



English Learner (EL) Guidebook

Assessment and Title III: Identifying, Serving and Reporting



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Wyoming Department of Education

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Introduction

This guidebook establishes the procedures and requirements for identifying, serving, and reporting students to the Wyoming Department of Education (WDE) who are classified as Active English Learners (EL) or are within their first four years of EL Monitor Status.

Title III: EL funding and Wyoming Funding Model

Reported student data are used to determine eligibility for the Wyoming Funding Model and Title III - EL federal funding. Only Active ELs (those currently identified in accordance with this guidebook), served in an eligible local education agency (LEA) will be eligible for Title III - EL funding. This funding must supplement the LEA's required core EL program of instruction.

Authority

Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) of 2015, 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).

State and Federal Requirements

- All districts, even those not receiving Title III funds, must follow the WDE guidelines set forth in this guidebook, unless it is noted that it specifically applies to Title III funded districts. EL funding determinations for the Wyoming Funding Model are made based on the appropriate identification of ELs as outlined in this guidebook.
- Future audits of the Wyoming Funding Model will use this guidebook to determine if students were appropriately reported as ELs and were eligible for funding.
- Title I requires that all Active ELs be assessed annually with the WIDA ACCESS or WIDA Alternate ACCESS.
- All students ineligible to exit the Active EL status must continue to be identified as an EL and receive appropriate Active EL program services.
- All districts are required under [Equal Educational Opportunities Act \(EEOA\) of 1974](#) ([20 U.S.C. § 1703\(f\)](#)) to take appropriate action to overcome language barriers for ELs.
- All districts are required to meet the requirements of [Castañeda v. Pickard](#), which provides the framework to determine whether their core EL program of instruction is legally sufficient.
 - Prong 1: The district's English Learner program must be based on a recognized, expert-backed educational theory.
 - Prong 2: The program must be backed by adequate resources, proper facilities, and qualified teachers and staff.
 - Prong 3: The district must evaluate student progress at least annually to measure program effectiveness and modify language instruction programming whenever it fails to meet established goals.

Services

All districts must provide the appropriate support and services to English Learners. In 1974, "Congress enacted the Equal Educational Opportunities Act (EEOA), which confirmed that all public schools and state educational agencies (SEAs) must act to overcome language barriers that impede equal participation by students in their instructional programs."

To ensure all districts provide the appropriate support and services to English Learners, districts must follow the following procedures:

- **Timely Identification and Screening:** Identify and assess potential EL students in a valid and reliable manner using a standardized Home Language Survey and state-approved English language proficiency screener within 30 days of the start of the school year (or within two weeks of enrollment if enrolling mid-year).
- **Evidence-Based LIEP Design:** Implement a Language Instruction Educational Program (LIEP) that is based on sound educational theory recognized by experts in the field (Castañeda Prong 1).
- **Qualified Staffing and Adequate Resources:** Sufficiently staff and resource language instruction programs, ensuring that educators delivering EL services hold appropriate state qualifications/endorsements and that learning facilities are comparable to those provided to non-EL peers (Castañeda Prong 2).
- **Equal Access to Curricular and Extracurricular Programs:** Ensure EL students have equal opportunities to meaningfully participate in all educational opportunities, including core academic instruction, graduation requirements, specialized and advanced coursework (AP/IB, honors, CTE), sports, and extracurricular clubs.
- **Avoid Unnecessary Segregation:** Provide EL services in the least restrictive environment necessary to meet language acquisition goals, avoiding the unnecessary segregation of EL students from their non-EL peers.
- **Appropriate Services for Dual-Identified Students:** Ensure EL students with suspected or identified disabilities under the Individuals with Disabilities Education Act (IDEA) or Section 504 are evaluated in a timely, linguistically appropriate manner, and that their English language needs are explicitly considered during evaluations, IEP/504 plan development, and service delivery.
- **Support for Opt-Out Students:** Meet the academic and language needs of EL students whose parents opt out of formal language assistance programs, ensuring general education teachers provide appropriate instruction and that these students continue to be assessed annually on the state English language proficiency exam.
- **Objective Exit Criteria & Post-Exit Monitoring:** Establish standardized, objective program exit criteria based on state English language proficiency assessments, and actively monitor former EL students for a minimum of four years post-exit to ensure ongoing academic success.
- **Program Evaluation and Continuous Reform:** Annually measure student progress in acquiring English proficiency and mastering core academic content, systematically evaluate the overall effectiveness of the district's LIEP, and modify the program when it fails to produce intended results (Castañeda Prong 3).

The Equal Educational Opportunities Act (EEOA) of 1974 and the State of Wyoming allows 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 with a large number of monolingual newcomers will require more support (EL teachers, paraprofessionals, tutors, etc.);
- The number of certified EL instructors available;
- The variety of languages spoken; and,
- The overall measurable success of the program. Even if a district does not receive Title III funding, they are still required to have a district EL plan and serve EL students in the district according to federal requirements.

Identifying English Learners

Active EL (English Learner) Identification Process

The identification of a student as an Active English Learner in Wyoming is a three-step process. The Identification Process ensures that students are accurately identified, so they may receive English Language services.

Step 1: Home Language Survey

The first step of the Identification Process is identifying a student as a “Potential EL” through the Home Language Survey (HLS), a questionnaire used to help determine if the student might be in need of EL services. When any student enrolls in a Wyoming school district for the first time, or is a returning student back to Wyoming, parents are mandated to complete a HLS, which is created by districts with state guidance. All students must have a HLS on file (questions and answers), regardless of a student’s or family’s perceived language proficiency, ethnicity, race, or linguistic background. HLS forms must be a standard part of the enrollment process for all students who are new or returning to a district. While the HLS remains a standard part of the enrollment process for every Wyoming student, families do not need to complete an HLS annually as long as the student remains in the same district.

For monitoring and auditing purposes, districts should use a standard HLS form. A student cannot be identified as an Active EL based on the HLS alone. The HLS must contain key information:

- The date of interview,
- Names of interviewee(s),
- Relationship to Student,
- Name of interviewer,
- Student’s Name,
- Student’s Wiser ID #,
- Student’s enrolled school and district,
- Method of interview (phone, in person, online etc.); and,
- Include any other relevant information, such as use of an interpreter.

The HLS must also include at minimum, the following three questions as mandated by the U.S. Department of Justice:

- What is the primary language used in the home, regardless of the language spoken by the student?
- What is the language most often spoken by the student?
- What is the language that the student first acquired or learned?

Data gathered from the Home Language Survey (HLS) helps determine if a student should be placed in a language assistance program, such as English as a Second Language (ESL) or bilingual education. To encourage parents to provide accurate details, schools must clarify that HLS information is strictly used to provide educational services and is not used to evaluate a family’s legal status.

To support effective communication, Local Education Agencies (LEAs) and schools should provide HLS forms translated into the languages spoken within their community. Educators must respect parents’ stated communication preferences when language assistance is requested and should recognize that a parent’s English proficiency may differ from their child’s.

In cases where parents indicate English is the only language used but educators observe evidence of a different primary or home language, the district should document these findings through interviews or observations. This documentation provides the necessary cause to administer a language screener even without a flagged HLS question. These records, which can be maintained in paper or electronic formats (including scans), must include the specific questions asked, the responses received, and student demographics. Completed HLS forms must be kept in the student's permanent educational file.

Note: Parents do not have to sign a permission form for their student to be screened. The HLS, with all the required information listed above, must be available for auditing purposes.

Step 2: Follow-Up Family Interview

To ensure the HLS is accurately identifying English Learners in need of language-support services, the WDE requires that districts conduct a follow-up family interview for any student identified as a "Potential EL," based on any HLS questions that were answered with a language other than English.

The family interview process allows districts to interview the person who completed the HLS and gather information or receive clarification on each child's circumstance to ensure the accuracy of the responses, which is helpful in correctly identifying potential ELs. This step provides districts the opportunity to ensure the validity of the data from the HLS through the parent or legal guardian interview. Sample family interview questions are included in Appendix B to assist districts with this process.

Additionally, if the family interview proves a HLS question(s) was answered incorrectly, a district must not change the HLS, but add an attachment with the results/specific information of the interview. Examples may include, but are not limited to:

- Family misunderstanding or misinterpretation of HLS questions.
- HLS was completed by non-family members who do not have accurate knowledge of the student's language background.
- Parents lack of English language skills to complete the HLS.
- Questions on the HLS that may have been misleading.
- Infrequent visits from family members/friends that speak another language.

The interview process can be used as an additional opportunity to determine if the parent or guardian requires oral and/or written communication in a language other than English. LEAs must develop and implement a review process for determining: (1) if parents and guardians have limited English proficiency; (2) what their primary language is; and (3) what their language needs are.

Step 3: English Language Proficiency Screener

If the HLS and/or follow-up interview indicate that a language other than English is the student's primary language, then an English Language Proficiency (ELP) Screening Assessment is administered. If the student scores below proficient on the ELP screening assessment, the student is eligible for EL services and is included in the count of Active ELs

- An ELP screening assessment is a test used in the initial EL identification process and for placement in appropriate EL services.
 - A student who participates in 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.
- The state's annual ELP assessment, WIDA ACCESS, is not an ELP screener and is never used for initial identification and placement.
- Wyoming school districts may only use approved ELP screening assessments from WIDA.
 - For Kindergarten, both the WIDA Screener for Kindergarten and the Kindergarten MODEL are approved screening assessments.
 - For grades 1-12, districts are required to use the WIDA Screener.
- Online and paper versions of the WIDA Screener are allowable for screening purposes.
 - Both versions use proficiency levels aligned to the state's ELP Standards and to the state's ELP assessment, WIDA ACCESS.
- A student that tests English proficient on an approved WIDA ELP screener is not an Active EL and should not be moved to monitor status.
 - The student is not eligible for EL services and should be placed in mainstream services.
 - If it is observed that the student may later be struggling with English proficiency, the student may be rescreened.
 - Additional details on the rescreening process are outlined in the "Rescreening ELs" section.

