RIDE Rhode Island Department of Education

Rhode Island Multilingual Learners (MLLs) / English Learners (ELs) Screening, Identification, Placement, and Reclassification

May 19, 2021

Introduction

This document is designed to provide regulatory guidance on screening, identification, placement, and exit criteria for Multilingual Learners (MLLs) / English Learners (ELs) in Rhode Island.

LEAs shall determine the home/native language(s) of all public-school children when these children are registered in the LEA or upon their return to a RI school. This determination shall be made through the Home Language Survey (HLS) developed by RIDE.
The Home Language Survey shall not be used to deny any student the right to participate in, or benefit from, any program or service.
Placement of English Language Learners in a specialized instructional program for English Language Learners shall be made within twenty (20) school days of the completion of the Home Language Survey[1].

All oral and written communications must be conducted in the selected language of preference of parents/guardians, with a qualified translator/interpreter provided by a school/district.

The identification process must begin upon the student's initial enrollment or reentry in a RI school district.

Throughout the document, *Language Screening Assessment* means: K-MODEL, WIDA K Screener, WIDA Screener (1-12).

Additional information: Rhode Island Regulations and Guidance for English Language Learners Chapter 16-54 Regulation (200-RICR-20-30-3)
https://www.ride.ri.gov/StudentsFamilies/EnglishLearners.aspx

[1] Rhode Island Regulations and Guidance for English Language Learners Chapter 16-54 Regulation (200-RICR-20-30-3) - https://www.ride.ri.gov/StudentsFamilies/EnglishLearners.aspx

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1. SCREENING

1a. Screening – Home and Language Survey

Upon registration and enrollment in the school, the Home Language Survey (HLS) is completed by the parent or guardian in a language they understand. If a parent or guardian indicates a language "other" than English to any of the first three questions on the HLS or if there is any other reason to believe the student is not proficient in English (see example scenarios below), a language screening assessment must be administered.

A qualified personnel/assessor must be available to determine if a language other than English is spoken at home. *Qualified assessor* means:

> "a person who has been WIDA certified to administer prescribed MLL/EL assessment tools and who is qualified to evaluate the results of these assessments. This person must have knowledge concerning the ways English Language Learners acquire English as a second language.[2]"

- If the home language survey responses are "English" to the first three (3) questions, then the screening for MLL/EL Identification stops unless there is any other reason to believe the student is not proficient in English (e.g., the answers to questions four through seven indicate that the child may be an ELL or the parent requests written or oral communications in a language other than English on the home language survey).
  The HLS is placed in the student's cumulative record.

- If a home language survey response is other than "English" to any of the first three (3) questions, an individual interview should take place, and must be followed by a state approved language screening assessment.
  The HLS is placed in the student's cumulative record.

Proceed to Step 1b Screening – Individual Interview.

Note: Questions 4-7 on the HLS provide additional information, but are not required.

Possible Scenarios:

1. Parent or guardian indicates: ☑ English to all first three (3) questions,
   a. Screening for MLL/EL Identification stops.
2. Parent or guardian indicates: ☐ English ☑ Other to any of the first three (3) questions,
   b. Screening for MLL/EL Identification continues and a language screening assessment must be completed.
3. Parent or guardian indicates: ☑ English and ☑ Other to any of the first three (3) questions,
   c. Screening for MLL/EL Identification continues and a language screening assessment must be completed.

If a student re-enters the U.S. school system, please refer to the directions on page 9.

[2] Rhode Island Regulations and Guidance for English Language Learners Chapter 16-54 Regulation (200-RICR-20-30-3) - https://www.ride.ri.gov/StudentsFamilies/EnglishLearners.aspx

1b. Screening – Individual Interview

The interview and all future oral and written communications must be conducted in the selected language of preference of parents/guardians, with a qualified translator/interpreter provided by a school/district.

a. The interview should include a review of the student's abilities or work samples in:

- reading and writing in English
- reading and writing in the home language
- math

These can be writing samples or exercises completed at the time of the interview.

b. Conduct a review of the student's academic records from previous schooling if available.

c. Review the Family Interview and Educational History reported on page 2 of the HLS.

For students reentering the RI public school system, the interview must include a review of prior instruction in the home language and/or English to determine if the student shall be administered a Native Language Screening Assessment and to determine the student's level of literacy in their home language and grade level in math.

All documents must be placed and should remain in the student's cumulative record. Some of this information may be used to determine if a student is a potential student with Inconsistent/Interrupted Formal Education (SIFE). This will be discussed in 2b.

- ☐ If the student has an IEP or 504 plan, proceed to Step 1c –Screening – Student with an IEP or 504 plan.
- ☐ If the student does not have an IEP or 504 plan, proceed to Step 2a – Initial MLL/EL Identification Assessment – Language Screening Assessment.

Step 1c. Screening – Student with an IEP or with a 504 Accommodation Plan

Students eligible for Step 1c would be those who come from other states in the United States or Puerto Rico, with both an identified disability and an IEP or 504 plan.

> LEAs should make available accommodations to state required Language Screening Assessment consistent with students' IEP or a 504 accommodation plan.
>
> Proceed to Step 2a. – Initial MLL/EL Identification Assessment – Language Screening Assessment.

