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DEPARTMENT OF EDUCATION

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Wyoming Strong*

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# Active English Learner (EL) Identifying, Serving, and Reporting Guidebook

2016-2017

This supersedes and replaces all previous versions

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## **Wyoming Department of Education Active EL Identifying, Serving and Reporting Guidebook**

The purpose of this guidebook is to set forth the conditions and methods for identifying, serving, and reporting to the Wyoming Department of Education (WDE) 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**

- o 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) ESEA). [English Language Acquisition and Language Enhancement](#)
- o 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.  
<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title21/Title21.htm>

### **State and Federal Requirements**

- o Districts not receiving Title III funds must follow the WDE guidelines set forth in this guidebook.
- o EL funding determinations for the State Funding Model are made based on the appropriate identification of ELs as outlined in this guidebook.
- o 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.
- o Title I requires that all Active ELs participate in the administration of ACCESS for ELLs 2.0™ during the spring administration of that assessment. [Title I — Improving The Academic Achievement Of The Disadvantaged](#)
- o 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.

### **Services**

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

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

- o Identify students who need assistance;
- o Develop a program that, in the view of experts in the field, has a reasonable chance for success;
- o Ensure necessary staff, curricular materials, and facilities are in place and used properly;
- o Assess the success of the program and make modifications where needed.

Wyoming does not have any further requirements regarding **Teacher: Student ratios** for the instruction of ELs. Wyoming follows Federal guidance in this area.

- o 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 that may affect local EL program decisions include:
  - A district having 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; and
  - The overall measurable success of the program.

## Active EL Identification Process

(See Appendix A: Decision Tree for Typical Active EL Identification)

The identification of a student as an Active English Learner in Wyoming is typically a two-step process. (Some exceptions occur and are addressed in the Special Cases section below.)

1. When a student enrolls in a Wyoming school district for the first time, parents are asked to complete a Home Language Survey (HLS). **For monitoring and auditing purposes, Districts should use a standard monitor form.** A sample HLS template can be found in Appendix C.
  - o The Home Language Survey is a questionnaire used to help determine if the student might be in need of EL services. A student cannot be identified as an Active EL based on the HLS alone. The HLS must have questions designed to collect three key pieces of information. The HLS may also include additional fact-finding questions but, minimally, the following three key pieces of information must be collected: 1) The language the child first began speaking, 2) The language the child currently speaks most frequently at home, 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 talking?
    - What language does your child most frequently speak at home?
    - What language is spoken by you and your family most frequently at home?
2. 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, the student is deemed eligible for EL services and is included in the count of Active ELs.
  - o An ELP screening assessment is a test 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 indicating 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, ACCESS for ELLs 2.0™, is not an ELP screener and is never used for initial identification and placement.
  - o WDE recommends the use of the WIDA ACCESS Placement Test (W-APT™) ELP screening assessment since it is provided free to Wyoming school districts and has proficiency levels aligned to our ELP Standards and to the state's ELP assessment, ACCESS for ELLs 2.0™.
  - o A student that tests English proficient on the ELP screener is not an Active EL or Year 1 or 2 Monitor Status. The student is also not eligible for EL services. This student should be

placed in mainstream services, with attention being paid to the student's academic progress.

### **Parent Notification**

- o The Elementary and Secondary Education Act (ESEA) requires students be identified as Active ELs and parents be notified of the student's identification and placement in EL services within 30 calendar days of the beginning of the school year or within 14 calendar days if the student enrolls after the first 30 days of the school year.
- o Parent notification is required for **all Active ELs** within 30 days of the beginning of the school year even if they are returning ELs.

### **Foreign Exchange Students and EL Status**

- o 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. If the student scores below proficient the student is reported as an Active EL and provided EL services.
- o 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.

### **W-APT™ English Proficiency Score Determination**

**Pre-Kindergarten and Kindergarten W-APT™** (See Appendix B1: Decision Tree for Determining EL Proficiency for grades Pre-K and K W-APT™).

