * WDE examines data provided by the districts on the WDE684 to determine whether the district has experienced a significant increase, as compared to the average of the two preceding fiscal years, in the percentage or number of immigrant children and youth. A district that has experienced a significant increase is eligible for the Title III – Immigrant subgrant. A significant increase for Wyoming has been defined as 10%.
2. What is the definition of an Immigrant student?
   * According to the Title III statue section 3301(6) The term “immigrant children and youth” refers to individuals who:   
     (A) Are aged 3 through 21;   
     (B) Were not born in any State, (including Washington, DC and Puerto Rico); and   
     (C) Have not been attending one or more schools in any State for more than 3 full academic years.
   * There are four points where confusion may occur:   
     (1) You will note that there is no inclusion of anything related to language proficiency in English. Thus, a student who comes to the district from a place like England, Canada, or Australia, whose first language is English, or students whose second language is English that test proficient on the district’s English Language Proficiency (ELP) screening assessment or on the ACCESS for ELLs™ would qualify for Title III – Immigrant status even though they are not Active ELs, as long as they meet all the requirements of the definition above.  
     (2) Eligibility for Title III – Immigrant funds is tracked based on the date when the student is first enrolled in a school in a State. It is not tracked from the date that the student enters the country. For example, a student not born in any State, who comes into the country at age 1 in 2009 and does not enroll in a school until the 2014-2015 school year is included in the count of immigrant students for the 2014-2015, 2015-2016, and 2016-2017 school years.  
     (3) Point C above says that they have not been attending one or more schools in any State for more than 3 full academic years. A full academic year, according to the US Department of Education’s Title III office is the full school year, most likely from Aug/Sept to May/June in Wyoming. If a student who qualifies as an Immigrant enters mid-year, their 3 full years begin at the commencement of the following school year. Their partial year is not included. Only full academic years are taken into consideration. For example, if a student enters a school in a State for the first time in January of 2009 (08-09 school year), their three full academic years begin in the 09-10 school year, not the 08-09 school year. The student would be included in the Immigrant count during the 09-10, 10-11, and 11-12 school years. These full years, however, may be in one or more schools, in one or more districts or even one or more states. In the case where there is interrupted education, the three full academic years is measured cumulatively.  
     (4) Children born overseas to U.S. military personnel or other US citizens may be considered “immigrant” for the purposes of the Title III immigrant children and youth program as long as they meet the definition of Immigrant student above. Even though they are US citizens, because they were not born in a State they could qualify if they meet the other requirement of the definition above.
3. What is the minimum grant amount for the Title III - Immigrant sub-grant?
   * Under Title III, an Immigrant sub-grant must, as provided for in   
     Section 3114(d), be of "sufficient size and scope to meet the purposes   
     of this part”. With the need to ensure that the grant is of sufficient size to meet statutory requirements, in consultation with District Title III Directors, the Wyoming Committee of Practitioners, and others, the grants have been set at $5000 each. Four Title III – Immigrant sub-grants are awarded each year. Some districts in Wyoming are eligible to receive the Immigrant sub-grant, but not the Title III – EL grant.
4. What is considered to be a significant enough increase to make a district eligible to receive a Title III – Immigrant sub-grant?
   * The Wyoming Committee of Practitioners and District Title III Directors have determined that a 10% increase or greater is considered to be a significant increase.
5. On what activities can our district spend Immigrant sub-grant funds?
   * According to Title III statute section 3247 funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include:
     + (1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children.
     + (2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth.
     + (3) tutorials, mentoring, and academic or career counseling for immigrant children and youth.
     + (4) identification and acquisition of curricular materials, educational software, and technologies.
     + (5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services.
6. Are foreign exchange student also considered as Immigrant students?

* Yes. Foreign exchange students fit the federal educational definition of an Immigrant student and are included in the count of Immigrant students the district reports on the WDE684 collection.