Note: Districts should maintain screening results for documentation purposes.

Parent Notification

The Elementary and Secondary Education Act (ESEA) requires that parents of students identified as Active ELs be notified of the student's identification and placement in EL services within 30 days of the start of the school year, or within 2 weeks if the student enrolls midyear.

Schools must communicate information about any program, service, or activity to parents with limited English proficiency in a language/method the parents can understand.

The following information must be included in the initial and annual parent notification letter:

- Reasons for the identification of their child as an English learner and for the need of placement in a language instruction educational program.
- Child's level of English proficiency and how such level was assessed.
- The current status of the child's academic achievement (excluding kindergarten).
- Methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction.
- How the program will meet the educational needs of their child.
- How the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation.
- Specific exit requirements for the program, including the expected rate of transition into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates).
- In the case of a child with a disability, how such program meets the objectives of the individualized education program (IEP) of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and

- Information pertaining to parental rights. Parental rights include:
 - The right to refuse services or have their child immediately removed from such program upon their request.
 - The right to decline to enroll their child in such a program or to choose another program or method of instruction, if available.
 - Parents can seek assistance in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

Foreign Exchange Students and EL Status

A Home Language Survey (HLS) is a requirement for all students, including foreign exchange students. English proficiency levels may vary, requiring some Foreign Language Students to need English Language support and services.

If the HLS indicates a language other than English is the student's primary language, a follow-up interview process is required with the host family. A screener for English proficiency is the third step of the identification process. If the student scores below proficient on the screener, the student is reported as an Active EL and provided EL services.

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. Districts will also report any foreign exchange students that qualify as Active EL on the WDE684 collection. More information regarding immigrant students can be found in the "Immigrant Student" section of this Guidebook.

Wyoming follows guidance from The Office of Civil Rights, which does not exempt foreign exchange students from the protections established under Title VI of the Civil Rights Act of 1964. Under the Elementary and Secondary Education Act (ESEA), a foreign exchange student is not exempt from any Title I or Title III required assessment, specifically the English language proficiency assessment, and will be included in the state's accountability district. Foreign exchange students must also participate on any of the mandatory statewide summative, college-readiness, or career-readiness assessments .

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 is the student's primary language:

- Identification and parent notification is to be completed within 30 calendar days at the beginning of the school year, or within 14 calendar days (two weeks) of enrollment if the student enrolls after the first 30 days of the school year.
- Documentation regarding the student's EL status should be included with the student's records request to the student's former school district.
- If documentation confirms the student is an Active EL, or is in monitor status, the student is to be identified and reported as such by the receiving district. In this case, there is no need to administer an ELP screening assessment.
- If the district is unable to obtain proper documentation of the student's Active EL or current monitor status, the district should use the [EL Status Manager](#) on the WDE District Resources Website to search for Wyoming ACCESS historical testing data. Since districts do not have access to new transfer students until after reporting on the WDE684, a district should contact WDE for assistance.

- If the district is unable to obtain proper documentation of the student's Active EL or monitoring status, then the district must follow the EL identification process outlined in this guidebook.

Note: Documentation must be obtained within the mandatory time frame for parent notification of identification and placement in EL services.

Out-of-State Transfers:

If a student from another state, which is a member of the WIDA Consortium (see <https://wida.wisc.edu> more than 41 states, territories and federal agencies), transfers to a Wyoming school district and the HLS indicates that a language other than English is the student's primary language:

- Identification and parent notification must be completed within 30 calendar days of enrollment at the beginning of the school year, or within 14 calendar days (two weeks) of enrollment if the student enrolls after the first 30 days of the school year.
- Documentation from the sending district regarding the student's EL status must be obtained with the student records request.
- If the district is unable to obtain proper documentation of the student's Active EL or Monitoring Status, then the district must follow the EL identification process.
- If documentation from a WIDA state confirms the student is an Active EL, or is on monitor status, the student is to be identified and reported as such by the receiving district. In this case, there is no need to administer an ELP screening assessment.
- If monitoring documentation does not exist from a sending state, the Wyoming district is responsible for all monitoring requirements for 4 years.
- If the student's WIDA results from the most recent school year (from another state) were sufficient to meet the Wyoming exit criteria, or that of the sending state, the student may be exited from the Active EL Status and be placed in monitoring year 1 status. This information should be documented as part of monitoring.
 - Wyoming does not accept the results of any other non-WIDA ELP assessment.

Note: Documentation must be obtained within the mandatory time frame for parent notification of identification and placement in EL services.

Screening Students

As part of step three of the identification process, all potential EL students must be screened for English Language Proficiency (ELP) within 30 days of the beginning of the school year, or within 14 calendar days (2 weeks) of enrollment if the student registered after the first 30 days.

A district can choose to screen students during a spring kindergarten enrollment period rather than after the school year begins. Due to student linguistic growth and cognitive development, students screened during the kindergarten enrollment period need to be re-screened after July 1 to meet federal deadlines. The WDE recommends that districts wait to screen students for ELP until the beginning of the school year.

For more detailed instructions about screener administration, review the screener administration manuals on the [WIDA Secure Portal](#).

WIDA Screener for Kindergarten

Wyoming allows the use of the WIDA Screener for Kindergarten scores to determine if a student qualifies as an Active EL. This is a paper-pencil, adaptive assessment that must be administered face-to-face to determine a student's English Language Proficiency.

Wyoming allows the following students to participate in the WIDA Screener for Kindergarten:

- Students in Kindergarten (often those with no/limited school experience).
- Students in first grade, 1st semester take the WIDA Screener for Kindergarten.
- Students in first grade, 2nd semester will take the WIDA Screener.

All other grade levels must be screened on the WIDA Screener tool. This is an online screener tool for grades 1-12, but paper can be requested if there is an accommodation or designated support on the student's IEP, IELP, or 504 Plan.

The test assesses the four language domains of Listening, Speaking, Reading, and Writing. Only Listening and Speaking domains are required in the fall. All four domains should be screened in the spring. Students who take the WIDA Screener for Kindergarten and score below 5.5, are qualified to be included in the count of Active ELs and are eligible for EL services. Those students who receive a score of 5.5 or greater for the overall composite score are considered English proficient and are NOT included in the count of Active ELs.

WIDA Kindergarten Model Screener (Measure of Developing English Language)

Wyoming also allows the use of the MODEL Accountability Proficiency Level scores to determine if a student qualifies as an Active EL.

Wyoming allows the following students to participate in the Kindergarten MODEL Screener:

- Students in Kindergarten (often those with no/limited school experience).
- Students in first grade, 1st semester take the Kindergarten MODEL Screener.
- Students in first grade, 2nd semester will take the WIDA Screener.

All other grade levels must be screened using the WIDA Screener tool. This is an online screener tool for grades 1-12. Paper/pencil assessments may be requested if the student has an accommodation or designated support on their IEP, IELP, or 504 Plan.

Students who are in their first semester of Kindergarten are required to take the Speaking and Listening domains, and will receive an Oral Composite Score. Students who receive a score below a 5.0 Oral Composite Score (Speaking and Listening domains only) must be included in the count of Active ELs and are eligible to receive EL services. Those students who receive a score of 5.0 or greater Oral Composite Score. are considered English proficient. English proficient students are NOT included in the count of Active ELs.

Students in their 2nd semester of Kindergarten or 1st semester of first grade are required to take all domain tests (Listening, Speaking, Reading, and Writing) of the MODEL for Kindergarten Screener. These students will receive a composite proficiency-level score. Students who receive a composite score below a 5.0 (in all 4 domains) must be included in the count of Active ELs and are eligible for EL services. Those students who receive a composite score of 5.0 or greater (in all 4 domains) are considered English proficient and are NOT included in the count of active ELs.

More information on the Kindergarten MODEL is available on the [WIDA website](#). The Test Administrator Training is included in the MODEL kit, which contains a training CD used for the training for the Kindergarten MODEL.

WIDA Screener (English Proficiency Score Determination)

The WIDA ALT Screener is new for 2026-27. When enrolling a potential English learner (EL), the student should have an existing IEP and meet the alternate assessment participation criteria. It is recommended that the Test Administrator is familiar with the student's mode of communication and works collaboratively with the student's IEP team to ensure that all necessary accessibility features are in place to support meaningful participation. The WDE Participation Guidance Document will assist IEP or 504 teams with determining a student's alternate assessment appropriateness.

Because the WIDA ALT Screener is administered in grade bands (K-2, 3-5, 6-8, 9-12) identification scores are also determined by gradeband. Note: The Kindergarten WIDA ALT Screener will consist of the Speaking and Listening Assessments.

The Alternate Proficiency Level Descriptors may be viewed and used to increase understanding around characteristics of language development for students with the most significant cognitive disabilities at the various levels of language proficiency.

1. Review Home Language Survey (HLS) Responses

- Determine if a language other than English is present in the student's home environment.
- If "Yes," proceed to Step 2.

2. Confirm IEP Documentation

- Verify that the IEP Plan states the student meets the alternate assessment participation criteria.
 - Use the [WIDA Alternate Screener Decision Tree](#) to assist you with eligibility determinations.
 - Ensure WIDA Alternate Screener, WIDA Alternate ACCESS, and WYAA designation are documented in the child's IEP.
- If the alternate assessment participation criteria are met, proceed to Step 3.

3. Administer WIDA Alternate Screener

- Administer the screener to assess English proficiency.
 - Administer all domains.

4. Enter Scores into WIDA Alternate Screener Scoring Calculator.

- Enter raw scores in the [WIDA Alternate Screener Scoring Calculator](#).
- Download and retain score report for cumulative file.
 - The identification score for the WIDA ALT Screener is <PL3.