A team of qualified professionals should make a recommendation regarding accommodations needed for an initial Language Screening Assessment of MLL/EL status for a student with a disability identified pursuant to the Individuals with Disabilities Education Act (IDEA) or Section 504. This process only applies to students with IEPs or 504 plan. The team of qualified professionals must minimally be comprised of:

- a school/district administrator,
- a teacher or related service provider with a bilingual certification and/or a teacher of English to Speakers of Other Languages,
- the director of special education or individual in a comparable title (or his or her designee),
- the student's parent/guardian.

Step 1c of the process outlined does not apply to a new entrant or reentering student who:

- is suspected of having a disability,
- was previously identified as an MLL/EL in RI within the last two years, and does not have an IEP or 504 plan,
- comes from another country and/or with documentation from another country showing that the student has a disability, but does not have an IEP or 504 plan from the United States.

For such students, as they have not been determined by an IEP or 504 team to have a disability, MLL/EL status is initially determined by following only Steps 1a, 1b, and 2

Team of qualified professionals[3] means a multidisciplinary team whose role is to ensure timely evaluations, eligibility determinations, IEP recommendations, and placements for students with disabilities.

Individualized Education *Program (IEP)* means a written statement for a student with a disability that is developed, reviewed, and revised by a team of qualified professionals. The IEP is the tool that ensures a student with a disability has access to the general education curriculum and is provided the appropriate learning opportunities, accommodations, adaptations, specialized services, and supports needed for the student to progress towards achieving the learning standards and meet his or her unique needs related to the disability. Federal and state laws and regulations specify the information that must be documented in each student's IEP.

504 Accommodation Plan means Section 504[4] protection, which would include accommodations in the classroom to help the child learn. If eligible, a child would get a written 504 plan that describes any classroom modifications needed to address their specific areas of need.

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[3] The Team of qualified professionals known as the evaluation team. §6.7.2.(A)1a(1)
"team of qualified professionals and the parent that includes the individuals described in § 6.7.4(B) of this Part and other qualified professionals, as appropriate, known as the Evaluation Team"

[4] "Governor's Commission on Disabilities." State of Rhode Island, http://www.gcd.ri.gov/youth/FAQ.php

2. INITIAL MLL/EL IDENTIFICATION ASSESSMENT

2a. Initial MLL/EL Identification Assessment

Qualified assessors will administer the statewide English language proficiency identification assessment.

The Language Screening Assessment is administered only once within twenty (20) school days[5] of the student's initial enrollment in a RI school after completion of the HLS (see Reentry Identification for students returning to a RI school).

The purpose of the Language Screening Assessment is to assess the English language proficiency of new entrants whose home language is a language other than English, as indicated on their HLS and individual interview. It is used to determine if the student is in need of Bilingual/Dual Languages (B/DL) and/or English to Speakers of Other Languages (ESOL) services. Based on the Language Screening Assessment results, students will be categorized into one of six levels (Entering, Beginning, Developing, Expanding, Bridging, Reaching), which will determine the number of hours of services each student will receive. The Language Screening Assessment results will also help inform teachers for instructional purposes by determining a student's relative strengths in each modality, expressive (speaking and writing) and receptive (reading and listening).

For students with an IEP[6] or 504 plan, testing accommodations must be provided in the administration of the Language Screening Assessment based on the student's IEP or 504 Plan and consistent with state policy for the administration of this state screening assessment.

For students entering kindergarten at age 5, and for students in grades 1-12, the language screening assessment scores are valid for the school year and semester as outlined in the language screening assessment Testing Administration Manual.

Consistent with WIDA guidelines, students enrolling in kindergarten, and students participating in the pre-kindergarten program, will be assessed as outlined in the language screening assessment Testing Administration Manual.

Original copies of the Language Screening Assessment score sheets must be placed and should remain in each student's cumulative record whether he/she is determined to be an MLL/EL or not.
All students who are screened as potential MLL/ELs should be recorded in the MLL/EL Census to prevent rescreening when a student moves from one LEA to another. To provide a complete view of students across LEAs, the MLL/EL Census allows users to see previous services.

For more information on the re-entry, please refer to the REENTRY IDENTIFICATION procedure.

[5] Rhode Island Regulations and Guidance for English Language Learners Chapter 16-54 Regulation (200-RICR-20-30-3) - https://www.ride.ri.gov/StudentsFamilies/EnglishLearners.aspx

[6] An IEP team must follow RI Alternate Special Education assessment procedures, and specify if the student will participate in an alternate assessment on a particular RI assessment of student achievement. If so, the IEP must provide a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student.

If the student's language proficiency level is one of the following, then the student is an MLL/EL and the parent/guardian will receive a notification letter:

SCREENER	CRITERIA
WIDA Screener Gr. 1-12:	**Overall below 5.0**
K MODEL[7]: **Listening and Speaking Tests should be taken by students entering:** 2nd semester Pre- Kindergarten 1st semester Kindergarten **Reading and Writing Tests can be taken during:** 1st and 2nd semester in Kindergarten Reading and Writing Tests will be taken by students entering: 2nd semester Kindergarten year through mid-semester grade 1	**Oral Language composite: below 5.0** **Overall score: below 5.0**
WIDA K Screener: **Listening and Speaking Tests should be taken by students entering:** **beginning in July prior to the start of the school year** **1st and 2nd semester in Kindergarten** **Reading and Writing Tests can be taken during:** 1st and 2nd semester in Kindergarten Reading and Writing Tests will be taken by students entering: 2nd semester Kindergarten year through mid-semester grade 1	**Oral Language composite: below 5.0** **Oral Language composite: below 5.0** **Overall score: below 5.0**

- ☐ If a student was not identified as a potential SIFE during Step 1b, proceed to Step 2c – Parent Notification of MLL/EL Identification Determination.
- ☐ If a student was identified as a potential SIFE during Step 1b, proceed to Step 2b – Determination of MLL/EL SIFE.