**Parental Notification, AMAOs & AYP**

1. What kind of information must a district provide to the parents of Active ELs   
   regarding their child’s participation in a language instruction educational program?
   * The US Department of Education’s Guidance on the Title III State Formula Grant Program from April 2002 (their most recent publication regarding parental notification) requires the following:

School districts using Title III funds must inform parents of:

1. The reasons for identifying their child as being an Active EL and for placing their child in a language instruction educational program for Active EL students;
2. The child’s level of English proficiency, including how the level was assessed and the status of the child’s academic achievement;
3. The method of instruction that will be used in the program, including a description of other alternative programs, and how such programs differ in content and the use of English and the native language in instruction;
4. How the program will meet the educational strengths and needs of the child;
5. How the program will help the child learn English and meet academic achievement standards;
6. The program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school;
7. How the program will meet the objective of an individualized education program for a child with a disability; and
8. Their rights, including written guidance that:
9. Specifies the right that parents have to have their child immediately removed from a language instruction educational program upon their request,
10. Describes the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
11. Assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the school district.
12. If a district fails to meet AMAOs, who do they need to notify?
    * The US Department of Education’s Guidance on the Title III State Formula Grant Program from April 2002 requires the following:

“LEAs [Local Educational Agencies] are required to provide notice to the parents of LEP [Limited English Proficient] children participating in a Title III language instruction educational program of any failure of the program to make progress on the annual measurable achievement objectives (AMAOs) described in section 3122 of Title III. This notice is to be provided no later than 30 days after this failure occurs.”  
Districts should notify the parents of all EL students in their district of a failure to meet AMAOs.

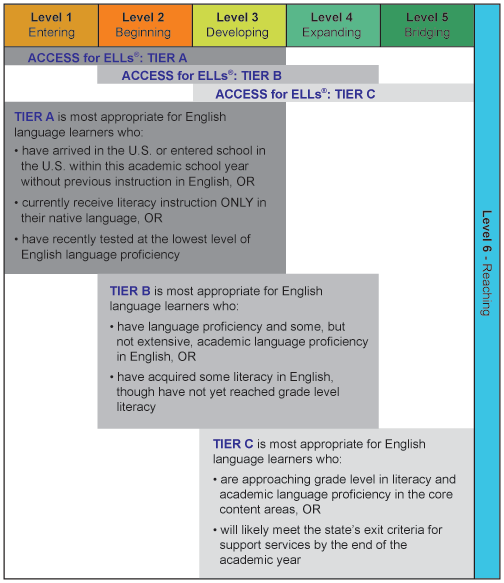
1. What are the consequences when a district fails to meet AMAOs?
   * According to Title III statute section 3122(b) (2) If a State educational agency determines, based on the annual measurable achievement objectives   
     described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.
   * If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall:
     + (A) require such entity to modify the entity's curriculum, program, and method of instruction; or
     + (B) (i) make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives; and (ii) require such entity to replace educational personnel relevant to the entity's failure to meet such objectives.
2. What is the difference between AMAOs and AYP?
   * AMAOs – Annual Measurable Achievement Objectives are accountability measures specifically related to English Learners (ELs). AYP – Adequate Yearly Progress relates to all students progress in content areas such as math, science, and language arts. AMAOs are measurements of the progress that ELs make in learning English while AYP is a measurement of the progress that all students make, including ELs, in the content areas. Only AMAO 3 is a measure of the EL subgroup meeting AYP.
3. Do AMAOs apply by school or by district?
   * AMAOs apply by district. This affects parental notification in that parent’s of all EL students in a district are notified of a failure to meet AMAOs. This also affects districts that need to have Title III improvement plans because the plan needs to relate to the whole district, not just individual schools. A Title III improvement plan should look at issues school by school as well.
4. Are AMAOs applied to all districts, or only districts that receive Title III funds?
   * WDE has decided to make AMAO determinations for all school districts, but only to hold accountable those districts that received Title III funds. Therefore, all districts receive notification of AMAO determinations so they can use that information to identify areas of success and areas needing improvement. Only districts receiving Title III funds, however, need to notify parents of a failure to meet AMAOs or develop and implement Title III improvement plans if they fail to meet AMAOs for two or more consecutive years.
5. How much time does a district have to request a review of data regarding AMAO determination decisions?
   * The timeline for a request to review data regarding AMAO decisions is 30 days from receipt of the AMAO notification letter.
6. If a district requests a review of data regarding their AMAO determination decisions,   
   do they still need to notify parents of EL students of a failure to meet AMAOs   
   within 30 days of receipt of the AMAO determinations from the Wyoming   
   Department of Education?
   * If a district requests a review of data regarding their AMAO determinations, they will have 30 days from receipt of the review decision to notify parents of their EL students of any failure to meet AMAOs.
7. If a district fails to make AMAOs for two consecutive years and is required to develop an improvement plan, what is the timeline for the development of that plan?
   * Improvement plans are due by close of business on the first Monday in November.
8. Once a student tests proficient on the ACCESS for ELLs™ and moves to Monitor Status, can their PAWS results be counted toward the AYP calculations for the EL subgroup?
   * Yes. A state may include in the EL subgroup for AYP determinations, a Former EL student for the two years they are in Monitor Status. Title I: Federal flexibility exists around the inclusion or exclusion of Monitor Status students in the EL subgroup for AYP purposes. Wyoming includes Monitor Status students in the EL subgroup for AYP determinations.