5. Determine Next Steps Based on Screener Results.

Refused Services

The Equal Educational Opportunities Act (EEOA) of 1974 remains the foundation of the legal rights of an English Learner. Parents have the right to opt their children out of EL programs or particular EL services. This decision must be voluntary and based on a full understanding of the EL child's rights, the range of services available to the child, and the benefits of such services to the child. If a parent declines EL services:

- The district remains legally obligated to provide language support that ensures meaningful access to an equitable education.
- The parent's refusal of EL services must be documented.
- Parental refusal of EL services does not relieve the district of its obligation to provide appropriate academic supports, monitor student progress, and conduct annual English language proficiency (ELP) testing.
- If a parent decides to opt his or her child out of EL programs or particular EL services, that child still retains his or her status as an Active EL.

The LEA must continue to monitor the student's academic progress, despite the parental opt-out.

If an LEA finds a student is struggling, it should take appropriate steps to assist them, which may include:

- Further assessing the student's English Language Proficiency (ELP).
- Notifying the parent(s) about the child's lack of progress and encouraging them to opt the child into EL programs and services.
- Providing language acquisition supports, such as offering professional development in second language acquisition to core curriculum teachers.

A parent may decline EL services, but cannot decline the English Learner designation or the requirement that the EL participates in the annual ELP assessment.

Rescreening ELs

After students have exited the Active EL status by obtaining the proficiency criteria on the ELPA, LEAs will monitor student's progress for four years. Former ELs (during their four-year monitoring period and afterward), as well as students who initially were screened and found to be proficient, can be rescreened at a later date if it is found that they are academically struggling, and it is suspected that this is due to linguistic reasons.

If an EL is not progressing academically as expected and monitoring suggests persistent language support needs, an LEA should consider a team meeting with various appropriate staff members to discuss if additional language assistance services are needed. LEAs may discuss if rescreening the English Language Proficiency (ELP) of the student on a WIDA Screener is needed to see if the student qualifies for reclassification of an Active English Learner and IELP Program/services.

In no case should rescreening of an exited student's ELP be prohibited. If the student is reentered into EL services, however, the LEA should document the reasons why and the parent's consent to reentry. If it is apparent through observation and data collection that the student is struggling academically, and if the district believes it may be because of a lack of English proficiency:

- The district may refer the student for evaluation to determine if the student may be in need of EL services. This process must be documented and evidence maintained in the student's cumulative file. This is typically done through a referral process such as a Building Intervention Team (BIT) or

Multi-Tiered System of Supports (MTSS) review. The student's Individual English Learner Plan (IELP) could serve as the proper means for documenting this process.

- If the ELP screening assessment results indicate the student is below English proficient, then the student is reclassified and identified as an Active EL and should be reported to the WDE in the Student Information System (SIS) and the WDE465 and be placed back in the appropriate Language Instructional Educational Program (LIEP). The reclassification of a student's status back into the Active EL Status will require an override in the [EL Status Manager](#).
- 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/MTSS, or similar evaluation team, should determine appropriate interventions for this student.

Serving English Learners

Wyoming contracts with the WIDA Consortium to provide support and services. This includes professional development opportunities for teachers and testing opportunities for students. The WIDA English Language Development (ELD) Standards Framework provides a supportive curriculum, instruction and assessment system for multilingual learners in kindergarten through grade 12.

The English Language Development Standards provide educators with a connection between language development and academic content area learning and are the standards to which the WIDA assessments are aligned.

To find out more about the WIDA Standards Framework, please review the [WIDA English Language Development Standards Framework](#), 2020 Edition Kindergarten—Grade 12.

Monitoring

Exited ELs must be monitored for four academic years to ensure ongoing progress toward challenging State academic standards. Years one and two require formal documentation using a designated monitoring form. During years three and four, districts must maintain active accountability and oversight; while districts may continue using the initial monitoring forms, progress may also be documented using report cards, state and local assessments, teacher observations, attendance records, or other relevant materials in the student's cumulative file. To ensure an accurate accounting of active and monitored ELs, district EL coordinators should regularly request updated reports from their SIS/Tech coordinator.

English Learner (EL) Educator Requirements

Educators who provide the Active English Learner (EL) services in a language instruction educational program (LIEP) are required to have an ESL endorsement in Wyoming. Wyoming has the following endorsements: ESL K-6, ESL 5-8, ESL 6-12, and ESL K-12. School districts have an obligation to provide trained and qualified EL teachers to ensure language assistance services are implemented effectively, along with trained administrators who can evaluate these teachers. At a minimum, every school district is responsible for ensuring that there is an adequate number of teachers to instruct EL students and that these teachers have mastered the skills necessary to effectively teach in the district's program for EL students. 20 U.S.C. § 6319(a).

Exit Proficiency Level Criteria for Active EL Status

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, WIDA ACCESS or WIDA Alternate ACCESS.

- A student is English proficient when the overall composite performance level (CPL) is at least 4.6 AND the Literacy Performance Level (LPL) is at least 4.3.
- A student taking the alternate assessment is proficient when the overall composite performance level (CPL) is a score of P3 or higher.

Assessing English Learners

WIDA ACCESS

WIDA ACCESS is a secure large-scale English language proficiency assessment. It is aligned to the WIDA English Language Proficiency Standards and assesses for English proficiency in Listening, Speaking, Reading, and Writing. It is administered annually to students in Kindergarten through grade 12 who have been identified as Active ELs to monitor students' progress with English acquisition..

- Districts should test online, except in situations in which individual students would be best served by paper testing, as outlined in an IEP or 504 plan.
 - The Kindergarten assessments are available in a paper-based form only.
 - Practice tests and a Test Demo tutorial are available on the DRC AMS login page. These resources will familiarize students with the testing platform including accommodations and types of items, especially those with limited exposure to technology or standardized testing..

WIDA Alternate ACCESS

The WIDA Alternate ACCESS is administered to an Active EL student who has been identified as a student with the most significant cognitive disability and takes the alternate academic assessment as indicated on an IEP or 504 Plan. Active EL students who qualify for special education services and take the state's alternative assessment, WY-ALT, must also take the WIDA Alternate ACCESS.

The WIDA Alternate ACCESS is a paper-based assessment administered annually to monitor students' English language acquisition. The WIDA ALT ACCESS assesses four language domains: Listening, Speaking, Reading and Writing.

For More information about the WIDA ALT ACCESS, Alternate Model Performance Indicators and Alternate Assessment Activities is available on the [WIDA website](#).

Alternate Assessment Identification

Alternate assessments are designed exclusively for students with the most significant cognitive disabilities (SMSCD), and participation should not exceed 1% of a state's assessed population. The decision for a student to take an alternate assessment—which includes Active English Learners—must be made by an IEP or 504 Plan team. Only the IEP team can make the final alternate assessment designation and should refer to the WDE Alternate Assessment Participation guidance and training for decisionmaking.

WIDA ACCESS Test Ordering

District Test Coordinators or designated staff must order materials for the WIDA ACCESS suite of assessments. Materials ordering is done through the [WIDA Assessment Management System](#) (WIDA AMS/ DRC Insight). Unique login credentials for WIDA AMS are sent via email to Test Coordinators. Pre-ID labels are included in initial test material shipments to districts and schools and cannot be ordered during the additional materials ordering window.

WIDA ACCESS Scores

Districts receive annual online and paper Individual Student Reports (ISR) from WIDA. The delivery dates are available each year in the [Wyoming WIDA Webpage](#). Districts should keep WIDA ACCESS student data on their own servers. WIDA does not keep records beyond two years for students. WIDA ACCESS and WIDA ALT ACCESS scores should be shared with parents/ guardians, students, and teachers when available and in a timely manner. ISRs provide a detailed report of a single student's performance, including proficiency level and scale scores for each language domain and four composite areas.

Student reports should be provided in a language parents can understand, or be provided via oral translation if a written translation is not practicable. In addition, student reports are, upon request by an individual with a disability, provided in an alternative format accessible to that parent.

Find sample reports and additional resources on the [WIDA ACCESS Scores and Reports](#) and [Alternate ACCESS Scores and Reports](#) pages.

Requirements for Test Administrators in Wyoming

Test administrators and screener administrators should have knowledge of the proficiency levels of WIDA and Wyoming English Language Proficiency Standards and have experience teaching English language learners. A certified teacher or certified staff member must complete the assigned WIDA training module(s) annually, in the WIDA Secure Portal, and obtain a quiz score of 80% or higher on the modules assigned by the EL/Title III District Coordinator. For more information about Test Administrator requirements and assessment security procedures, refer to the [Wyoming Assessment Security Guide](#).

Assessment Monitoring and Test Security Visits

The WDE assessment monitoring team performs district on-site test administration and test security monitoring each school year. The statewide assessment monitoring and security assurance monitors will evaluate school district implementation and compliance, with both Federal and State law and regulations, related to statewide assessments. These visits are also a chance for WDE personnel to provide support for districts as they meet the needs of their students. Districts administering the WIDA ACCESS Language Proficiency Assessment are required to have testing schedules before the testing window begins. Districts and schools that are selected for monitoring during the WIDA ACCESS testing window, between February and March, may be notified prior to visits.

For more information on Assessment Monitoring and Test Security, see the [WDE Assessment Security Guide](#).

EL Transfer Student During the Testing Window

If a student transfers to a district from another district, state, or country during the WIDA ACCESS assessment window, the student must participate in the assessment.

- If the student has transferred out of your school or district since testing, document the last day of the school's testing window.
- If the student is transferring in from another district, contact the sending district to determine which domain tests have been completed.
- For the WIDA ACCESS Online, the district will need to transfer the student in WIDA AMS.
- The sending district will coordinate with the student's new school to ensure the student completes any remaining domain tests.
- For more information, review the District & School Test Coordinator Manual, which is available in the [WIDA Secure Portal](#).