[7] LEAs utilizing the WIDA K MODEL for identification purposes have time until July 2022 to transition to the new WIDA K-Screener.

REENTRY IDENTIFICATION

Reentry identification shall mean the process to determine if a student is an MLL/EL who is re-enrolling in a RI public school after not having been enrolled in a RI public school at any time during the immediately preceding two continuously enrolled school years.

If a student is enrolling for the first time in a RI school district, the district will follow the Identification procedure, regardless of a student's prior schooling.

1. If a current MLL/EL leaves RI and moves to another country or Puerto Rico, then returns to a RI public school **within** two (2) years, the student will continue to be designated as an MLL/EL and the district should place the student programmatically for ELD instruction based on where the student was when he/she last attended school in RI.
2. If a current MLL/EL leaves RI and attends school in another US State, then returns to a RI public school **within** two (2) years, the student will continue to be designated as an MLL/EL and the district should place the student programmatically based on the results obtained on the latest available state ELP assessment.
3. If a current MLL/EL leaves RI and attends school in another US State, then returns to a RI public school **within** two (2) years, and the student was exited in another state with a valid state ELP assessment, the student will be designated with the status of Monitor 1 or Monitor 2 respectively.
4. If a current MLL/EL leaves RI and moves to another country, then returns to a RI public school **after** two (2) years, the district will follow the steps outlined in the initial identification process on page 7.
5. If a current MLL/EL leaves RI and attends school in another US State, then returns to a RI public school **after** two (2) years, the district should place the student programmatically based on the results obtained on the latest available state ELP assessment.
6. If an MLL/EL scores proficient on the WIDA ACCESS, and moves to another country, then returns to a RI public school **after** two (2) years, the district will follow the initial identification process, which may include re-identifying the student as an MLL/EL.

If a student enters RI from another state with documentation confirming reclassification/exit, the qualifying exiting scores will be applied in RI.

- If the student just exited, the district must monitor the academic progress of the student for two full academic consecutive years in RI under the status of Monitor 1 and Monitor 2.
- If the student exited in another state, and completed two full consecutive academic years of monitoring in another state, the student would be considered as a former or ever MLL/EL.

Note: for program placement purposes if a student is an MLL/EL but the student does not have the latest state ELP assessment scores, LEAs may use an interim assessment such as the WIDA MODEL to support programmatic decisions.

2b. Determination of MLL/EL Student with Interrupted/Inconsistent Formal Education (SIFE)

Students with Inconsistent/Interrupted Formal Education (SIFE) are MLL/ELs enrolling after grade two,

- *and* have at least two fewer years of age appropriate schooling than peers or have disenrolled from U.S. schools to enroll in schools in other countries (including Puerto Rico) more than two times in the past four years,
- *and* have limited encoding/decoding skills in native language and/or two or more years below grade level in math due to inconsistent or interrupted schooling prior to arrival in the US (as indicated by family interview and/or native language measures and/or review of academic records).

Student Placement Review[8]

Qualified assessors must administer the SIFE oral questionnaire and diagnostic tools to determine SIFE status.

The SIFE Oral Interview Questionnaire must be administered, followed by the Diagnostic Tool for SIFEs to ascertain their home language literacy level. Any documents pertaining to SIFE determination must be maintained in the student's cumulative record.

☐ If the student is designated as a SIFE, **proceed to Step 2c**, Parent Notification of MLL/EL Identification Determination.

☐ If the student is not designated as a SIFE, **proceed to Step 2c**, Parent Notification of MLL/EL Identification Determination.

2c. Parent Notification/Entitlement of MLL/EL Identification Determination

Within five school days of a student being identified as an MLL/EL, the parent/guardian is to receive written notice in their indicated preferred language, including, but not limited to, information regarding the following:

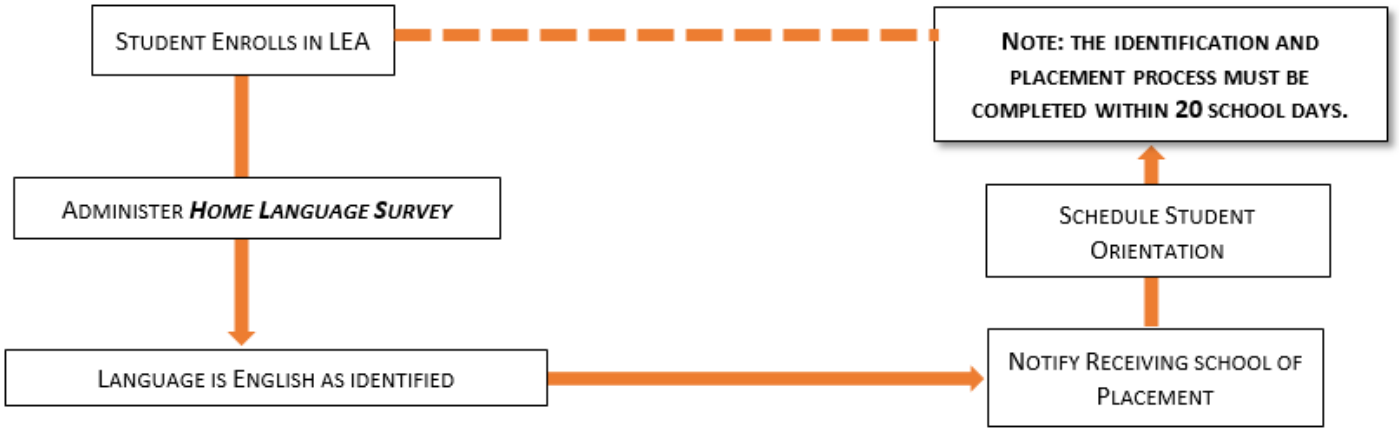
- MLL/EL's English language proficiency level
- Parent/Guardian's right to opt-out from all or partial ELD services

Please see parent notification sample on page 17.