**Standard Accommodations for ELs**

1. What is a standard accommodation?
   * It is allowed during the administration of PAWS for eligible students
   * It does not alter a measurement construct
   * It does not provide additional information, prompting or clues to suggest or support the selection of correct answers
   * It provides access to the test
   * It is effectively and regularly used by the student during instruction and assessment
   * It is **only** allowed on the PAWS for students with disabilities, for students on a 504 Plan, or for Active **English Learners** (ELs).
2. What are the types or categories of accommodations for Active ELs and Former ELs in Monitor Status taking the PAWS?
   * Traditionally there have been four categories of standard accommodations:
     + Presentation (visual, tactile, auditory, and multi-sensory)
     + Response
     + Setting
     + Timing and Scheduling
   * Accommodations for ELs are now more appropriately separated into two categories, Linguistic and Non-linguistic. Linguistic accommodations provide direct linguistic support to the EL such as translation of test items, a live interpreter, etc. Non-linguistic accommodations would be things like extra time to finish. WDE is working (as of the 2011-2012 school year) to update its accommodations manual to more accurately reflect the types of accommodations that work with ELs.
3. Where can I find information on the standard accommodations for Active EL students?
   * The addendum of the 2013 Standard Accommodations for PAWS is located on the WDE website at: <http://edu.wyoming.gov/Programs/statewide_assessment_system/paws/paws_accommodations.aspx>
   * This addendum will be updated for the PAWS administration annually and will be posted on the WDE website ([www.edu.wyoming.gov](http://www.edu.wyoming.gov)).
4. Where can I find information on the selection, administration, and evaluation of accommodations?
   * For information regarding the selection, administration, and evaluation of accommodations, please refer to the 2006 Wyoming Accommodations Manual for Instruction and Assessment, which can be found at: <http://edu.wyoming.gov/Programs/statewide_assessment_system/paws/paws_accommodations.aspx>
5. Who can administer standard accommodations?
   * Accommodations can be administered by a certified teacher, certified staff member or an access assistant. A certified teacher, certified staff member or access assistant is qualified to administer accommodations if:
     + S/he understands the procedures for administering standard accommodations; and
     + S/he has effectively administered the accommodation(s) to the   
       student during instruction and/or assessment
6. What is an access assistant?
   * An access assistant is a trained individual who provides accommodations on the day of testing other than a certified teacher or staff member and is not a parent or a volunteer. The access assistant needs to complete required training.
   * An access assistant must be supervised by a certified teacher during the administration of the standard accommodations during PAWS.
7. Is training required in order to administer accommodations?
   * Yes. An access assistant must attend a PAWS regional training or view the online PAWS Training PowerPoint during the year of administration.
   * A record of completed training is submitted to the building principal. A verification form is available at the WDE website at <http://www.edu.wyoming.gov/sf-docs/assessments/saws-security-agreement.pdf>
8. Can students continue to use accommodations after achieving proficiency on the ACCESS for ELLs™?
   * Until students have achieved English language proficiency, they must be provided with the appropriate standard accommodations. In addition, for the two years a student is on Monitor Status, such a student is eligible to receive all appropriate, standard EL accommodations in order to collect accurate data on what the student knows and can do in the academic content areas.
9. Can Active ELs receive EL accommodations when taking the ACCESS for ELLs™?
   * No. Since ACCESS for ELLs™ is a test of English Language Proficiency, it would be contradictory to provide EL accommodations. No linguistic accommodations are allowed. Non-linguistic accommodations, however, may be allowed. At this time the only allowable accommodation for ACCESS for ELLs™ is extra time. ELs that are also on an IEP can receive the appropriate accommodations as outlined in his/her IEP as long as they do not compromise the validity of the test.
10. Who can I contact if I have questions regarding EL accommodations?
    * Please contact Robin Holbrook at the Standards and Learning Division at the Wyoming Department of Education, [robin.holbrook@wyo.gov](mailto:robin.holbrook@wyo.gov) or 307-777-5217.