Student Not Tested Form (SNTF)

It is the responsibility of the District Test Coordinator (DTC) Coordinator (DTC) to ensure all students complete the WIDA ACCESS or WIDA ALT ACCESS testing. In the event a student did not complete all, or any domain of the ACCESS or ALT ACCESS domain tests, the DTC must complete the [ACCESS and ALT ACCESS Student Not Tested Form](#) (SNTF) to the WDE. Districts must wait until the ACCESS testing window has ended to complete the SNTF.

Standard Accommodations/Designated Supports for ELs

WIDA ACCESS Supports

Active ELs cannot be provided linguistic accommodations when taking the WIDA ACCESS or the WIDA Alternate ACCESS. This is a test of English language proficiency; linguistic accommodations would be contradictory to gaining a true representation of the student's level of proficiency. Non-linguistic accommodations are allowed when they are documented in a student's IEP or 504 Plan and do not compromise the validity of the test. Universal design elements and tools have been integrated into the ACCESS assessment and are in place for all students. Administrative considerations (such as grouping, usage of breaks, etc.) are not considered accommodations and can be used to fit the needs of particular students. When needed and documented in an IELP, test directions may be translated in the student's home language.

For more information about universal design, universal tools, and allowed accommodations, please see the WIDA ACCESS [Accessibility and Accommodations Manual](#).

Note: Some Accommodations must be pre-selected in the WIDA AMS.

WY-TOPP/WY-ALT Guidance for Accessibility and Accommodations

English Learners are required to participate in district and state assessments and to meet the same state learning standards established for all students. EL students can use universal tools and designated supports during WY-TOPP testing as outlined in the [WY-TOPP/WY-ALT Guidance for Accessibility and Accommodations](#).

WY-TOPP Exemptions for ELs

A student who has been enrolled in a U.S. school for less than a year as of the start of the WY-TOPP operational administration, and qualifies as an Active EL, is eligible for exemption from taking the English Language Arts portion of WY-TOPP provided the student participates in the WIDA ACCESS. Exemption requests must be submitted to the WDE via the [State Assessment Exemption Requests](#) (SAER) system. There is also a [SAER System Tutorial](#) on the WDE Assessment -District Resources webpage. Exemption requests may be submitted from January 15. The exemption request window closes mid-way through the test window. Schools are advised to submit exemption requests on behalf of students after January 15.

Supporting English Learners

Individual English Learner Plan (IELP)

An Individual English Learner Plan (IELP) is a locally created document that describes strategies, the academic and language needs, and goals for an EL student to be implemented in the classroom and assessments in order to help ELs to be successful and monitor their growth. An IELP shall describe the accommodations, modifications as well as the student's English language proficiency levels and state and local assessment data. A language support team, which may include the EL student and caregivers, EL educators, classroom teachers, counselor, and a school administrator must create an IELP for each English Learner. Best practice is to include caregivers and students on strengths, background, goals, and accommodations in the IELP. Please see the IELP Template in Appendix D..

- IELP Considerations.
 - Include any information on the student's background, level of native language proficiency, educational history in the home country and in the United States, and the student's strengths and needs. Parents may help in drafting this portion of the IELP.

WIDA English Language Development Standards

Wyoming aligns all language instruction for ELs to the five WIDA language proficiency standards for the academic content areas. Section 1111 (b)(1)(A-F) requires that "each State plan shall demonstrate that the State has adopted English language proficiency standards".

Active ELs Who Qualify for Special Education

Districts must ensure that all EL students who may have a disability and need services under the 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. As part of this process, the IEP team must determine if English language learning is a special factor in the IEP. It must be addressed in the IEP.

Active ELs with an IEP May Qualify for a Domain Exemption

ELs with an Individualized Education Plan (IEP) or a 504 plan (29 U.S.C. § 701)2, which addresses federal protections for students participating in programs and activities for individuals with disabilities, or that ensures specialized instruction for students with disabilities attending elementary or secondary school may have a disability that prevents them from taking a domain test. In such instances, an overall composite score cannot be calculated, which may impact the ELs' reclassification status as well as the schools' accountability decisions for these students. This exemption must be reported through the [SAER System](#). Domain exemptions can be requested each school year through the SAER System under the ACCESS Domain

Exemption (ADE) button. District coordinators will be asked to provide rationales to WDE for the request. Each request will be responded to by email within ten days. District coordinators should plan to have these requests in the ADE system three weeks before that year's testing window begins.

There are allowable accommodations for special education students that allow students to take all domains of the ACCESS assessment. All accommodations must be documented in a student's IEP and IELP prior to the assessment. Even with accommodations, there may be a rare case where a student is limited in their ability to complete a domain (e.g., a blind student being unable to describe a picture in the speaking portion of the test). In this situation, the policy allows for a composite score to be produced for this student, even with missing a domain. It is imperative that the domain test, with an explanation of the disability which prohibits the student from taking the domain, is explicitly written in the student's IEP.

Exiting from Active EL Status

Once a student tests proficient on the WIDA ACCESS assessment, which means the student receives a composite score of 4.6 or higher and a literacy performance level score of 4.3 or higher or an WIDA Alternate ACCESS score of P3 or higher, then that student is no longer considered an Active EL, moves into monitor status in the following school year, and is considered English Proficient. It should be noted that exiting from Active EL status does not signify that all EL supports must be removed for a student. While it does imply that the student will no longer be receiving EL services and programming, exited students are often still in need of some level of extra support and differentiation in the classroom to reach their full linguistic and academic potential. This is similar to many other non-ELs who may also need certain support to thrive academically despite the fact that they may not participate in any special programs such as special education or gifted programs. Even though students may exit Active EL status, an IELP must continue in Years One and Two of Monitoring and optionally in Years Three and Four.

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 via the established exit criteria. Please see Wyoming English Learners (EL) [At-A-Glance](#) to review proficiency criteria for Entry and Exit for English Learner Status of students.

Funding English Learner Programs

Title III English Language Acquisition Funding

Title III funding is provided to the WDE by the U.S. Department of Education (USED). The WDE allocates funding to Wyoming school districts based on the number of Active EL students identified in each district. Wyoming uses the various WIDA Screeners (dependent on grade level) as the third step of the EL Identification process to identify a student as an Active EL for Title III funding purposes. Students who score below the proficient criteria on either the Kindergarten MODEL, WIDA Screener for Kindergarten, or WIDA Screener are included in the count of Active ELs, which is reported by each district in the WDE684 October data collection. 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, with the requirement that no award will be given in an amount less than \$10,000.

Title III Required Activities

Section 3115(c) of the Every Student Succeeds Act (ESSA) requires school districts receiving Title III grant funding to implement three core activities:

1. Increase the English language proficiency of English learners by providing effective language instruction educational programs (LIEPs) that meet the needs of English learners (ELs) and demonstrate success in increasing:
 - English language proficiency.
 - Student academic achievement.
2. Provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals, and other school leaders, administrators, and other school or community-based organizational personnel, which must be:
 - Designed to improve the instruction and assessment of ELs.
 - Designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment, practices and measures, and instructional strategies for ELs.
 - Effective in increasing children's English language proficiency or substantially increasing the content knowledge, teaching knowledge, and teaching skills of such teachers.
 - Be of sufficient intensity and duration (which does not include activities such as one day or short term workshops and conferences). It must have a positive and lasting impact on the teacher's performance in the classroom (may include components of a long-term training or workshop). An example could include attending short term workshops that are a component of a long-term series of workshops, e.g. once a month for six months.
3. Provide and implement other effective activities and strategies that enhance or supplement LIEPs for ELs that include parent, family, and community engagement activities, which may also include strategies that serve to coordinate and align related programs.

Title III Immigrant Subgrant

Under Title III, Section 3114(d)(1), immigrant subgrants must be "of sufficient size and scope to meet the purposes of this part." To fulfill this requirement, the WDE in consultation with district Title III coordinators, the Wyoming Committee of Practitioners, and other stakeholders has set subgrants at \$5,000 each, awarding a maximum of four subgrants annually.

- The Wyoming Committee of Practitioners and district Title III coordinators or other staff have determined that a minimum of a 10% increase in immigrant students is considered to be a significant increase for a district to be eligible to receive the Title III - Immigrant subgrant.
- The percentage increase is based on the average of the two preceding years compared to the current year number of immigrant students reported. Districts must also have a minimum of five (5) or more immigrant students in the current year to be considered for funding.
- The WDE determines Immigrant subgrant eligibility using data provided by the districts on the WDE684 report.

The Immigrant subgrant is a targeted grant. According to Title III Section 3115, funds awarded shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include:

- Personnel Support: Recruitment, hiring, or specialized training for staff.
- Student Support: Provision of tutorials, mentoring, or academic/career counseling.
- Instructional Resources: Development or purchase of curricular materials, software, and technology.
- Basic Instructional Services: Additional classroom supplies or transportation directly attributable to an influx of immigrant youth.

- **System Orientation:** Instruction designed to help immigrant children navigate the U.S. school system.
- **Community Coordination:** Partnerships with local organizations or higher education to offer family services.

Immigrant Students: Definition

According to Title III Section 3201 the term “immigrant children and youth” refers to individuals who:

- Are aged 3 through 21;
- Were not born in any state; and
- Have not been attending one or more schools in any state for more than 3 full academic years. The months need not be consecutive.

Note: “State” is defined in [ESSA, Section 3201. 20 U.S.C. 7011 (13)] to include the 50 States, the District of Columbia, and Puerto Rico. Students born in Puerto Rico may not be included as “immigrant” students under Title III. Finally, note that the term “immigrant” as used in Title III is not related to an individual’s legal status in the United States. Under the U.S. Supreme Court case *Plyler v. Doe*, schools are required to provide equal access to a basic public education to all students, regardless of immigration status.