☐ **Proceed to Step 3** – MLL/EL Program Placement

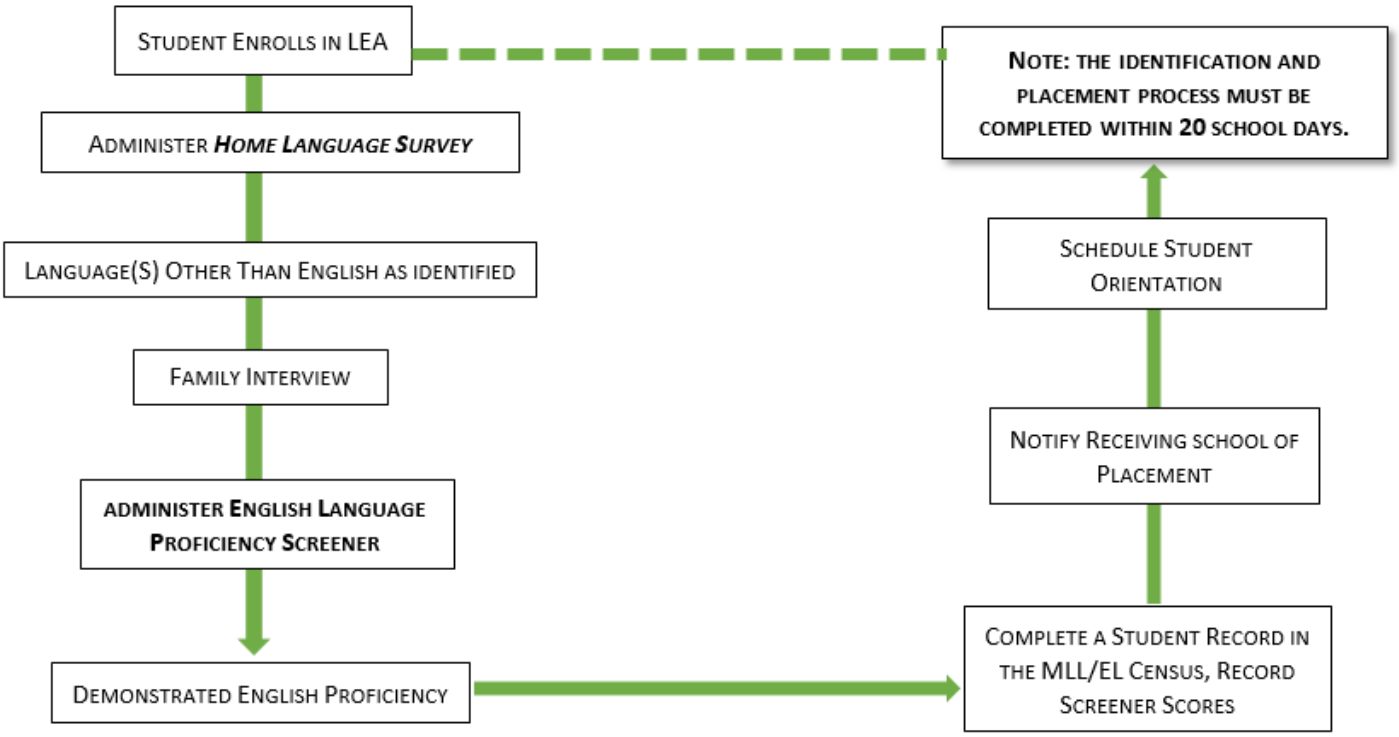
[8] Rhode Island Regulations and Guidance for English Language Learners Chapter 16-54 Regulation (200-RICR-20-30-3) - https://www.ride.ri.gov/StudentsFamilies/EnglishLearners.aspx

IDENTIFICATION FLOWCHART – Scenario 1[9]