**Questions About WIDA, ACCESS for ELLs™, the Alternate ACCESS for ELLs™,   
the W-APT, and MODEL**

1. Why did Wyoming move from using the WELLA to ACCESS for ELLs™?
   * In response to the governor’s appeal for statewide budget cuts, the WDE and Pearson reached an agreement to cut the Wyoming English Language Learners Assessment (WELLA) from the assessment contract. Since the English Language Proficiency Assessment is a federal requirement, Wyoming joined the WIDA consortium in order to adopt the ACCESS for ELLs™ assessment. ACCESS for ELs was provided at a cost that was within the remaining funds after the budget cuts.
2. Who or what is WIDA?
   * The WIDA Consortium is a non-profit cooperative of twenty-eight states working together to meet the requirements of No Child Left Behind (NCLB) for English Learners (ELs) with standards and assessments (four additional states are also using the WIDA standards). It is housed at the Wisconsin Center for Education Research in Madison, Wisconsin. WIDA was founded in 2002 when it received a federal enhanced assessment grant. The WIDA Consortium consists of twenty-eight partner states: Alabama, Alaska, Delaware, District of Columbia, Georgia, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin, and Wyoming.
   * Additional information regarding the WIDA Consortium, its standards, and assessments can be found on the WIDA’s web page at [www.wida.us](http://www.wida.us).
3. What do the WIDA English Language Proficiency Standards look like?
   * The WIDA Consortium's English Language Proficiency Standards for English Learners (ELs) in PreKindergarten through Grade 12 encompass:
     + Social and Instructional language
     + the language of Language Arts
     + the language of Mathematics
     + the language of Science
     + the language of Social Studies
   * Links to the WIDA ELP Standards are posted on the WIDA website [www.wida.us](http://www.wida.us).
4. What assessment will Wyoming use for English Language Proficiency?
   * ACCESS for ELLs™ stands for Assessing Comprehension and Communication in English State-to-State for English Language Learners. It is a large-scale test that addresses the English language development standards that form the core of the WIDA Consortium's approach to instructing and testing English learners. These standards incorporate a set of model performance indicators (MPIs) that describe the expectations educators have of EL students at four different grade level clusters and in five different content areas.
   * The grade level clusters include PreK-K, 1-2, 3-5, 6-8, and 9-12. There are five content areas of the standards. The first is called social and instructional language (SI), which incorporates proficiencies needed to deal with the general language of the classroom and the school. The others are English language   
     arts (LA), math (MA), science (SC), and social studies (SS).   
     For each grade level, then, the standards specify one or more performance indicators for each content area within each of the four language domains: Listening, Speaking, Reading, and Writing.
   * The ACCESS for ELLs™incorporates all five standards and English language proficiency levels in sections that correspond to the four domains. The target administration times for each section of the test for grades 1-12 are:
     + Listening: 20-25 minutes, machine scored
     + Reading: 35-40 minutes, machine scored
     + Writing: Up to 1 hour, rater scored
     + Speaking: Up to 15 minutes, administrator scored
   * The Kindergarten test is individually-administered and takes an average of 40 minutes per student. Kindergarten students with very high English language proficiency may take around 55 minutes to complete the test while students with low levels of English language proficiency may take only a few minutes.
   * For more detailed information about ACCESS for ELLs™ please refer to the following website: <http://www.wida.us/assessment/ACCESS/background.aspx> and <http://www.wida.us/assessment/ACCESS/tiers.aspx> .
   * Beginning in the 2012-2013 school year, the Alternate ACCESS for ELLs™ is also available to be administered to Active ELs who qualify to take the PAWS – ALT instead of PAWS.
   * Alternate ACCESS for ELLs™ is an individually administered paper and pencil test intended for English language learners with significant cognitive disabilities severe enough to prevent meaningful participation in the ACCESS for ELLs™ assessment. The test will be available for the 1-2, 3-5, 6-8, and 9-12 grade clusters in March 2012. Alternate ACCESS for ELLs™ is based on WIDA’s Alternate Model Performance Indicators (AMPIs), which have been developed to augment WIDA’s existing English Language Proficiency Standards to allow ELs with significant cognitive disabilities to demonstrate language growth.
5. Is the final determination of proficiency for a student a composite score or is proficiency established at each sub-skill?
   * A student’s proficiency level on ACCESS for ELLs™ is provided as an overall composite score and proficiency levels are provided for each sub-skill (Listening, Speaking, Reading, and Writing). In addition, composite scores for Oral Language (50% Listening + 50% Speaking), Literacy (50% Reading + 50% Writing), and Comprehension (70% Reading + 30 Listening) are provided.
   * A student is considered to be English proficient when s/he tests on the ACCESS for ELLs™ at a composite proficiency level of 5 or greater with no sub-skill (Listening, Speaking, Reading, and Writing) below a proficiency level of 4.
6. What are ACCESS for ELLs™ Tiers?
   * ACCESS for ELLs™ uses Tiers (A, B, or C) to maximize accuracy and validity   
     of test results, allowing students to avoid responding to questions that are inappropriately difficult or easy.
   * For placement into the appropriate Tier, English language learners must meet at least ONE of the criteria listed for the Tier. The majority (75%) of Wyoming EL students fall into the Tier B range. It is only the low performing (new) students that should take Tier A, and Tier C is for those that are ready to exit the program.