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 such as England, Canada, or Australia, where the first language is English, or students whose second language is English and test proficient on the district’s ELP screening assessment or on the WIDA ACCESS, will qualify for “Immigrant Status” even though they are not Active ELs if they meet all the requirements of the definition above;
- Eligibility for “Immigrant Status” is tracked based on the date when the student is first enrolled in a school in a state. It is not tracked from the date the student enters the country. For example, a student not born in any state, comes into the country at age 1 in 2011 and does not enroll in a school until the 2016-2017 school year is included in the count for immigrant students for the 2016-2017, 2017- 2018, and 2018- 2019 school years;
- A full academic year, according to the 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 an 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 2019 (18-19 school year), the three full academic years begin with the 19-20 school year, not the 18-19 school year. The student would be included in the immigrant count during the 19-20, 20-21, and 21-22 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; and
- 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.

It is important for the LEA to report all immigrant students who meet the definition provided above in order to determine if they may be eligible for Title III - Immigrant funds.

Title III Supplement vs. Supplant Provisions

Supplement vs. Supplant Requirement Under ESSA Section 3115(g), Title III subgrant funds must supplement, not supplant, other federal, state, and local public funds. In short, "supplement" means to add to or enhance existing resources, whereas "supplant" means to take their place. Districts must use Title III funds solely to build upon or enhance state and locally funded core English Learner (EL) instructional programs, rather than replacing required state or local funding.

Core Language Instruction Educational Program (LIEP): Multiple federal statutes and U.S. Supreme Court rulings require school districts to provide a core Language Instruction Educational Program (LIEP). Districts must clearly define their core LIEP by addressing three essential components:

- **Services:** The specific language instruction and support programs provided.
- **Personnel:** The qualified staff required to deliver those services.
- **Materials:** The core instructional materials, curriculum, and technology necessary to serve all identified ELs.

Compliance Note: Because providing a core EL instructional program is a mandatory legal obligation under federal civil rights laws (EEOA), federal funds cannot be used to cover these baseline expenses.

For additional information on Title III funding, contact the WDE Title III Grant Program Manager at 307-777-7675.

Examples of EL Program Models That Meet the Requirements of Title III

- **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 content, vocabulary, and beginning concepts.
- **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.
- **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.
- **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.
- **Structured English Immersion:** Active ELs are taught content 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.
- **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 a focus on language, plus some mainstream classes. As English proficiency increases, instruction through the first language decreases. The program lasts 2-4 years.
- **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 in a 50/50 model in the classroom.

Accountability for English Learner Programs

ACCESS Assessment Confidential

The Assessment Confidential Portal is where districts can receive information about an English learner's classification status and ACCESS English language proficiency assessment data among other information. The portal contains individual goals for EL students such as Next Year's Composite Scale Score Progress Target, and the year and grade that an EL is anticipated to reach proficiency and exit the Active EL status. This information should be shared with Students and Parents and included in their Individual English Learner Plans (IELPs). EL District Coordinators have an account and can access the site with a unique password. Some districts may have an additional person set up with this privilege in addition to the DTC, which is allowable.

To sign in, go to the WDE webpage, (edu.wyoming.gov), click on the word "Data", then scroll to the Data Reports section and click on "District Data Reports." On the sign-in page, there's a password recovery and a WYEdPro account section, which is one way to request an account or password recovery.

Next, select the ACCESS report on the top of the left side, which is the most current report available for the year. You will be able to choose the year. You are able to go back to 4 years of testing. You will have options of how to look at your data, such as individual schools or all the schools in your district. This can be a large report depending on how many students you have, and depending on how many schools you are looking at. You are able to download your reports in Excel as an option if you choose.

School Accountability

The school score is the percentage of English learners at the school that made expected progress learning English.

For WAEA, the ELP scores at each school are rounded to the nearest whole number.

For ESSA school accountability, the school ELP scores are rounded to one decimal place and used to assign each school to one of three categories (i.e., below average, average, above average).

For more information, see the [Wyoming School Accountability Performance Rating Models Implementation Handbook](#).

English Language Proficiency Expected Progress

The Every Student Succeeds Act (ESSA) and Wyoming Accountability in Education Act (WAEA) require Traditional Schools to include an ELP indicator, which measures whether English learners are making expected progress toward becoming English proficient within a time frame suggested by research to be reasonable. Research suggests that learning English should take about six years for a student who enters an English-speaking school with little or no English, contingent on factors such as previous educational experience and first language. Having little or no English is operationally defined as having a performance level score between 1.0 and 1.9 on the ACCESS test during the first year that they enter the English-speaking school. Higher performance level scores on the ACCESS reflect higher English proficiency scores. Therefore, the number of years within which an English learner was expected to become English proficient is related to the performance level score the EL student earned on the ACCESS during the first year that they entered the English-speaking school.

Given the number of years within which an EL student is expected to become English proficient, the below formula indicates the method used to determine if a student is making acceptable progress learning English. One feature of the formula is that the annual progress target is reset each year based upon the student's most recent ACCESS score. The ELPA indicator includes students in kindergarten through grade 12.

The annual progress target and the CSS target can be found in the [WyED Pro Assessment Confidential](#).

For more information about calculating a student's expected annual progress, refer to the English Language Proficiency section of the School Performance Rating Model.

Every Student Succeeds Act (ESSA)

Every Student Succeeds Act (ESSA) maintains the requirement to have English language proficiency standards aligned with state academic standards. Under this accountability system, states must establish "ambitious State-designed long term goals" to measure interim progress for all students and subgroups of students, including progress in achieving English language proficiency (ELP).

- The purpose of annual ELP progress targets is to measure student development and attainment of English proficiency while meeting challenging state academic content standards.
- Student ELP progress targets are individual and allow for a variable progress trajectory of language acquisition.
- ELP progress targets are set based on an individual student's first annual ACCESS results.

Defining an EL Student's Status and Funding

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. This means a student can only be labeled as an Active EL if the student scored below proficient on the initial screener and continues to score below a 4.6 composite score on the WIDA ACCESS assessment that is administered every spring, and does not have a literacy performance level of 4.3 or higher.

Active ELs must be reported to the WDE as having an "Active EL" status and will continue to be reported as such until the student demonstrates English proficiency as indicated in the previous paragraph. Once an Active EL student demonstrates English proficiency, he/she is placed in monitor status for the following four 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. Students in monitor status should not take the WIDA ACCESS.

A student who scores below 'proficient' on the WIDA ACCESS is included in the count for Title III federal funding. Former EL students (students who have scored above a 4.6 composite score on the WIDA ACCESS and a literacy performance level of 4.3 or higher) are no longer eligible for Title III funding but these students may still need to be provided with support services.

WDE684 Data Collection

Three times a year, the WDE collects information on the WDE684. There are two fields of data elements within the WDE684 data collection that are related to Active EL and monitor status data.

“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 EL program.
- An Active EL Student is 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, 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
 - 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; and
- Refused service students, which are considered Active ELs, must continue taking the ACCESS for ELs until they demonstrate proficiency.

“Student ELL Monitoring” field (1, 2, 3 or 4)

The purpose of this federally required four-year monitoring process is to see if the student can succeed academically without EL services (though they may still receive EL support as needed). The first two years of monitoring are formal, years three and four require a degree of oversight to ensure the student is meeting challenging state academic standards. If at any time, a student is found to be struggling academically, and it is suspected that this is due to linguistic reasons, there is a process for rescreening the student. Please see the “Rescreening ELs” section for more information about this process.

- The definition provided for the “Student ELL Monitoring” data element is:
 - Due to reporting changes with ESSA, WDE tracks former ELs for a total of four years.
 - Once an Active EL student has achieved English proficiency on the ACCESS for ELLs, this data element is required to be accurately reported on the WDE684 for the next four years so as to track how many years out the student is from their previous Active EL status.
 - 1: Former EL student, year 1 Formal Monitoring and Accountability Reporting Status.
 - 2: Former EL student, year 2 Formal Monitoring and Accountability Reporting Status.
 - 3: Former EL student, year 3 Monitoring and Accountability Reporting Status (must be documented).
 - 4: Former EL student, year 4 Monitoring and Accountability Reporting Status (must be documented).
 - 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. 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.

Districts may receive a WDE684 error report if there are discrepancies in the data, such as the student is identified as an Active EL, but the district also reported the student in the monitoring student count, or a student is an identified Active EL, but the district does not correctly report this status. If any error occurs, the district is responsible for correcting the errors, as this could otherwise lead to misidentification of a student and would violate the student’s civil rights and could lead to improper funding.

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). Monitor students in years 3 and 4 are not included in the “EL subgroup”. The most recent WDE684 data element resource is located on the [Statewide English Language Learner Summary](#).

Language Codes for WIDA ACCESS

The Library of Congress has been designated the Language Coding Agency (LCA) for Set 2 of the ISO 639 language standard under [ISO639/MA-ToR](#), the Terms of Reference for the ISO 639 Maintenance Agency. The Library of Congress processes requests for three-letter language codes comprising Set 2 of the International Standard, ISO 639:2023: Code for individual languages and language groups.

- [Search By Code and Language Name](#).
- [English Name of Language](#).
- [Alphabetical List of Language Codes](#).
- [Code List](#).

EL Records Documentation Retention

The HLS and other information and/or evidence must remain in the student’s cumulative file and be easily accessible to school staff, and available for state audits.

All of the following must be in place:

- A physical or electronic version of the original HLS with all the HLS questions and exact answers provided by the family. Any extra or additional information added by the family must be captured. Important information such as date of HLS, and family or guardian signature must be included.
- Documentation of a Family Interview.
- Screener and Assessment Reports.
- Individual English Learner Plan (IELP).
- Monitoring Documentation.
- Any documentation of parental rejection of EL Services (letter, form, etc.).
- Any other EL documentation (supports, history, records, etc.).