- o For students in pre-K through first semester of Kindergarten, administer only the Listening and Speaking domains of the W-APT™.
- o For students in second semester Kindergarten and first semester first grade, Reading and Writing domains may also be administered.
- o A score below 19 on the Listening and Speaking portion of the test qualifies the student as an active EL. The student is identified and reported to the WDE as an Active EL.
- o If the student's score on the Listening and Speaking portion of the test is between 19 or greater and 28 or less, then the student is administered the Reading and Writing portion of the test (if in second semester Kindergarten or first semester of first grade).
- o If a student's 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.
- o If the student's Reading score is 11 or higher **and** the Writing 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 Grades 1 through 12 W-APT™ (See Appendix B2: Decision tree for determining ELP proficiency for grades 1-12 W-APT™):

- o 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.
- o 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 using 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 the Accountability Proficiency Level. Wyoming utilizes the MODEL™ Accountability Proficiency Level scores to determine if a student qualifies as an Active EL.

- 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) proficiency level, is qualified to be included in the count of Active ELs and is eligible for EL services.
- Any student receiving 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 to be included in the count of Active ELs and is eligible for EL services. This score is based on the student taking all sections (Listening, Speaking, Reading, and Writing) of the MODEL™ for Kindergarten.
- Any student receiving 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 continues to be reported as an Active EL as long as the student tests below English proficient on the state's annual ELP assessment, ACCESS for ELLs 2.0™. The state's definition of English proficient is when a student's score is a composite proficiency level of 5, with no sub-skill (Listening, Speaking, Reading, and Writing) proficiency level below 4.

### **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 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 2.0™ score reports.
- If this documentation confirms the student is an Active EL or is 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 of enrollment if the student enrolls after the first thirty days of the school 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, which 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 2.0™ score report.
- If this documentation confirms 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 2.0™ 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 of the beginning of the school year or within 14 calendar days of enrollment 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.
- 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 2.0™ test results are acceptable evidence of Active EL Status for students transferring from another WIDA State.

**Out-of-State Transfers: Non-WIDA State** – When a student from a non-WIDA state or foreign country arrives in a Wyoming school district and the HLS indicates the influence of a language other than English, the district must screen the student using an ELP screening assessment and follow the typical identification process. (WIDA member states are found at [www.wida.us](http://www.wida.us))

**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 that only English is used by the student and in the home. This is usually a result of inadequate acquisition of Standard English on the part of the student's immediate family 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 may want to include a question about heritage language in their home language survey if they anticipate having students whose parents or grandparents may have learned English as a second language but report that the student understands only English.

- o If it is apparent through observation and academic progress that a student with a heritage language is struggling academically, and if the district believes it may be because of influence from the heritage language in the acquisition of standard English:
  - 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 evidenced in the student's 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, it may request the student be screened using an ELP screening assessment to make the determination.
- o If the ELP screening assessment results indicate the student is below English proficient, then the student is identified as an Active EL and the student is reported to the WDE as an Active EL and should be placed in the appropriate EL services.
- o 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.

**Rescreening for Active EL Status** – In some cases, a student's HLS indicates that a language other than English may have influenced the student's language and subsequently tests English proficient on an ELP screening assessment. This student 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:

- o 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 evidenced in the student's cumulative file.** This is typically done through a referral process such as a BIT review.
- o If the BIT, or similar evaluation team, believes the student may be in need of EL services, it may request the student be rescreened using an ELP screening assessment to determine if the student is in need of EL services.
- o If the ELP screening assessment results indicate 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.
- o If the ELP screening assessment results indicate 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.

### **Active ELs Who Qualify for Special Education**

This group of students should receive EL services **and** Special Education services, not one or the other. Special Education or EL services do not conflict but rather are separate categories of support for these students.

Important: **USED Guidance - July 18, 2014** (Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives)

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/q-and-a-on-elp-swd.pdf>

- o 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 2.0™. 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 2.0™.

- o 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 exceptions for children with disabilities who are also ELs. Allowable accommodations for the ACCESS for ELLs 2.0™ assessment can be found at the following web address:  
<https://www.wida.us/assessment/accessibility.aspx>

### **The Appropriate Procedure for Determining if an Active EL is Eligible for Special Education and Related Services**

Important: **USED and Department of Justice Guidance - January 7, 2015** (Joint guidance to assist SEAs, school districts, and all public schools in meeting their legal obligations to ensure that EL students can participate meaningfully and equally in educational programs and services).

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

The Wyoming Department of Education and all districts must ensure that all EL students who may have a disability and need services under Individuals with Disabilities Education Act (IDEA) or Section 504 are located, identified, and evaluated for special education and disability-related services in a timely manner. Districts must consider the English language proficiency of EL students in determining the appropriate assessments and other evaluation materials to be used. Districts must not identify or determine that EL students are students with disabilities because of their limited English language proficiency.