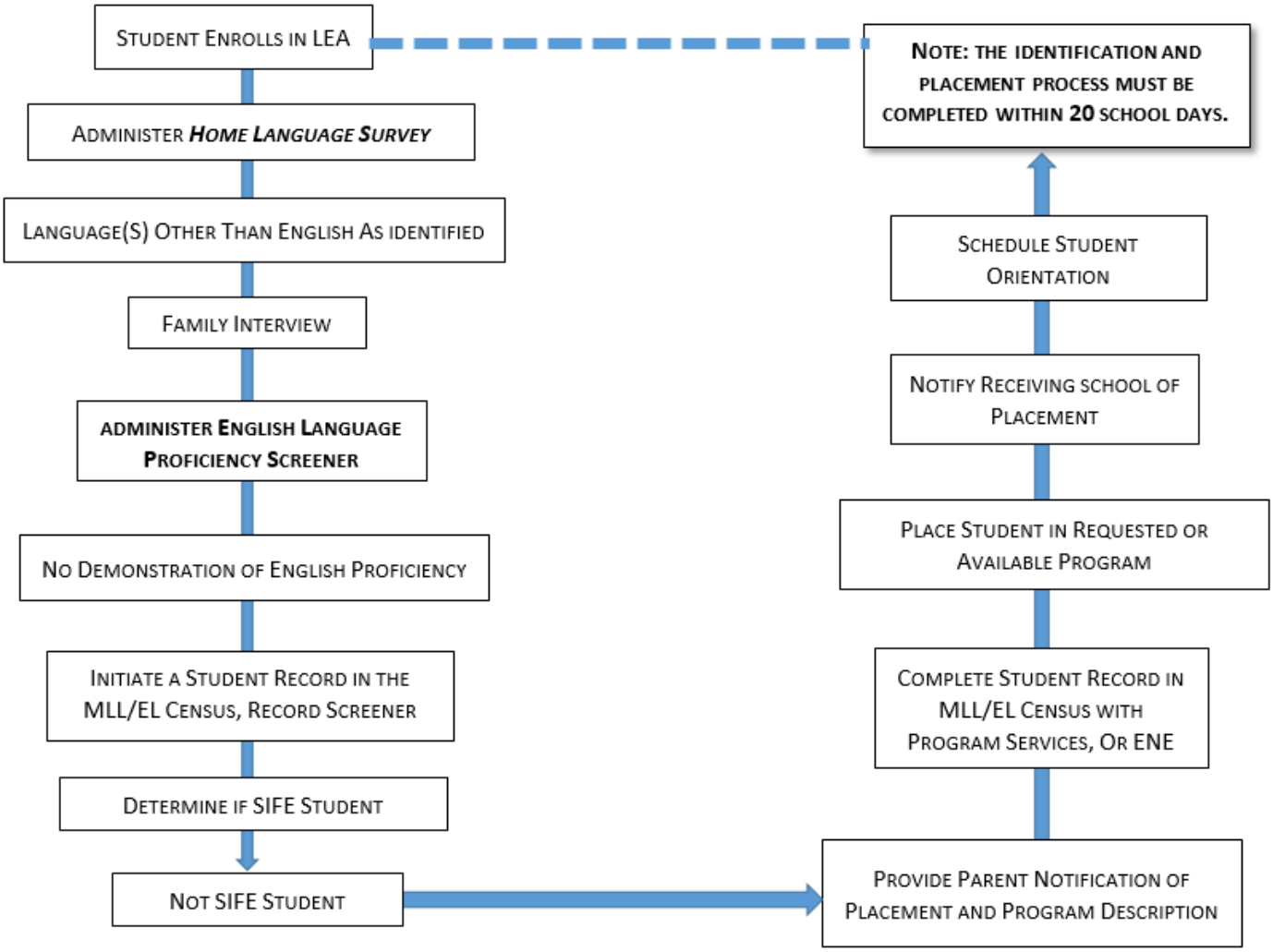
[9] Note: 1) A parent permission to screen for language proficiency is NOT required, however a parent interview must be conducted prior to screening. 2) If the student has an IEP or 504, then the MLL/EL office and Special Education office MUST collaborate to determine program and academic placement.

IDENTIFICATION FLOWCHART – Scenario 2 (Not MLL/EL)[10]



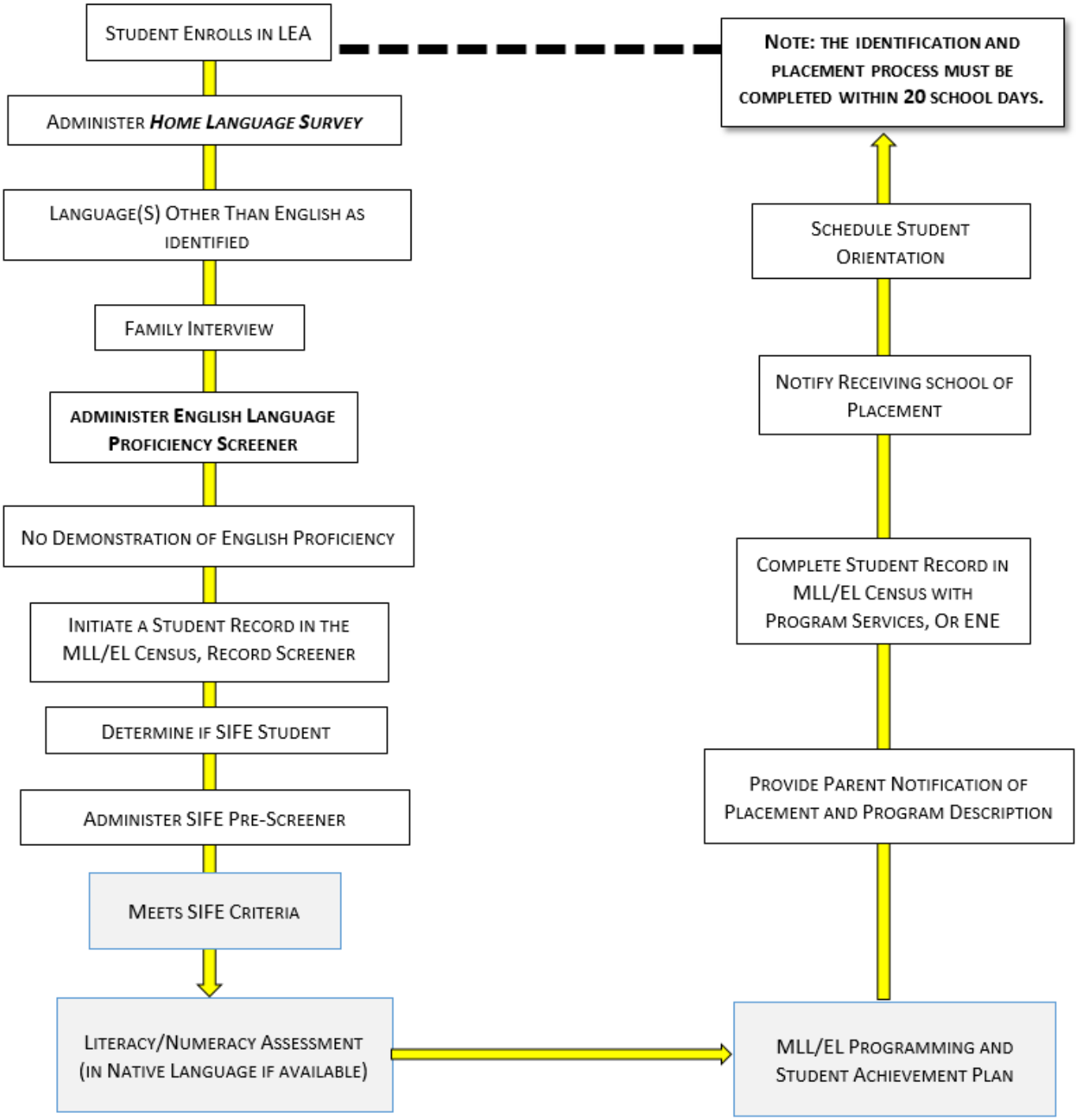
[10] Note: 1) A parent permission to screen for language proficiency is NOT required, however a parent interview must be conducted prior to screening. 2) If the student has an IEP or 504, then the MLL/EL office and Special Education office MUST collaborate to determine program and academic placement.