If an Active EL or former EL transfers out of a Wyoming school district or a different district in Wyoming, copies of the HLS, ELP screening assessment results, IELP, and WIDA ACCESS score reports must be sent to the receiving district as soon as possible.

Original documents must remain at the sending district. HLS and copies of ELP screening assessments for students not identified as Active ELs must also be sent to the receiving district and original documents retained at the sending district. This student documentation must be retained for audit purposes. The WDE, in compliance with regulations from the United States Department of Education, recommends districts keep and be familiar with which records must be archived and for what duration.

Districts must follow the [records retention schedule](#) overseen by the Wyoming Department of Archive. For more information, go to the link above and click on the orange Local Government Master Schedule List link. The education data starts on the second page. Assessment data should be retained for five years, which includes assessment results after the test is taken for five years.

EL Status Manager

The EL Status Manager is a WyED system for EL educators to access and communicate information about the EL students in Wyoming. This system serves two purposes.

Purpose #1:

It serves as an Information Management System, which simplifies the process of finding EL Student Data easily and quickly. This can ease the process of decision-making, and simplifies the process of delivering the required information and can assist districts in taking better decisions instantly when needed. The EL Status Manager provides the following for student's current and historical information:

- Student's WISER ID, name and birth date.
- Student's expected EL Identification Status, such as Active EL, or Monitoring Status Year 1, 2, 3 or 4.
- WIDA ACCESS Student testing history showing the first year student tested in Wyoming.
- WIDA ACCESS Student testing history showing each year the student tested in Wyoming.
- WIDA ACCESS testing information available for the student's entire WY ACCESS history.
- The type of WIDA ACCESS assessment (general or alternate) the student participated in.
- Outcome of the ELPA for each school year (Proficient, Not Proficient or Not Tested) the student tested.
- Testing location such as district, district code, school location and school code.

Purpose #2:

It serves as an override system for districts to apply for English Learners to exit the Active EL Status. All Active English Learners are expected to participate in the English Language Proficiency Assessment (ELPA). However, there may be situations in which a district will need to petition WDE to exit a student from the Active EL Status without the student demonstrating English Proficiency on the (ELPA). The EL Status Manager serves as the system for districts to begin an override case and submit the required evidence and documents. A district should not begin the process until they have established that there is a justifiable reason, research has been completed and evidence is ready for submission to consider exiting a student from the Active EL Status.

EL Status Override

An override case is created when a district submits a request to exit a student from the Active English Learner status without meeting the ELP assessment proficiency criteria. An Active English Learner is a student who was identified through the identification process of a home language survey, verification of a follow-up "parent interview" and qualification of a WIDA Screener Assessment.

The list of documents are needed by a district when an EL override request is made for exiting a student from the Active English Learner status. The documents required will depend on the type of override case. Following a review of all the required documents submitted by a district, a WDE committee decision will be made. When a student has been approved for exiting the Active English Learner status, an override status will be updated in the "EL Status Manager." Districts are able to begin an override petition, and view a student's status on the "[EL Status Manager](#)." Districts may also verify information in the student's file for accuracy.

- **Home Language Surveys (HLS):** Copy of the most current HLS, and/or any HLS that showed a language other than English, or any copies from a former district/state that initially identified a student.
- **Family Interview** with questions and answers completed by the district. Include the date of interview, names of interviewee(s), Relationship to Student, Name of interviewer, Student's Name, Student's Wiser ID #, Student's School District, Student's School and method of interview (phone, in person, online etc.). Include any other relevant information, such as using an interpreter etc.

- **Screener Score Report** (all reports if rescreening has occurred).
- **Individual Score Report (ISR)** for any year the student has completed the WIDA ACCESS Assessment, or most recent year for out-of-state transfer students. A student can ONLY be exited using the Wyoming Proficiency Criteria with the most previous school year's ACCESS results without any gap. A student cannot be exited with results from years prior to the most previous school year unless the student is already in monitoring.
- **District Finding Report (DFR)** Is a summary explaining all pertinent information/evidence of why a student who was identified as an Active English Learner (EL) should be considered for an override case. A **DFR** may include the following list, which is not an exhaustive list:
 - The DFR must include the: Date, signature of the person submitting the DFR, district and school name, student name, grade & WISER ID.
 - This statement should summarize why the district believes a student should be exited from the Active English Learner status or reclassified as an EL based on discovery findings from the district.
 - If applicable, Interview results verifying HLS information or explaining discrepancies in answers, providing as much information as possible.
 - If evidence shows that a district contributed to the misidentification, an explanation on what the district is doing to prevent the error in the future may be submitted.
- **District Signed Statement of Agreement Form:** to exit Active English Learner from the Active EL status. A **District Signed Statement Form** must be signed by the District EL Coordinator, EL teacher and school or district administrator and any member who is part of the Language Team. This statement shows that all are in agreement with the "District Finding Report" and case review for exiting an Active English Learner based on what was submitted in the Agreement Form and evidence submitted. The statement may be written by the district, or the example template may be used/modified to meet district needs. It may be a separate document or may be part of and included at the bottom of the "District Finding Report."
- **Proficiency criteria from the state** from which a student is transferring. This may include a copy of webpage/page or screen shot showing the state and states proficiency criteria.
 - WDE does not have the ability to gain entry to other states test results. We rely on districts to contact the sending state to retrieve the information and documents needed for an override to verify the student's status and possible override qualification.
- **District Exit Summary Statement** or letter from district where student met the exit proficiency requirements. This could be included in the "student Record Status," transfer records, EL exit letter etc..
- **Records Request Form:** request records from a WY district or state. This form is used by districts to request copies of students' educational records from a school/district/state.
- **Individual English Learner Plan (IELP):** a locally created document that describes strategies, the academic and language needs, and goals for an EL student to be implemented in the classroom/assessments in order to help and monitor ELs to be successful. An IELP shall describe the accommodations, modifications as well as the student's English language proficiency levels and state and local assessment data.

There are seven types of override cases that can be submitted for WDE approval. Below is a list of each type of case and the required documentation for each. Additional documents/information may always be submitted.

1. Misidentification

- Home Language Survey.
- Family Interview.

- Screener Score Report.
- All ISRs.
- District Finding Report.
- District Signed Statement of Agreement Form.
- Copy of IELP.

2. ACCESS tested (while a student was in monitoring status)

- All ISRs.
- District Finding Report.

3. Out-of-State Transfer (proficient with out of state criteria)

- Most current ISR.
- State proficiency criteria.
- District Exit Summary Statement or letter.
- Documentation of Monitoring Status, if necessary.
- District Signed Statement of Agreement Form.
- District Finding Report.

4. Out-of-State Transfer (proficient with WY criteria)

- Most current ISR.
- District Finding Report.
- District Signed Statement of Agreement Form.

5. Proficiency Criteria met on screener;

- All Screener Reports.
- Student Records Request Form.
- District Signed Statement of Agreement Form.
- District Finding Report.
- Other documents as needed for evidence.

6. Human data entry error

- Explanation of situation.

7. Former EL Entered back into the Active EL Status

- District Finding Report.
- District Signed Statement of Agreement Form.
- EL Language Team Meeting documentation.

Resources and Sample Forms

Professional Learning Opportunities

Professional learning is the key component to improving educator practice and providing perspectives, strategies and tools to meet educator needs. WDE provides Professional Learning that offers a wide-range of high-quality, research-informed, practice-oriented professional learning in a variety of formats and topics.

Professional Learning opportunities are included in the English Learner webpage, in the Wyoming State Guidance and Resources section, and the [Wyoming State Page](#) on the WIDA website.

Resources

The links below include access to additional resources, guidance, and the opportunity to network within the EL community.

- WDE EL Webpage.
- WDE ACCESS Webpage: This page contains information and resources about Wyoming's English Language Proficiency Assessment and Wyoming specific testing policies and procedures.
- [WIDA Wyoming Page](#): This page is an important resource for anyone who administers the ACCESS Assessment and for EL Educators, as it includes all important assessment dates each year. The ACCESS Checklist which shows what you should do before, during and after testing, with specific Wyoming information is included on this page and is an essential document you will want to download. The last item is a link and another way to ACCESS the WIDA Professional Learning Opportunities on the EL webpage.

Appendices

Appendix A: Federal and State Requirements

Identifying All English Learner Students

- LEAs must identify in a timely manner.
- EL students in need of language assistance services.
- The home language survey (HLS) is the most common tool used to identify potential ELs.
- An HLS must be administered effectively to ensure accurate results.
- Parent Notification Letters of EL identification must be sent within 30 calendar days from the beginning of the year or within 14 calendar days if identification is made midyear.

Citations:

Elementary and Secondary Education Act as Amended by the Every Student Succeeds Act 2015

- 1111(b)(2)(G): Entrance and Exit procedures.
- 1111(b)(7): State-level responsibilities tied to EL identification and reclassification.
- 1112(e)(3)(A-B): Notification Letter 30 and 10 days.
- 3113(b)(2): ESSA State Plan describes Entrance and Exit procedures.

Providing English Learners with a Language Assistance Program

- EL services and programs must be educationally sound in theory and effective in practice.
- EL programs must be designed to enable ELs to attain both English proficiency and parity of participation in the standard instructional program within a reasonable length of time.
- LEAs must offer EL services and programs, until ELs are proficient in English and can participate meaningfully in educational programs without EL support.
- LEAs must provide appropriate special education services to ELs with disabilities who are found to be eligible for special education and related services.

Citations:

Court Decisions

- Lau v Nichols (1974): Requires schools to provide an effective program to teach students English.

