



Chapter 3 - Final Determination of EL Status

This is the Third chapter of DPI's EL Policy Handbook, designed to provide statewide guidance on serving and supporting English Learners. The handbook as a whole can be found at <https://dpi.wi.gov/english-learners>.

Using Screener and MIP Data to Determine EL Status

While ELP Screener results form the core of EL status determinations, districts are encouraged to gather supplemental evidence of student language use prior to making an EL determination. These supplemental observations are not designed to override definitive screener results, but are instead intended to provide additional evidence for students on the borderline of English proficiency.

The Multiple Indicator Protocol (MIP), described in Chapter 15, is the process to collect and assess this additional information. The MIP has two variants: a classroom observation protocol and a Language Artifact Portfolio.

The MIP cannot override a definitive ELP assessment for a student, as a standardized, unbiased measure of English proficiency must be the core of ELP decisions.¹ In the case of non-definitive, borderline scores however, it may be used as supplemental information with which to make a final EL determination. The following scores are eligible to be assessed with a MIP for a final ELP determination:

ELP Screener Borderline Proficient Scores

Grades	Screener	Score(s)
Kindergarten	K W-APT	High
Kindergarten	K MODEL	5.0-5.5
1-12	WIDA Screener	4.0-4.9

For students scoring at these levels, MIP observations supplement screener results in order to accurately place the student. Chapter 15 - Multiple Indicator Protocol describes how to weigh this supplemental evidence in order to make a proficiency determination.

¹ [Rios v. Read, 480 F. Supp. 14, 19-20, 23](#), e.g.

Students scoring below these levels are ELs, and receive an ELP code in the district SIS that matches their screener score.

Students scoring above these levels are non-ELs, and receive ELP 7 - Never EL in the district SIS.

Determination and Notification

From the first day of enrollment², districts have 30 calendar days to determine the EL status of new students.³ Districts must notify parents in a timely fashion of this determination. Districts have 30 days from the start of the school year to notify parents of ELs enrolled prior to or at the start of the school year.⁴ For students enrolling mid-year, districts have two weeks to notify parents once they have made an EL determination.⁵ Translation of this information into the family's home language is vital; if written translation is not provided, an oral interpretation of this information should be provided.⁶

In addition, if a student is determined to be an EL, the notification must include⁷ the following information:

1. The process of identification, and the assessments, data, and/or observations used to make the determination. This should include the student's ELP score and a summary of any MIP observations.
2. What their EL status means, and what services this makes their child eligible for.
3. The specific Language Instruction Education Plans (LIEPs) available in the district for students of this age, the method of instruction in those LIEPs, and information on how those programs differ in content, instruction goals, and use of English and a native language in instruction.
4. How the programs can meet the educational strengths and needs of the child, including specifically how the programs will help the student learn English and meet age-appropriate academic achievement standards for grade promotion and graduation.
5. The specific exit requirements for such program, the expected rate of transition from such program into general education classrooms, and the expected rate of graduation from secondary school if applicable.
6. The guarantee to offer programming in the least restrictive environment, and to transition the student to general education classrooms when appropriate.⁸
7. In the case of a child with a disability, how the program will meet the objectives of the individualized education program (IEP) of the child.

² DPI defines enrollment as the day a district begins providing academic services to a student.

³ [20 U.S.C. § 6823 \(b\) \(2\)](#)

⁴ [20 U.S.C. § 6312 \(e\) \(3\) \(A\)](#)

⁵ [20 U.S.C. § 6312 \(e\) \(3\) \(B\)](#)

⁶ [20 U.S.C. § 6312 \(e\) \(4\)](#)

⁷ [20 U.S.C. § 6312 \(e\) \(3\) \(A\)](#)

⁸ [Cintron v. Brentwood](#)

8. Information pertaining to parental/guardian rights that includes:
 - a. The right that parents/guardians have to have their child immediately removed from an LIEP upon their request;
 - b. The options that parents have to decline to enroll their child in such programs or to choose another program or method of instruction, if available; and
 - c. Assistance in selecting among various LIEPs, if more than one is offered.
9. The allowable language services and accommodations available to the student should the parents/guardians accept or deny language support services for their student.
10. The school district's obligation to support this student's academic needs should a parent accept or deny services.
11. The requirement to annually assess the student's English language proficiency until the student reaches proficiency, independent of whether or not the parents accept or deny EL services.
12. Notice that a student's status as an EL is viewed as confidential information within school data collection and notification.

Coding Screener Results in the District SIS

Students who score below proficient should receive an ELP code equal to their truncated ELP screener score. Students who score proficient should be coded ELP 7, never EL.