Districts must provide EL students with disabilities with both the language assistance and disability-related services to which they are entitled under federal law. Districts must also inform a parent for an EL student with an Individualized Education Program (IEP) on how the language instruction education program meets the objectives of the child's IEP.

The timeline for providing special education evaluations for EL students is the same timeline that applies to all students. EL students are not required to be in the United States for a period of time, nor are they required to receive English-language instruction before special education assessments can be provided. *(The policy of delaying disability evaluations of EL students for special education and related services for a specified period of time based on EL status is not permissible under the IDEA and Federal civil rights laws).*

Federal regulations also state that children must be assessed for special education eligibility in their native language.

- o It is important that IEP Teams for ELs with disabilities include persons with expertise in second language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between limited English proficiency and a disability. The participation of these individuals on the IEP Team is essential in order to develop appropriate academic and functional goals for the child and provide specially designed instruction and the necessary related services to meet these goals. IDEA regulation specifies that the participants on each child's IEP Team include:
  - The parents of the child;
  - Not less than one general education teacher of the child (if the child is, or may be, participating in the general education environment);
  - Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider for the child;

- A representative of the public agency who –
  - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - Is knowledgeable about the general education curriculum; and
  - Is knowledgeable about the availability of resources to the public agency.
  - An individual who can interpret the instructional implications of evaluation results:
  - At the discretion of the parent, or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate; and
  - Whenever appropriate, the child.

Additionally, the IDEA requires the school district to ensure the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

### **Exiting an EL with a Disability from Active EL Status**

- An EL with a disability can be “exited” from EL status when the student no longer meets the definition of an EL. This occurs when the student meets the state’s definition of “proficient” in English.
- There is no provision in the IDEA that would authorize the IEP Team to remove the “EL” designation before the student has attained English proficiency. In addition, no other LEA school personnel have the authority under Federal law to remove a student’s EL designation before the student has been deemed proficient in English solely because the student has an IEP.
- All ELs, including those with disabilities, must participate in the annual State ELP assessment, with or without accommodations, or must take an appropriate alternate assessment, if necessary.

**Alternate 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, WY- ALT. Wyoming’s alternate assessment, WY-ALT, is designed for a small number of students with the most significant cognitive disabilities. The Alternate ACCESS for ELLs™ can only be administered to Active ELs who qualify for the WY – ALT. Active EL students who qualify for special education services who take the state’s content assessment, PAWS, must take the ACCESS for ELLs 2.0™.

### **EL Program Definitions that Meet the Requirements of Title III**

**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 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 that 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 student's native language provide instruction using techniques, methodology, and special curriculum in the student's primary language. Literacy in the student's first language facilitates literacy in the student's second language.

### **Defining an EL Student's Status and Funding (Proficiency/Exit/Monitor)**

- o A referral for ELP screening is not sufficient evidence that the student is an Active EL. A student must test below English proficient on the ELP screening assessment in order to be identified and reported as an Active EL.
- o The definition of an Active EL student used for federal funding and reporting is a student who:
  - Is newly enrolled in the district or enrolled in the district after the state annual ELP assessment, ACCESS for ELLs 2.0™, 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

- 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 a “proficiency” level.
  - This 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, the ACCESS for ELLs 2.0™.
- Once an Active EL student tests English proficient on the ACCESS for ELLs 2.0™ he/she is placed in Monitor Status for the following two years.
  - Once a student moves to Monitor Status, the student is no longer considered an Active EL but is now referred to as a Former EL. ***For Title III federal funding purposes Monitor students should not take the ACCESS for ELLs 2.0™. ACCESS for ELLs 2.0™ scores are used to determine eligibility for Title III federal funding.***
  - A student who scores below ‘proficient’ on the ACCESS for ELLs 2.0™ is included in the count for Title III federal funding.
  - **Refused Services:** 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, with appropriate accommodations for the Active EL student, ensuring the student can adequately access the school’s educational program.
  - WDE includes those students who exited from Active EL status but 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.
  - The funding provided by the U.S. 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 2.0™ scores to identify a student as an Active EL for Title III funding purposes. Students that score below ‘proficient’ on the ACCESS for ELLs 2.0™ 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.