IDENTIFICATION FLOWCHART – Scenario 3 (MLL/EL)[11]



[11] Note: 1) A parent permission to screen for language proficiency is NOT required, however a parent interview must be conducted prior to screening. 2) If the student has an IEP or 504, then the MLL/EL office and Special Education office MUST collaborate to determine program and academic placement.

IDENTIFICATION FLOWCHART – Scenario 4 (MLL/EL - SIFE)[12]



Meeting the Needs of ELs Who Opt Out of MLL/EL Programs

School districts may not recommend that parents decline all or some services within an MLL/EL program for any reason, including attending the neighborhood school, facilitating scheduling of special education services or other scheduling reasons.

School districts must provide guidance in a language parents can understand to ensure that parents understand their child's rights, the range of MLL/EL services that their child could receive, and the benefits of such services before voluntarily waiving them.

If parents opt their children out of an MLL/EL program or specific MLL/EL services, the children retain their status as MLL/EL students, and the school district remains obligated to take the "affirmative steps" and the "appropriate action" required by the EEOA to provide these MLL/EL students access to its educational programs.

A student who is **Eligible but Not Enrolled (ENE)** meaning parents/guardians have opted out of services, is considered an 'active' MLL/EL student, and will take the annual ELP assessment for growth measurement until reclassification.

Sample Notification Opt Out

Sample Notification Opt Back

Please ensure that the relevant form is signed by the parents and a copy of that form is kept in the student's file as documentation that parents opted-out of MLL/EL services for their child.

[12] Note: 1) A parent permission to screen for language proficiency is NOT required, however a parent interview must be conducted prior to screening. 2) If the student has an IEP or 504, then the MLL/EL office and Special Education office MUST collaborate to determine program and academic placement.

3. MLL/EL PROGRAM PLACEMENT

Within 20 school days of enrollment[13], the student must be placed in the appropriate MLL/EL program with at least a daily period of ESL unless the EL student's parents make a voluntary and informed decision in writing to opt out of the program.

Pursuant to 200-RICR-20-30-3, to assist in program decisions, any student scoring at the Developing, Expanding, or Bridging Level shall be given an additional English reading assessment. When possible, a reading assessment in the first language of the student will be given to all MLL/ELs regardless of English Proficiency level. All available test data from the student's previous schools shall be used in the placement process.

For Program requirements, please refer to 200-RICR-20-30-3.

Parents/guardians must receive written notification of their child's MLL/EL program placement in a language the parents/guardians understand.

LEAs will be providing English Language Development instruction, and they may choose one (1) or more of the following program models, or components from these models, as defined in § 3.2 of 200-RICR-20-30-3, to provide the most appropriate program for each English Language Learner:

1. English as a Second Language
2. Sheltered Content Instruction
3. Collaborative ESL & General Education
4. Bilingual Education
5. Two-Way/Dual Language
6. Newcomer Program

In the event that a parent/guardian does not return the signed notification form within 10 school days, the MLL/EL is placed in the program model available in the school and/or district. The parent retains the right to make a final decision regarding the placement of their child in the program model of preference.

[13] Rhode Island Regulations and Guidance for English Language Learners Chapter 16-54 Regulation (200-RICR-20-30-3) - https://www.ride.ri.gov/StudentsFamilies/EnglishLearners.aspx

Parent Notification

[This letter provides specific language and guidance for LEAs to share with parents and/or guardians, in a language the parents/guardians understand, to ensure that they understand their child's rights. This is an annual notice.]