Elementary and Secondary Education Act as Amended by the Every Student Succeeds Act 2015

- 1112(b)(1): Each LEA receiving Title I funds must submit a plan that describes how it will identify and serve English Learners.
- 1112(b)(6): Each LEA receiving Title I funds must submit a plan that describes how it will ensure ELs have access to language instruction programs and are taught by qualified teachers.
- 1112(b)(7): Each LEA receiving Title I funds must submit a plan that describes how it will provide effective professional development to teachers, principals, and staff who work with ELs.
- 3115(a): Lays out purposes and uses for Title III subgrants (e.g., developing EL programs).
- 3115(c)(1): Specifies required EL instructional activities must show effective, research-based results.
- 3116(b): Requires SEA accountability and improvement planning for underperforming entities.

Equal Educational Opportunities Act of 1974

- EEOA 1974 §1703(f): Schools must take appropriate action to help English Learners overcome language barriers; failing to do so is considered unlawful discrimination under federal law.

Staffing and Supporting an English Learner Program

- EL services and programs must be Placeholder educationally sound in theory and effective in practice.
- EL programs must be designed to enable ELs to attain both English proficiency and parity of participation in the standard instructional program within a reasonable length of time.
- LEAs must offer EL services and programs, until ELs are proficient in English and can participate meaningfully in educational programs without EL support.
- LEAs must provide appropriate special education services to ELs with disabilities who are found to be eligible for special education and related services.

Citations:

Civil Rights Act of 1964

- 42 U.S.C. § 2000d: Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.

Court Decisions

- Lau v Nichols (1974): Requires schools to provide an effective program to teach students English.
- Castaneda v Pickard (1981): Established a three-part test requiring that programs for English Learners be based on sound educational theory, implemented effectively with adequate resources, and evaluated for effectiveness in overcoming language barriers.

Equal Educational Opportunities Act of 1974

- EEOA 1974 §1703(f): Schools must take appropriate action to help English Learners overcome language barriers; failing to do so is considered unlawful discrimination under federal law.
- 1111(b)(2)(G): Identification, assessment, and services for ELs until they meet state-determined reclassification criteria.

- 1111(c)(4)(B)(iv): Accountability for English language proficiency as part of state plans.
- 3113(b)(2): SEA must include a description of standardized, statewide entrance and exit procedures for ELs, an assurance that all potential ELs are assessed within 30 days of school enrollment and a description of how the SEA will monitor LEAs' progress in helping ELs achieve proficiency and ensuring compliance in its state plan.

Providing English Learners Meaningful Access to Core Curricular and Extracurricular Programs

- SEAs and LEAs must design and implement services and programs that enable ELs to attain both English proficiency and parity of participation in the standard instructional program, within a reasonable length of time.
- SEAs and LEAs must provide equal opportunities for EL students to meaningfully participate in curricular, co-curricular, and extracurricular programs and activities.
- SEAs must ensure that schools and LEAs use appropriate, reliable, and valid evaluations and testing methods to measure ELs' acquisition of English and core-content knowledge.

Citations:

Civil Rights Act of 1964

- 42 U.S.C. § 2000d: Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.

Court Decisions

- *Lau v Nichols* (1974): Requires schools to provide an effective program to teach students English.

Elementary and Secondary Education Act as Amended by the Every Student Succeeds Act 2015

- 1111(b)(2)(F): Requires State content assessments to be provided in languages other than English.
- 1111(b)(2)(G): Identification, assessment, and services for ELs until they meet state-determined reclassification criteria.
- 1111(b)(3): Requires assessment exemption for newly arrived students on the English Language Arts state assessment.

Equal Educational Opportunities Act of 1974

- §1703(f): Schools must take appropriate action to help English Learners overcome language barriers; failing to do so is considered unlawful discrimination under federal law.

Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners

- LEAs must limit the segregation of ELs to the extent necessary to reach the stated goals of an educationally sound and effective program.
- LEAs should not keep ELs in segregated EL programs (or "EL-only" classes) for periods longer or shorter than required by each student's level of English proficiency, time and progress in the EL program, and the stated goals of the EL program.
- While ELs may receive intensive English language instruction or bilingual services in separate classes, it would rarely be justifiable to segregate ELs from their non-EL peers in subjects like physical education, art, music, or other activity periods outside of classroom instruction.

Citations:

Civil Rights Act of 1964

- 42 U.S.C. § 2000d: Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.

Court Decisions

- *Lau v Nichols* (1974): Requires schools to provide an effective program to teach students English.
- *Castaneda v Pickard* (1981): Established a three-part test requiring that programs for English Learners be based on sound educational theory, implemented effectively with adequate resources, and evaluated for effectiveness in overcoming language barriers.

Equal Educational Opportunities Act of 1974

- § 1703(f): Schools must take appropriate action to help English Learners overcome language barriers; failing to do so is considered unlawful discrimination under federal law.

Addressing English Learners with Disabilities

- LEAs must identify, locate, and evaluate ELs with disabilities in a timely manner.
- LEAs must consider the English language proficiency of ELs with disabilities in determining appropriate assessments and other evaluation materials.
- LEAs must provide and administer special education evaluations in the child's native language, unless it is clearly not feasible to do so, to ensure that a student's language needs can be distinguished from a student's disability-related needs.
- LEAs must not identify or determine that EL students are students with disabilities because of their limited English language proficiency.
- LEAs must provide EL students with disabilities with both the language assistance and disability-related services they are entitled to under federal law.

Citations:

Individuals with Disabilities Act

- 20 U.S.C. § 1412(a)(1)(A): "A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive."
- 20 U.S.C. § 1412(a)(3)(A) ("Child Find" requirement): "All children with disabilities residing in the State ... regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated."
- 20 U.S.C. § 1414(b)(5): "A child shall not be determined to be a child with a disability ... if the determinant factor for such determination is —
 - (A) lack of appropriate instruction in reading ...
 - (B) lack of instruction in math; or
 - (C) limited English proficiency."

Individuals with Disabilities Act Regulations

- 34 C.F.R. § 300.304(c)(1)(ii): "Assessments and other evaluation materials are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer."

Section 504 of the Rehabilitation Act of 1973

- 29 U.S.C. § 794(a): "No otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Serving English Learners Who Opt Out of EL Programs

- Parents have the right to opt their children out of EL programs or particular EL services. This decision must be voluntary and based on a full understanding of the EL child's rights, the range of services available to the child, and the benefits of such services to the child.
- If a parent decides to opt his or her child out of EL programs or particular EL services, that child still retains his or her status as an EL.
- LEAs must continue to monitor the English language proficiency (ELP) and academic progress of students who opt out of EL programs and services.
- If a student does not demonstrate appropriate growth in ELP or maintain appropriate academic levels, the LEA must inform the parents in a language they understand and offer EL services.

Citations:

Civil Rights Act of 1964

- 42 U.S.C. § 2000d: Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.

Elementary and Secondary Education Act as Amended by the Every Student Succeeds Act 2015

- 1112(e)(3)(A-B) [20 U.S.C. § 6312(e)(3)(A)]: Parent Notification and Right to Decline.

Monitoring and Exiting English Learners from EL Programs and Services

- LEAs must monitor the progress of all ELs in achieving English language proficiency (ELP) and in acquiring content knowledge.
- LEAs should establish rigorous monitoring systems that include benchmarks for expected growth and take appropriate steps to assist students who are not adequately progressing towards those goals.
- SEAs must monitor LEAs to ensure that they are providing ELs meaningful access to grade level core content instruction and remedying any academic deficits in a timely manner.

Citations:

Civil Rights Act of 1964

- 42 U.S.C. § 2000d: Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.

Equal Educational Opportunities Act of 1974

- § 1703(f): Schools must take appropriate action to help English Learners overcome language barriers; failing to do so is considered unlawful discrimination under federal law.

Evaluating the Effectiveness of a District's EL Program

- Successful EL programs enable EL students to attain both English proficiency and parity of participation in the standard instructional program within a reasonable period of time.
- LEAs should collect longitudinal data to monitor and compare the performance of current ELs, former ELs, and never-ELs in the LEA's standard instructional program.

- Data should not be limited to data collected for ESEA accountability purposes.
- When EL programs do not produce both English proficiency and parity of participation within a reasonable period of time, SEAs and LEAs must modify the EL program.

Citations:

Court Decisions

- *Castaneda v Pickard* (1981): Established a three-part test requiring that programs for English Learners be based on sound educational theory, implemented effectively with adequate resources, and evaluated for effectiveness in overcoming language barriers.

Elementary and Secondary Education Act as Amended by the Every Student Succeeds Act 2015

- 1111(h)(1)(C)(ii), 20 U.S.C. § 6311(h)(1)(C)(ii): Requires SEAs and LEAs to publicly report on the performance of current ELs, former ELs, and never-ELs in academic achievement.
- 3121(a) [20 U.S.C. § 6841(a)]: "Each eligible entity that receives a subgrant under section 3115 shall report ... on programs and activities carried out under this subpart, including information on —
 - (1) the number and percentage of English learners ... who are making progress in achieving English language proficiency, as described in section 1111(c)(4)(B)(iv)."

Equal Educational Opportunities Act of 1974

- §1703(f): Schools must take appropriate action to help English Learners overcome language barriers; failing to do so is considered unlawful discrimination under federal law.

Ensuring Meaningful Communication with Limited English Proficient Parents

- SEAs and LEAs have an obligation to communicate meaningfully with limited English proficient (LEP) parents and to notify LEP parents adequately of information about any program, service, or activity called to the attention of non-LEP parents.
- LEAs must have a process to identify LEP parents and provide them with free and effective language assistance, such as translated materials or an appropriate and competent interpreter.
- Appropriate and competent translators or interpreters should have proficiency in target languages; ease of written and oral expression; knowledge of specialized terms or concepts; as well as be trained on their role, the ethics of interpreting and translating, and the need for confidentiality.