### **ELL, Refused, and Monitor Student Reporting**

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)

- First is the “Student ELL” 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 the Fall WDE684 Snapshot Date who:
    - Is newly enrolled in the district or enrolled in the district after the state annual ELP assessment, ACCESS for ELLs 2.0™, was given in the prior school year; **or**
    - Has been identified and evaluated by the district as being an Active EL through the use of an ELP screening assessment; **or**
    - Is returning to the district from the previous school year; **and**

- o Took the state’s annual ELP assessment in the prior school year and has not yet achieved the “proficiency” level.
  - A student who meets the above qualifications, but whose parent/guardian refused 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;
  - Refused service students, which are Active ELs and are eligible for Title III funding, must continue taking the ACCESS for ELLs 2.0™ until they test ‘proficient;’
  - 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.
- o Second is the “Student ELL Monitoring” field (1, 2, 3 or 4). The definition provided for this data element is:
- Due to upcoming reporting changes with ESSA (Every Student Succeeds Act), beginning in 2016-17 WDE is collecting 4 years of monitor status for former EL students.
  - Once an Active EL student has achieved English proficiency on the ACCESS for ELLs 2.0™, the student is required to be entered into Monitor Status for 4 years.
    - o 1 - Former EL student, year 1 Monitor Status
    - o 2 - Former EL student, year 2 Monitor Status
    - o 3 - Former EL student, year 3 Monitor Status
    - o 4 - Former EL student, year 4 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 proficiency on the ACCESS for ELLs 2.0™. It follows from this federal definition and the wording of the WDE684 form that if Student ELL Monitoring is submitted with a value of 1, 2, 3 or 4 (the only allowable values), the Student ELL field must be N for this same student.
- o For state funding purposes, the “EL subgroup” includes the count for student records with a value of Y in Student ELL or value of 1 or 2 in the Student ELL Monitoring 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/>.

### **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 2.0™ score reports should be both sent to the receiving district and retained at 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 at the sending district. This documentation must be retained for audit purposes.

### **Supplement vs. Supplant**

- o The statute, in section 3115, requires that funds available under a subgrant be used "so as 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." Title III funds may be used 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. Title III funds cannot be used for core English language instruction educational programs. Districts are required to specify 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.

## **Immigrant Students – Definition and Funding**

- o According to the Title III statute 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 U.S. Territories); and
  - (C) Have not been attending one or more schools in any state for more than 3 full academic years.
- o Additional points to consider:
  - You will note there is no inclusion of anything related to English language proficiency. Thus, a student who comes to the district from a location like England, Canada, or Australia, where the first language is English, or students whose second language is English and test proficient on the district's English Language Proficiency (ELP) screening assessment or on the ACCESS for ELLs 2.0™, will qualify for Title III – Immigrant status even though they are not Active ELs and, as long as, they meet all the requirements of the definition above.
  - Eligibility for Title III – Immigrant funds are tracked based on the date when the student is first enrolled in a school in a state. It is not tracked from the date the student enters the country. For example, a student not born in any state, 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 for immigrant students for the 2014-2015, 2015-2016, and 2016-2017 school years.
  - For criteria C above, a full academic year, according to U.S. Department of Education's Title III Office, is the full period between August and June in Wyoming. If a student who qualifies as immigrant enters mid-year, the 3 full academic years begin at the start of the following school year; the 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), the three full academic years begin with 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 may be in one or more schools, in one or more districts, or even one or more states. In the case where education is interrupted, three full academic years is measured cumulatively.
  - 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, the children meet the definition of immigrant student above - even though they are US citizens - because they were not born in a state.
- o Under Title III, an immigrant subgrant 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 the grant is of sufficient size to meet statutory requirements, in consultation with District Title III Directors, the Wyoming Committee of Practitioners and others, grants have been set at \$5,000 each. Four



Title III – Immigrant subgrants are awarded each year. Some districts in Wyoming are eligible to receive the immigrant subgrant, but not the Title III – EL grant.

- The Wyoming Committee of Practitioners and District Title III Directors have determined that a 10% increase in immigrant students, or greater, is considered to be a significant increase to make a district eligible to receive the Title III immigrant subgrant. WDE has adopted that practice.
  - WDE determines immigrant subgrant eligibility using data provided by the districts on the WDE684 report. Districts that have 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 are eligible for the Title III – Immigrant subgrant.
- The Immigrant subgrant is a targeted grant. According to Title III section 3247, funds awarded shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include:
  - Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
  - Support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
  - Tutorials, mentoring, and academic or career counseling for immigrant children and youth;
  - Identification and acquisition of curricular materials, educational software, and technologies;
  - 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 other costs directly attributable to additional basic instruction services.
- Foreign exchange students fit the federal educational definition of an Immigrant student and are included in the count for immigrant students the district reports on the WDE684 collection.