"Dear Parent/Guardian,

As a parent or guardian, it is important that you are aware that you have the right to choose your child's program of instruction as well as the right to be notified annually on the following:

a. The reason for identification of the child as an MLL/EL;

- Your child was identified as an MLL/EL based on a valid and reliable grade-appropriate test of English proficiency.

b. The child's level of English language proficiency, how the level was assessed, and the status of the child's academic achievement;

- The Language Screening Assessment used according to the grade level (K-MODEL[14], WIDA K Screener, WIDA Screener (1-12)), will indicate the level of language proficiency of the student.

Qualifying scores are the following:

SCREENER	CRITERIA
WIDA Screener Gr. 1-12:	**Overall below 5.0**
K MODEL[15]: **Listening and Speaking Tests should be taken by students entering:** 2nd semester Pre- Kindergarten 1st semester Kindergarten	**Oral Language composite: below 5.0**
Reading and Writing Tests can be taken during: 1st and 2nd semester in Kindergarten Reading and Writing Tests will be taken by students entering: 2nd semester Kindergarten year through mid-semester grade 1	**Overall score: below 5.0**

[14] LEAs utilizing the WIDA K MODEL for identification purposes have time until July 2022 to transition to the new WIDA K-Screener.
[15] Ibid.

WIDA K Screener:	**Oral Language composite: below 5.0**
Listening and Speaking Tests should be taken by students entering:	**Oral Language composite: below 5.0**
beginning in July prior to the start of the school year	
1st and 2nd semester in Kindergarten	
Reading and Writing Tests can be taken during:	**Overall score: below 5.0**
1st and 2nd semester in Kindergarten	
Reading and Writing Tests will be taken by students entering:	
2nd semester Kindergarten year through mid-semester grade 1	

c. Methods of instruction used in the program in which the child is, or will be, participating, and the methods of instruction used in other available programs, including how the programs differ;
[*LEA will list the method/s of instruction (program model) available.*]

5. Methods of Instruction and Assessment (200-RICR-20-30-3)

a. "Bilingual education" means a method of instruction that provides literacy and content-area instruction in a student's native language and English as a Second Language instruction at all proficiency levels. Bilingual-education teachers must meet state certification requirements, be highly qualified in their content area, and demonstrate proficiency in both English and the other language used in instruction.

b. "Collaborative ESL instruction" means a method of instruction that provides English Language Learners with ESL instruction taught by a certified and/or endorsed ESL teacher and content instruction provided through the school's general-education program. The certified and/or endorsed ESL teacher works in close collaboration with the general-education teachers in delivering content instruction for ELLs.

c. "English as a second language" means a method of instruction that develops an English Language Learner's social, instructional, and academic proficiency in English in order to prepare the English Language Learner to succeed in a school's general education program. ELL program objectives and curriculum for English Language Learners in grades K-12 must be aligned with WIDA standards, language domains, proficiency levels, and performance indicators. The core curriculum is to include English-language instruction in listening, speaking, reading, and writing that incorporates content knowledge and concepts aligned to Common Core State Standards (July, 2010) . Teachers must meet Rhode Island certification and/or endorsement requirements for ESL instruction.

d. "Newcomer instruction" means a program of instruction designed to educate students who have recently immigrated to the United States who have had little or no formal schooling. Newcomer Instruction provides a special academic environment that addresses gaps in the newcomer's schooling through intensive instruction in English literacy, numeracy, and participation in sheltered content instruction. Teachers must meet state certification requirements in ESL and/or content-area instruction for English Language Learners and be highly qualified, as defined by RIDE.

e. "Sheltered content instruction" means a method of instruction that provides a comprehensive set of grade-level core academic courses aligned with the WIDA ELP standards and Rhode Island's Common Core State Standards (July, 2010) . These classes make their content comprehensible to English Language Learners through scaffolded and differentiated instruction in English and they help English Language Learners to become competent in the use of academic English in all language domains. Teachers must:

(1) meet appropriate state-certification requirements,
(2) be highly qualified in their content area as defined by RIDE, and
(3) participate in specialized training in ESL methods and techniques.

f. "Two-way/dual language" means a method of instruction that promotes a student's full proficiency in all aspects of English and another language. These programs educate English Language Learners using both English and a target language for academic instruction, usually dividing the day or week by language of instruction. Two-way bilingual programs teach students who are learning English alongside students who are native English speakers who are learning the target language. Teachers must meet appropriate state certification requirements and be highly qualified as defined by RIDE in their content area." (200-RICR-20-30-3, Section 5)

d. How the program will meet the educational strengths and needs of the child and help the child achieve English language proficiency, and meet academic standards;

[*In choosing a method of instruction, the LEA will provide the rationale for the choice, and the researched based evidence that supports that choice.*]

e. Exit requirements for the program;

The current exit criteria have been adopted statewide in 2019:

- There are two required criteria for exit from the ELIP:

  1. Overall score of 4.8 or above AND

  2. The student is in grades 1-12 (Kindergarteners are not eligible for exit)

- For ELs with the most significant cognitive disabilities who are assessed using an alternate English language proficiency assessment.

  Overall Score of P2 for two (2) consecutive years

- For ELs with disabilities for whom it is determined on an individual basis that their disabilities preclude assessment in one or more domains on the general or alternate English language proficiency assessment and there are no appropriate accommodations for the affected domain(s).