Citations:

Civil Rights Act of 1964

- 42 U.S.C. § 2000d: Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.

Court Decisions

- *Lau v Nichols* (1974): Requires schools to provide an effective program to teach students English.

Equal Educational Opportunities Act of 1974

- §1703(f): Schools must take appropriate action to help English Learners overcome language barriers; failing to do so is considered unlawful discrimination under federal law.

Title VI Regulations

- 34 C.F.R. § 100.3(b)(2): Recipients may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin...

Full Citation List

- *Castaneda v. Pickard*, 648 F.2d 989, 1009–10 (5th Cir. 1981): We hold that a program for limited English-speaking students is acceptable under the Equal Educational Opportunities Act if (1) it is based on sound educational theory; (2) it is implemented effectively with adequate resources and personnel; and (3) after a trial period, it is proven successful in overcoming language barriers.
- Civil Rights Act of 1964, 42 U.S.C. § 2000d: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- Equal Educational Opportunities Act (EEOA) 1974 § 1703(f): It is unlawful for any State to deny equal educational opportunity to an individual on account of race, color, sex, or national origin, by—
 - (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.
- Elementary and Secondary Education Act (ESEA) of 1965 as amended by the Every Student Succeeds Act (2015) Sec. 1111(b)(2)(F).
 - (F) Language Assessments.—
 - (i) In General.—Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for which annual student academic assessments are not available and are needed.
 - (ii) SECRETARIAL ASSISTANCE.—The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.
 - Sec. 1111(b)(2)(G) (b) Challenging Academic Standards And Academic Assessments.—
 - (2) Academic Assessments.—
 - (G) Assessments Of English Language Proficiency. —
 - ~ (i) In General.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.
 - ~ (ii) Alignment.—The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(F).
- Sec. 1111(b)(3) (3) Exception For Recently Arrived English Learners.—
 - (A) Assessments.—With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months, a State may choose to—
 - (i) exclude—
 - (I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and
 - (II) such an English learner's results on any of the assessments required under paragraph (2)(B)(v)(I) or (2)(G) for the first year of the English learner's enrollment in such a school for the purposes of the State-determined accountability system under subsection (c); or
 - (ii)(I) assess, and report the performance of, such an English learner on the reading or language arts and mathematics assessments required under paragraph
 - (2)(B)(v)(I) in each year of the student's enrollment in such a school; and (II) for the purposes of the State-determined accountability system— (aa) for the first year of the student's enrollment in such a school, exclude the results on the assessments described in subclause (I); (bb) include a measure of

student growth on the assessments described in subclause (l) in the second year of the student's enrollment in such a school; and (cc) include proficiency on the assessments described in subclause (l) in the third year of the student's enrollment in such a school, and each succeeding year of such enrollment. (B) English Learner Subgroup.—With respect to a student previously identified as an English learner and for not more than 4 years after the student ceases to be identified as an English learner, a State may include the results of the student's assessments under paragraph (2)(B)(v)(I) within the English learner subgroup of the subgroups of students (as defined in subsection (c)(2)(D)) for the purposes of the State-determined accountability system.

- Sec. 1111(b)(7)- Need help with this citation: also emphasizes that states must adopt standardized statewide criteria for the identification and reclassification of ELs.
- Sec. 1112(e)(3)(A-B) (3) Language Instruction. A) Notice. Each local educational agency (LEA) using funds under Title I or Title III to provide a language instruction educational program must, no later than 30 days after the beginning of the school year, inform the parents of an English learner identified for or participating in such a program of:
 - The reason their child was identified as an English learner and placed in a language instruction program. Their child's level of English proficiency, how that level was assessed, and the status of their academic achievement.
 - The instructional methods used in the program, and how it will meet their child's educational needs and help them learn English and meet academic standards.
 - The program's exit requirements, including the rate of transition into standard classrooms.
 - For a child with a disability, how the program meets the objectives of their Individualized Education Program (IEP).
 - Information on their right to decline enrollment or remove their child from the program.
- (B) Late Enrollment. For children identified as ELs after the school year begins, the LEA must notify their parents within the first two weeks of the child's placement in a language instruction program.
- Sec. 3113(b)(2) - 20 U.S.C. § 6823(b)(2) State And Specially Qualified Agency Plans: Contents
 - Each plan submitted under subsection (a) shall— (2) include a description of how the State educational agency will through such plan—(A) ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 6311(b)(2)(B)(ix) of this title regarding assessment of English learners in English; (B) ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 6311(b)(2)(G) of this title; (C) describe how the agency will meet the unique needs of children and youth in the State being served through the reservation of funds under section 6824(d) of this title; and (D) describe—
 - (i) how the agency will monitor the progress of each eligible entity receiving a subgrant under this subpart in helping English learners achieve English proficiency; and
 - (ii) the steps the agency will take to further assist eligible entities if the strategies funded under this subpart are not effective, such as providing technical assistance and modifying such strategies.
- SEC. 3120. 20 U.S.C. § 6829 - Prohibition.
 - "In carrying out this part, the Secretary shall ensure that children participating in a program under this part shall not be excluded from or otherwise discriminated against in admission or participation in such program because of their surname or their language-minority status."
- Sec. 6311(c)(4)(B)(iv)
 - (c) Statewide accountability system; (4) Description of system: The statewide accountability system described in paragraph (1) shall be based on the challenging State academic standards for reading or

language arts and mathematics described in subsection (b)(1) to improve student academic achievement and school success. In designing such system to meet the requirements of this part, the State shall carry out the following:

- (B) Indicators: Except for the indicator described in clause (iv), annually measure, for all students and separately for each subgroup of students, the following indicators:
 - ~ (iv) For public schools in the State, progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2).
- (G), within a State-determined timeline for all English learners—
 - ~ (I) in each of the grades 3 through 8; and
 - ~ (II) in the grade for which such English learners are otherwise assessed under subsection (b)(2)(B)(v)(I) during the grade 9 through grade 12 period, with such progress being measured against the results of the assessments described in subsection (b)(2)(G) taken in the previous grade. *Horne v. Flores*, 557 U.S. 433, 447–48 (2009)
- The EEOA requires States to take ‘appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. *Lau v. Nichols*, 414 U.S. 563, 566 (1974)
- There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.
- United States Constitution: Fourteenth Amendment, Equal Protection Clause, U.S. Const. amend. XIV, § 1...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- IDEA – 20 U.S.C. § 1412(a)(1)(A): “A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive.”
- IDEA – 20 U.S.C. § 1412(a)(3)(A) (“Child Find” requirement): “All children with disabilities residing in the State ... regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated.”
- IDEA – 20 U.S.C. § 1414(b)(5): “A child shall not be determined to be a child with a disability ... if the determinant factor for such determination is—
 - (A) lack of appropriate instruction in reading ... (B) lack of instruction in math; or (C) limited English proficiency.”
- IDEA Regulations – 34 C.F.R. § 300.304(c)(1)(ii): “Assessments and other evaluation materials are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.”
- Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. § 794(a): “No otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Link to Resource Site: Title VI prohibits discrimination based on race, color, and national origin in programs receiving federal assistance.

Appendix B: Home Language Survey Samples

The Home Language Survey (HLS) is a legally mandated questionnaire used to identify English Learners (ELs).

The U.S. Department of Education and the Department of Justice explicitly require three specific questions on an HLS to remain compliant with federal civil rights laws.

The 3 Federally Mandated Questions - In English

To comply with Title VI of the Civil Rights Act and the Equal Educational Opportunities Act (EEOA), school districts must ask parents or guardians:

- What language did your child first learn to speak?
- What language does your child most frequently speak at home?
- What language do you (the parents/guardians) most frequently use when speaking to your child?

Preguntas de la Encuesta sobre el Idioma en el Hogar en Español

- ¿Cuál es el idioma principal que se usa en el hogar, sin importar el idioma que hable el estudiante?
- ¿Qué idioma habla el estudiante con más frecuencia?
- ¿Qué idioma adquirió o aprendió el estudiante a hablar primero?

Appendix C: [Family Interview Questions](#)

Appendix D: [Individual English Learner \(IELP\) Template](#)

Appendix E: [English Learners at a Glance](#)

Appendix F: [Minimum Requirements of District EL Plans](#)

Appendix G: Glossary of Acronyms

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

Active EL: A student who is identified as an English Learner through the identification process whose English language proficiency level requires language support, such as in a Language Instruction Education Program (LIEP) to achieve grade level content in English.

AMPI: Alternate MODEL Performance Indicator.

BIT: Building Intervention Team (or Behavioral Intervention Team).

DTC: District Test Coordinator.

EL: English Learner.

ELL: English Language Learner.

ELD: English Language Development.

ELP: English Language Proficiency.

ESEA: Elementary and Secondary Education Act.

ESSA: Every Student Succeeds Act.

HLS: Home Language Survey.

IDEA: Individuals with Disabilities Education Act.

IEP: Individualized Education Plan.

IELP: Individual English Learner Plan.

ISR: Individual Student Report.

LEA: Local Educational Agency.

LEP: Limited English Proficient.

LIEP: Language Instruction Education Program Model - The program under which ELs are taught English. There are several program model; however, all focus on building both English Language development and academic content.

MTSS: Multi-Tiered System of Supports.

TA: Test Administrator.

TAM: Test Administrator Manual.

USED: United States Department of Education.

KW-APT: Kindergarten WIDA – ACCESS Placement Test (phased out by WIDA).

WAEA: Wyoming Accountability in Education Act.

WIDA: World-Class Instructional Design and Assessment

WIDA Consortium: A consortium of state departments of education that provides several assessments for us with English language learners.

WDE: Wyoming Department of Education.