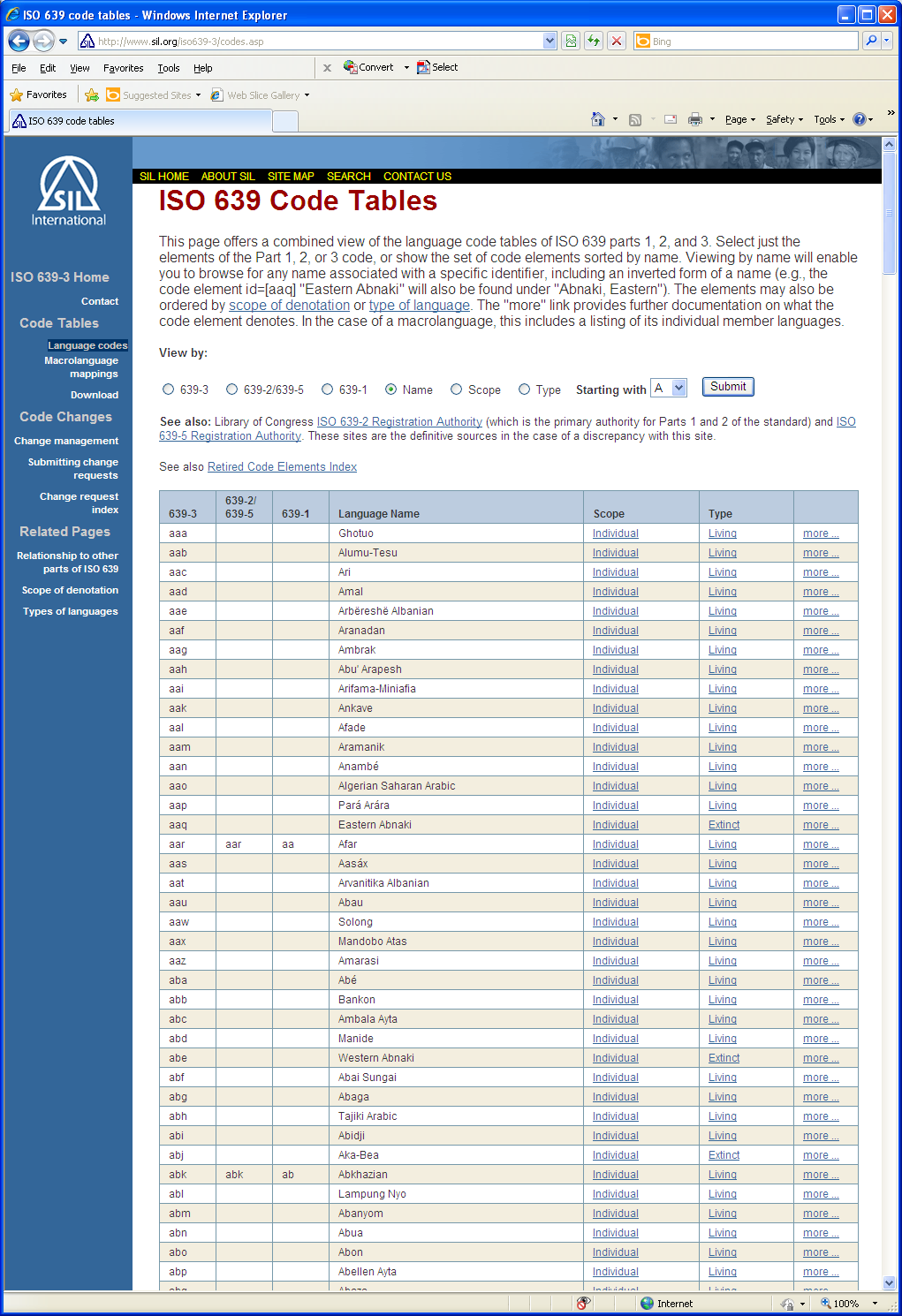
* + <http://www.wida.us/assessment/ACCESS/tier_criteria.aspx>