## Assessments and Standard Accommodations for ELs

*English Learners are required to participate in district and state assessments and to meet the same state learning standards as established for all students.*

- A standard accommodation:
  - Is allowed during the administration of PAWS for eligible students;
  - Does not alter a measurement construct;
  - Does not provide additional information, prompting, or clues to suggest or support the selection of correct answers;
  - Provides access to the test;
  - Is effectively and regularly used by the student during instruction and assessment;
  - Is **only** allowed on the PAWS for students with disabilities, for students on a 504 plan, or for Active **English Learners** (ELs).
- Accommodations for ELs are 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. Traditionally called the *Presentation and Response* categories.
  - Non-linguistic accommodations could be giving extra time to finish. Traditionally the *Setting and Timing and Scheduling* categories.

- o The 2014 Standard Accommodations for PAWS is located on the WDE website at: <http://edu.wyoming.gov/downloads/assessments/paws2014-standards-accommodations3-25-14.pdf>
- o Information regarding the selection, administration, and evaluation of accommodations can be found in the 2006 Wyoming Accommodations Manual for Instruction and Assessment located on the WDE website at: [http://edu.wyoming.gov/downloads/assessments/PAWS\\_Accommodations\\_Manual.pdf](http://edu.wyoming.gov/downloads/assessments/PAWS_Accommodations_Manual.pdf)
- o Accommodations may 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:
  - The teacher understands the procedures for administering standard accommodations; and
  - The teacher has effectively administered the accommodation(s) to the student during instruction assessment.
  - 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.
  - An Access assistant must be supervised by a certified teacher during the administration of the standard accommodations during PAWS.
- o 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, the 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.
- o Active ELs cannot be provided linguistic accommodations when taking the ACCESS for ELLs 2.0™. This is a test of English language proficiency and would be contradictory to gaining a true representation of the student's level of proficiency. Non-linguistic accommodations may be allowed. At this time the only allowable accommodation for ACCESS for ELLs 2.0™ is extra time. ELs that are also on an IEP can receive the appropriate accommodations as outlined in the IEP as long as the accommodations do not compromise the validity of the test.

#### **Exemptions for ELs:**

- o 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, is exempt from taking the **Language Arts portion** of PAWS *provided the student participates in the ACCESS for ELLs 2.0™.*

### **WIDA, ACCESS for ELLs 2.0™, the Alternate ACCESS for ELLs™, the W-APT™, and MODEL™**

WIDA is a consortium of states working together to meet the requirements of No Child Left Behind (NCLB) for English Learners (ELs) with standards and assessments. It is housed at the Wisconsin Center for Education Research in Madison, Wisconsin.

The WIDA Consortium's English Language Proficiency Standards for English Learners (ELs) in Prekindergarten through Grade 12 encompass the following content areas:

- o Social and Instructional language
- o the language of Language Arts
- o the language of Mathematics
- o the language of Science
- o the language of Social Studies

Links to the WIDA ELP Standards are posted on the WIDA website [www.wida.us](http://www.wida.us)



**ACCESS for ELLs 2.0™** is a secure large-scale English language proficiency assessment administered to Kindergarten through 12<sup>th</sup> grade students who have been identified as English Learners (ELs). It is given annually to monitor students' progress in acquiring academic English.

- o In 2015-16, WIDA Consortium states began the online administration of the assessment in grades 1-12. An online assessment replaced the earlier paper-based assessment, ACCESS for ELLs 2.0™, although a paper-based version will continue to be available. The Kindergarten and Alternate ACCESS for ELLs 2.0™ assessments will not change from previous years and will remain paper-based.
- o ACCESS 2.0 is aligned with the WIDA English Language Development Standards and assesses each of the four language domains of Listening, Speaking, Reading, and Writing.

#### **Grade-level Clusters for ACCESS for ELLs 2.0™ Online:**

- o Language and cognition develop quickly in younger children, broadening in depth and breadth as they mature. In order to better measure younger students' language development, ACCESS for ELLs 2.0™ Online includes a separate test form for Grade 1. Grades 2-3 will form a new grade cluster, as will Grades 4-5. The two remaining test forms will assess the proficiency of middle school (Grades 6-8) and high school (Grades 9-12) English language learners.