  Overall Score of 4.8 or above (obtained with the RIDE provided tool)

The expected rate of transition to a classroom not tailored for MLL/EL students, and expected rate of high school graduation;

[*The LEA will provide such information based on the local program decisions and trends articulated from local data.*]

f. In the case of a child with a disability, how the program meets the annual goals in the child's individualized education program (IEP) or 504 plan; and

[*In choosing a method of instruction, the LEA will provide the rationale for the choice, and the researched based evidence that supports that choice.*]

g. Information regarding parents' right to withdraw the child from all or part of a program upon their request, and to decline enrollment or choose another program or method of instruction, if available.

- As a Local Education Agency, our role is to provide students with services and resources they are entitled according to their status. A voluntary and knowing decision of a parent opting out of an MLL/EL program or particular MLL/EL services must be obtained in writing in a language they understand.
- Waiving MLL/EL services under the chosen method of instruction will require that an active MLL/EL student continues to be assessed with the annual English Language Development assessment (WIDA, ACCESS) until qualifying for reclassification, to determine growth.
- If parents/guardians voluntarily choose to waive services in writing, the District will annually request parents/guardians for an update on the decision to waive language supports."
- Please ensure that the relevant form is signed by the parents and a copy of that form is kept in the student's file as documentation that parents opted-out of MLL/EL services for their child.

4. MLL/EL RECLASSIFICATION CRITERIA

The criteria outlined in this document are a minimum requirement for eligibility to be considered for exit from an ELIP. A student may not be exited from the ELIP unless he/she meets these requirements. However, a local education agency (LEA) is not under any obligation to exit a student who exceeds these requirements if the LEA has compelling evidence that continued participation in the ELIP is in the best interest of the student. Whether the decision is made to exit or retain a student who has exceeded these minimum requirements, the LEA must explain the decision to the parent/guardian of the MLL/EL.

There are two required criteria for exit from the ELIP:

1. **Overall score of 4.8 or above AND**
2. **The student is in grades 1-12 (Kindergarteners are not eligible for exit)**

Considerations for students with disabilities "Before any considerations for exiting MLL/EL status are made, the schools will have ensured that the MLL/EL with disabilities receives both special education and related services as well as MLL/EL services. The MLL/EL's special education and MLL/EL teachers will have collaborated to deliver those services in an integrated manner in the least restrictive environment. IEP goals will have been written to reflect the integration of language learning and academic content goals for the MLL/EL with disabilities."[16]

☐ MLL/ELs with disabilities who are able to access all domains (i.e., listening, speaking, reading, writing) of the state's English language proficiency assessment with or without appropriate accommodations.[17]

- **Overall score of 4.8 or above**

☐ For MLL/ELs with the most significant cognitive disabilities who are assessed using an alternate English language proficiency assessment.[18]

- **Overall Score of P2 for two (2) consecutive years**

☐ For MLL/ELs with disabilities for whom it is determined on an individual basis that their disabilities preclude assessment in one or more domains on the general or alternate English language proficiency assessment and there are no appropriate accommodations for the affected domain(s).[19]

- **Overall Score of 4.8 or above (obtained with the RIDE provided tool)**

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[16] CCSSO Framework on Supporting Educators to Prepare and Successfully Exit English Learners with Disabilities from EL Status - Published On: February 04, 2019.

[17] (34 CFR § 200.6(h)- (5)), (34 CFR § 200.6).

[18] The Title I, Part A assessment regulations require that all states "provide an alternate ELP assessment for each English learner covered under § 200.6(a)(1)(ii)—that is, those with the most significant cognitive disabilities—who cannot participate in the general ELP assessment even with appropriate accommodations" (34 CFR § 200.6(h)(5)).

[19] Under the Title I regulations. "If an English learner has a disability that precludes assessment of the student in one or more domains of the English language proficiency assessment required under section 1111(b)(2)(G) of the Act such that there are no appropriate accommodations for the affected domain(s) (e.g., a non-verbal English learner who because of an identified disability cannot take the speaking portion of the assessment), as determined, on an individualized basis, by the student's IEP team, 504 team, or by the individual or team designated by the LEA to make these decisions under Title II of the ADA, as specified in paragraph (b)(1) of this section, a State must assess the student's English language proficiency based on the remaining domains in which it is possible to assess the student (34 CFR § 200.6(h)(4)(ii))."

A student with an IEP participates in the ACCESS or ALT ACCESS with or without the use of testing accommodations, as specified in the IEP and in accordance with state policy for the administration of the assessment.

Students with 504 plans that include recommendations for testing accommodations must also be provided those accommodations on the ACCESS or ALT ACCESS in a manner consistent with state policy for the administration of the assessment.

References:

Rhode Island Regulations and Guidance for English Language Learners Chapter 16-54 Regulation (200-RICR-20-30-3)
https://www.ride.ri.gov/StudentsFamilies/EnglishLearners.aspx

English Language Learners (ELLs) Screening, Identification, Placement, Review, and Exit Criteria
New York State - Commissioner's Regulation Part 154, July 1, 2015
www.nysed.gov/common/nysed/files/programs/bilingual-ed/ellidchartguidance7.1.15-a.pdf

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, 2015, outlines SEAs' and LEAs' legal obligations to ELs under Civil Rights Laws and other federal requirements.
http://www2.ed.gov/about/offices/list/ocr/ellresources.html
https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf

English Learner Tool Kit Updated with ESSA references. OELA's EL Tool Kit was published in 2015 as a companion to support the 2015 Dear Colleague Letter (DCL) produced by the Department of Education, Office for Civil Rights, and the Department of Justice, outlining legal obligations for ELs. Some chapters of the tool kit have been updated related to the Every Student Succeeds Act of 2015 (ESSA).
https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html