1. Who will score ACCESS for ELLs™?
   * MetriTech of Champaign, IL is responsible for the printing, scoring, reporting,   
     and distributing of all test materials and results. Test materials include: test booklets, picture booklets, and test administration scripts, score sheets, pre-ID labels, and score reports. If you have questions about these materials or functions, please call 1-800-747-4868 and ask for WIDA Support.
2. What other services and supports are provided through the WIDA Consortium.
   * **W-APT™** - W-APT stands for the WIDA-ACCESS Placement Test™. This assessment tool, known as the "screener", is used by educators to measure   
     the English language proficiency of students who have recently arrived in the U.S. or in a particular district. It can help to determine whether or not a child is in need of English language instructional services, and if so, at what level. As a member state of WIDA this screener is available for free online.
   * **WIDA MODEL™** - MODEL (Measure of Developing English Language) is a series of English language proficiency assessments for Kindergarten through Grade 12. MODEL can be used as an identification/placement assessment for newly enrolled ELs or as an interim progress monitoring assessment.
   * **Professional Development -** WIDA offers professional development in the following areas:
     + Assessment
     + Curriculum and Instruction
     + System/ School Improvement Initiatives
   * **WIDA Consortium Research Team -** The mission of the WIDA Consortium Research Team is to provide timely, meaningful, and actionable research that promotes educational equity and academic achievement for linguistically and culturally diverse students.
   * **Helping States Meet Needs and Fulfill Requirements**
     + Each member state in WIDA has a voice and a vote in the direction of the Consortium.
     + By joining forces and pooling resources, member states are able to meet the requirements of NCLB in an effective, economical manner. For example, WIDA has conducted one bridge study between old and new English proficiency instruments. WIDA has developed an alternate assessment for use with ELs with severe disabilities.
3. Who is allowed to become a certified W-APT or ACCESS for ELLs™ test   
   administrator in Wyoming?
   * The test administrator must be a certified teacher or certified staff member.
   * The certified teacher or certified staff member needs to complete the WIDA training module(s) assigned and obtain a quiz score of an 80% or higher on those modules assigned by the EL/Title III coordinator facilitator.
   * The certified teacher or certified staff member should have knowledge of the levels of WIDA and Wyoming English Language Proficiency Standards and have experience teaching English Language Learners.
   * Any other certified teacher or certified staff member who meets these criteria is eligible to administer the assessment.
4. Am I required to take the ACCESS for ELLs™ Administration Training every year?

* No. Wyoming’s ACCESS for ELLs™ training policy requires:
  + **NEW** test administrators to take the full ACCESS for ELLs™ test administration training for the **FIRST YEAR** of administering the ACCESS for ELLs™. The full ACCESS for ELLs™ training includes attending the WIDA ACCESS for ELLs™ workshop, the WIDA online training, and passing the quizzes with a score of 80% or higher for the modules assigned by your district or school test coordinator.
  + **VETERAN** test administrators are required to take the WIDA online training every second year of administering the assessment.
  + **VETERAN** test administrators are required topass the quizzes with a score of 80% or higher every year the test is administered.
  + **ALL** ACCESS for ELLs™ test administrators are strongly encouraged to view the WIDA webinar training for the test administration of the ACCESS for ELLs™.
  + **ALL** ACCESS for ELLS™ test administrators are strongly encouraged to pay close attention to any new guidance in the test administration manuals and on-line training course since ACCESS for ELLs™ undergoes changes every year.