#### **Order of Administration for ACCESS for ELLs 2.0™ Online:**

- o The new online test is staged adaptive, meaning students will progress through the test based on their performance on previous folders and domains. Based on their performance in an individual folder, the test engine will determine the appropriate next folder for individual students. Students must first take the Listening and Reading tests because their performance on those domains determines their placement on the remaining domains (Speaking and Writing). Students should take the Listening test first, followed by the Reading test. Then, students may take Speaking and Writing in either order.

#### **ACCESS for ELLs 2.0™ – Paper Test**

The ACCESS for ELLs 2.0™ summative assessment will continue to be available as a paper test in 2016-17. The paper test will also be available for situations in which a student is unable to test online, as outlined in an IEP or 504 plan. New features associated with the paper test include:

- o Both the Listening and Speaking tests will be media-delivered.
  - For Listening, the Test Administrator will play the pre-recorded passages with a CD and students will respond in a test booklet. Students will complete the appropriate tiered test form (based on the [Tier Placement Protocol](#))
  - For Speaking, the Test Administrator will play the pre-recorded questions with a CD and will score students' responses. Students will complete the appropriate tiered test form (based on the [Tier Placement Protocol](#))

#### **Grade-level Clusters for ACCESS for ELLs 2.0™ Paper**

- o A revised form for the ACCESS for ELLs 2.0™ Paper assessment will include the following clusters: Grade 1, Grade 2, Grade 3, Grades 4-5, Grades 6-8, and Grades 9-12.

#### **Order of Administration for ACCESS for ELLs 2.0™ Paper**

- o The domains for the paper test can continue to be administered in any order.

For [Key Differences](#) between ACCESS for ELLs 2.0™ Online and ACCESS for ELLs 2.0™ Paper for Grades 1-12.

### **ACCESS for ELLs 2.0™ Test Ordering**

- Test Coordinators or designated staff should order materials through the WIDA Assessment Management System (<https://www.drccedirect.com/all/eca-portal-ui/welcome/WIDA>), which is Data Recognition's online administrative interface.
- Users need an account and a password in order to access and perform tasks in the WIDA AMS. This is a different username and password than the personal WIDA user account login. Test administrators will receive an email containing their password for WIDA AMS.

### **WAPT and ACCESS for ELLs 2.0™ Administration Training**

- Anyone who is qualified to administer the ACCESS for ELLs 2.0™ 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>
- The log-in for the W-APT™ training and materials is your district-wide log-in to the WIDA site. You may contact your district facilitator for the log-in or contact the WDE EL assessment consultant, Barb Marquer ([barb.marquer@wyo.gov](mailto:barb.marquer@wyo.gov)).
- [Log in](#) to your personal training account on the WIDA website to complete the test administrator training and the quizzes. You must receive a passing score of 80% on all applicable quizzes.
  - Once you have taken the entire training and passed the quizzes, you need only to retake the **speaking** portion of the training each year **for administering the paper test**. [Log In](#) to take the test administrator training quizzes.

### **ACCESS for ELLs 2.0™ Test Administration**

- 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, including obtaining a quiz score of 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 proficiency levels of WIDA and Wyoming English Language Proficiency Standards and have experience teaching English language learners.
- A licensed teacher from another state cannot administer the ACCESS for ELLs 2.0™ on behalf of a Wyoming district. The teacher should be licensed in Wyoming to qualify to administer a test in Wyoming.
- A personal account is required to access the training course on the WIDA website.
- Wyoming has a generic log-in that allows 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 generic username and password, contact Barb Marquer ([barb.marquer@wyo.gov](mailto:barb.marquer@wyo.gov))

### **Language Codes for ACCESS for ELLs 2.0™**

- Language codes for all languages in the world are available on the SIL International web site at <http://www-01.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.