1. Can a licensed substitute teacher administer the ACCESS for ELLs™ test?
   * Yes. Any licensed teacher who has completed the training can administer the ACCESS for ELLs™ test.
2. Can a licensed teacher from another state administer the ACCESS for ELLs™ test?
   * No. The teacher should be licensed in Wyoming to qualify to administer a test in Wyoming.
3. How do I create my personal ACCESS training account?
   * A personal account is required to access the training course on the WIDA website. Wyoming has a generic log-in that will allow each individual test administrator to create a personal account for the purpose of taking the online ACCESS training and quizzes. The log-in is found on the upper right hand corner of the WIDA homepage. After logging in with the generic user name and password, you will be taken straight to the account creator where you can set up your own account. Contact WIDA if you have any problems creating your personal training account   
     ([help@wida.us](mailto:help@wida.us) or 866-276-7735).
   * If you do not know the user name and password, contact the WDE EL assessment consultant, Robin Holbrook, at [robin.holbrook@wyo.gov](mailto:robin.holbrook@wyo.gov).
4. How do I get the ACCESS for ELLs™ Test Ordering log-in (Secure District Log-in) for my district?
   * This log-in is provided from MetriTech to order ACCESS for ELLs™ tests on the MetriTech site. It will be provided from MetriTech shortly before the test ordering window opens. It is only provided to the appropriate individual responsible for ordering the ACCESS for ELLs™ test. If you are responsible for ordering tests in your district and have not received this log-in information yet, please contact MetriTech directly (1-800-747-4868, [wida@metritech.com](mailto:wida@metritech.com)). The log-in is changed every year; therefore you can discard this log-in once testing is over and the data correction window is closed.
5. What is the W-APT Training Policy?
   * Anyone who is qualified to administer the ACCESS for ELLs™ test may administer the W-APT screening assessment. Training for new W-APT administrators will be provided through a training webinar on the WIDA website download library. <http://www.wida.us/downloadLibrary.aspx>
6. How do I log in for the W-APT training?
   * This log-in is your district-wide log-in to the WIDA site. It is used to access the W-APT screener test materials. You may contact your district facilitator for the log-in or contact the WDE EL assessment consultant Robin Holbrook at [robin.holbrook@wyo.gov](mailto:robin.holbrook@wyo.gov).
7. Does Wyoming have a requirement or policy for Teacher: Student ratios for the instruction of ELs?
   * No. Wyoming follows Federal guidance in this area:
     + Districts must ensure that they have a program and the necessary staff and materials in place to ensure that EL students have a reasonable chance for success in achieving English proficiency and access to academic content *in the view of experts in the field.*
     + The Office of Civil Rights and the State of Wyoming allow school districts broad discretion concerning how to ensure EL students have a *reasonable chance for success*.
       - Factors which may affect local EL program decisions may include:
         * A district that has a large number of monolingual newcomers will require more support (ESL teachers, paraprofessionals, tutors, etc.)
         * The number of certified ESL instructors available
         * The variety of languages spoken
         * The overall measurable success of the program.
8. Why are children with disabilities who are also ELs required to take the ACCESS for ELLs™?
   * Title I of the Elementary and Secondary Education Act (ESEA) as amended by the No Child Left Behind Act of 2001 requires that all ELs be assessed for English proficiency - Section 1111(b)(7). This statute, as well as the associated rules and regulations, do not provide for provision of exceptions for children with disabilities who are also ELs.
   * In addition, this is also required for EL students who qualify for special education services under the Individuals with Disabilities Education Act (IDEA). Allowable accommodations for the ACCESS for ELLs™ assessment can be found at the following web address under downloads: <http://www.wida.us/assessment/ACCESS/>

1. Where can I find the Language Codes for the ACCESS for ELLs™ test?
   * Language codes for all languages in the world are available on the SIL International web site at <http://www.sil.org/iso639-3/codes.asp>. At the top of the page, search by choosing the radio button “name” and entering the letter the language name is “Starting with”. Be sure to use the 639-3 column to obtain the language code. There are three columns of language codes all the way on the left of the page but only the 639-3 column should be used.