View by:

639-3  639-2/639-5  639-1  Name  Scope  Type Starting with

### **Alternate ACCESS for ELLs 2.0™**

*(For detailed questions and answers regarding inclusion of English learners with disabilities in English language proficiency assessments and Title III annual measurable achievement objectives, please read the following guidance from USED).*

<http://www2.ed.gov/policy/speced/guid/idea/memosdcitrs/q-and-a-on-elp-swd.pdf>

- o Alternate ACCESS for ELLs 2.0™ is an individually administered paper and pencil test intended for English learners with significant cognitive disabilities severe enough to prevent meaningful participation in the ACCESS for ELLs 2.0™ assessment. 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, and allow ELs with significant cognitive disabilities to demonstrate language growth. The Alternate ACCESS for ELLs 2.0™ is intended for Active ELs who qualify to take the WY- ALT instead of PAWS.
- o Students are not required to test on both the alternate ACCESS for ELLs 2.0™ and the regular ACCESS for ELLs 2.0™ assessment.
- o Representatives from the U.S. Department of Education determined districts would not be required to test students on both versions of the ACCESS for ELLs 2.0™ test. If an EL student with a significant cognitive disability participates in the alternate ACCESS for ELLs 2.0™, participation in this assessment fulfills the annual ELP assessment requirement. This student would not be required to take the regular ACCESS for ELLs 2.0™.

### **The Final Determination of Proficiency**

- o A student's proficiency level on ACCESS for ELLs 2.0™ 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.
- o A student is considered to be English proficient when s/he tests on the ACCESS for ELLs 2.0™ at a composite proficiency level of 5 or greater with no sub-skill (Listening, Speaking, Reading, and Writing) below a proficiency level of 4.

Other services and supports provided through the WIDA Consortium.

- o **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 helps 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 online for free.
- o **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.
- o **Professional Development** - WIDA offers professional development in the following areas:
  - Standards and Assessment
  - Curriculum and Instruction
  - System/School Improvement Initiatives
- o **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.

## **Glossary of Acronyms:**

ACCESS - Assessing Comprehension and Communication in English State-to-State for English Language Learners

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

IDEA – Individuals with Disabilities Education Act

IEP – Individualized Education Plan

LEP – Limited English Proficient

MODEL™ - Measure of Developing English Language

NCLB – No Child Left Behind

SIOP – Sheltered Instruction Observation Protocol

W-APT™ – WIDA – ACCESS Placement Test

WDE – Wyoming Department of Education

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

## References

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Title III of the Elementary and Secondary Education Act (ESEA) as amended by No Child Left Behind act (NCLB) [English Language Acquisition and Language Enhancement](#)

Wyoming Statute W.S. § 21-13-309(m)(v)(A)

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title21/Title21.htm>

Title 1 Improving the Academic Achievement of the Disadvantaged [Title I — Improving The Academic Achievement Of The Disadvantaged](#)

Civil Rights Legislation <http://www2.ed.gov/about/offices/list/ocr/eeolep/index.html>

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WIDA Consortium (World Class Instructional Design and Assessment) [www.wida.us](http://www.wida.us)

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U.S. DEPARTMENT OF EDUCATION GUIDANCE JULY 18, 2014

Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objective

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/q-and-a-on-elp-swd.pdf>

Allowable accommodations for the ACCESS for ELLs 2.0™ assessment

<https://www.wida.us/assessment/accessibility.aspx>

U.S. Department of Justice Guidance January 14, 2015

Joint guidance to assist SEAs, school districts, and all public schools in meeting their legal obligations to ensure that EL students can participate meaningfully and equally in educational programs and services. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

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Work Plan for the 2005 Recalibration of the Wyoming Resource Block Grant Education Funding Model page 6 and 7

<http://legisweb.state.wy.us/2005/interim/schoolfinance/Recalibration/Workplan.pdf>

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WDE684 data element resource <http://portals.edu.wyoming.gov/wise/>

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2014 Standard Accommodations for PAWS

<http://edu.wyoming.gov/downloads/assessments/paws2014-standards-accommodations3-25-14.pdf>

2006 Wyoming Accommodations Manual for Instruction and Assessment

[http://edu.wyoming.gov/downloads/assessments/PAWS\\_Accommodations\\_Manual.pdf](http://edu.wyoming.gov/downloads/assessments/PAWS_Accommodations_Manual.pdf)

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WIDA ELP Standards [www.wida.us](http://www.wida.us)

Listening Tiered Test Form [Tier Placement Protocol](#)

Speaking Tiered Test Form [Tier Placement Protocol](#)

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Key differences between ACCESS for ELLs 2.0™ online and paper [Key Differences](#)

Ordering WIDA assessment materials <https://www.drctdirect.com/all/eca-portal-ui/welcome/WIDA>

WIDA download library <http://www.wida.us/downloadLibrary.aspx>

WIDA personal training account [Log in](#)

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SIL International language codes <http://www-01.sil.org/iso639-3/codes.asp>.

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<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/q-and-a-on-elp-swd.pdf>