1. Is Wyoming offering the Alternate ACCESS for ELLs™ for the severely cognitively disabled students who are also ELs?
   * Yes. WIDA has developed the Alternate ACCESS for ELLs™, which is available to qualified Wyoming ELs. The Alternate ACCESS for ELLs™ is the first test developed specifically for students with significant cognitive disabilities. It is an individually administered paper and pencil test and intended only for English learners with significant cognitive disabilities severe enough to prevent meaningful participation in the ACCESS for ELLs™ assessment. The Alternate ACCESS for ELLs™ can be administered to Active EL students who qualify to take the state’s alternate content assessment, PAWS-ALT. It is not for all students who qualify for special education services. Active EL students who qualify for special education services who take the state’s content assessment, PAWS, must also take the ACCESS for ELLs, not the Alternate ACCESS for ELLs™.
2. Will districts administering the alternate ACCESS for ELLs™ be required to   
   double-test EL students who are also students with significant cognitive disabilities   
   on both the alternate ACCESS for ELLs™ and the regular ACCESS for ELLs™ assessment in order to meet the requirements of the Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001 for annual ELP assessment?
   * Representatives from the U.S. Department of Education (ED) have determined that districts would not be required to double-test students on both versions of the ACCESS for ELLs™ test in order to meet this requirement. If an EL student who is also a student with a significant cognitive disability participates in the alternate ACCESS for ELLs™, participation in this assessment fulfills the annual ELP assessment requirement. This student would not be required to take the regular ACCESS for ELLs™.

**Questions about students identified as Active ELs   
who may qualify for Special Education**

1. Are there any prerequisites that need to be met before an Active EL can be referred to determine eligibility for special education and related services?
   * The student should have been identified as an EL through the districts EL identification process. This process should include at a minimum,
     + A home language survey that shows a language other than English used by the student and/or in the home or a Building Intervention Team referral for EL screening.
     + An English Language Proficiency assessment used for screening purposes that indicates that the student is not proficient in English and is therefore an EL
   * The student should have received EL services for a period of no less than one year (this is for students who may have a hidden disability as defined by Civil Rights Guidance). During that year the EL student’s performance should provide some indication that a learning disability may be present. The learning disability diagnosis must not be based on the student’s need for English language development services. The need to become proficient in English alone is not a learning disability.
   * Additional interventions besides the ‘core’ EL services must have been employed during the current school year for a sufficient amount of time for improvement to be made with no significant improvement evidenced.
   * If a learning or other disability is obvious or becomes obvious, referral to determine eligibility for special education and related services may be done without having to wait the full year mentioned in the previous point.
2. What is the appropriate procedure for determining if an Active EL is eligible for special education and related services?
   * Before a student is eligible to receive special education and related services, a comprehensive evaluation is required to be conducted by qualified personnel. The evaluation should include the following:
     + An evaluation tool of some type: When an assessment is used, it must be valid for the specific purpose for which it is used and should be administered by trained personnel in conformance with the instructions provided by the assessment’s producer. For ELs, this means that it must be tailored for the suspected disability, not for language issues related to the student being an EL. Language issues may be taken into consideration if it is suspected that the student has a learning disability in the area of language that affects not only their ability to learn English, but also their language skills in their first language. An evaluation for a language related disability must always be done using the student’s first language.
     + Be tailored to assess specific areas of education need, thus for ELs it should not hinge on the speech / language issue related to the student’s need to learn English as a second language.
     + Be appropriate for the language and culture of the student being evaluated. For ELs this means that they should not be found eligible   
       for special education based on an evaluation that is done in English   
       or that uses cultural information or scenarios that are unknown, easily confused, or offensive to the student based on his/her cultural background.
   * For students who are EL that are referred for Special Education Services, the IEP referral team should include some additional individuals (\* indicates required participant), some of whom must be familiar with the child:
     + The EL student’s EL instructor if applicable\*
     + Someone trained in providing EL services and / or someone certified as a bilingual educator in the EL student’s first language and English. Preference is for a bilingual evaluator\*
     + Someone who speaks the child’s first language and English if no bilingual educational personnel are available\*
     + Someone trained in evaluating English language proficiency
     + Others knowledgeable about the child