Required Data and Reporting

As part of our new ESEA requirements to create a consistent statewide EL entry procedure, districts maintain records of all EL-related data. This includes:

- HLS results for every student, including the Screen/Do not Screen determination
- For students identified as needing ELP screening:
 - ELP screener used
 - date ELP screener administered
 - screener result coded as ELP (1-5, 7)
 - date of parental notification of screener administration
- For students with a screener result of ELP (1-5):
 - date of parental notification of student's EL status
 - informed parental consent for or denial of service
 - parental choice of language for school communications
 - student native language code⁹
 - LIEP program type¹⁰

⁹ https://www.loc.gov/standards/iso639-2/php/code_list.php Valid language codes are ISO 639-2 type T

¹⁰ See LIEP Section of Chapter 8 - EL Programming

Parental Notification Requirements

These are the requirements of ESEA for the annual notification for parents of ELs:¹¹

(A) **Notice** Each local educational agency using funds under this part or subchapter III to provide a language instruction educational program as determined under subchapter III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of—

- (i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;
- (ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- (iii) the 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;
- (iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;
- (v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- (vi) the specific exit requirements for the program, including the expected rate of transition from such program 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 for such program) if funds under this part are used for children in high schools;
- (vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and
- (viii) information pertaining to parental rights that includes written guidance—
 - (I) detailing the right that parents have to have their child immediately removed from such program upon their request;
 - (II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

¹¹ [20 U.S.C. § 6312 \(e\)\(3\)\(A\)](#)

(III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

District Notification Process

As the requirements above are very specific to a school's grades, programming, rates of transition, and even individual student characteristics, districts will need to craft their own notification letters which capture these details. We have provided an example below which describes two program types as a suggestion for one way to provide this information to parents. However, this example can't be used as-is, as it does not contain the district-specific information required by law.

Districts which determine fall programming placement for students based on ACCESS for ELLs scores may send this information out in the spring.

Example Parental Notification Letter

Initial Placement Cover Letter

Date: __/__/____

[School/District Name]

Dear Parent or Legal Guardian of _____,

This letter is about the language services that your child is eligible for. Do you need an interpreter? Please tell us by contacting XXX-XXX-XXXX and we will get you an interpreter.

You completed a home language survey and marked that your child speaks a language other than English. Because your child speaks a language other than English, we gave your child an English proficiency test. The name of the English proficiency test your child took is:

- ☐ K W-APT
- ☐ WIDA Model
- ☐ WIDA Screener

Your child's English Proficiency Level (ELP) is __. __ based on this test. This means that _____
(explain what this proficiency level means)

Based on these test results, your child is eligible for English Learner Services. We looked at your child's score and how they use language in school to select the English Learner program that we think will help your child the most. Our English Learner programs are designed to help your child learn English. They will also help your child meet the same academic standards as students their age, succeed in school, and graduate from high school.

Your child will take the ACCESS for ELLs® test once each year until they are fully English proficient. This is required. This test gives teachers information about your child's English language skills. The results are used to help teach your child English.

This information is confidential and private, and we do not share it with people outside of the school system. If your child is in an English Learner program, they can participate in all of the same activities as other students. They can engage with their classmates, participate in extra school activities, be in our gifted and talented programs, and access special education services if they need them.

The next pages will give you information about our Language Education programs. You will be asked to decide if our choice is right for your child. If you are not sure that we have picked the best program for your child, you can tell us that you need more information.

Continuation Cover Letter

Date: __/__/____

[School/District Name]

Dear Parent or Legal Guardian of _____,

This letter is about language services that your child is eligible for. Do you need an interpreter? Please tell us by contacting XXX-XXX-XXXX and we will make sure one is available.

Last winter your child took the ACCESS for ELLs English Language Proficiency (ELP) assessment. Your child received an ELP score of __.__. This means that your child is still eligible for English Language Services. When your child scores 5.0 or higher, they will no longer be eligible for our English Language programs. Because your child is still eligible, we will still give them supports to help them learn English, meet the same academic standards as children in their grade, and graduate high school.

Your child will take the ACCESS for ELLs® test once each year until they are fully English proficient. This is required. This test gives teachers information about your child's English language skills. The results are used to help teach your child English.

This information is confidential and private, and we do not share it with people outside of the school system. If your child is in an English Learner program, they can participate in all of the same activities as other students. They can engage with their classmates, participate in extra school activities, be in our gifted and talented programs, and access special education services if they need them.

The next pages will give you information about our Language Education programs. You will be asked to decide if our choice is right for your child. If you are not sure that we have picked the best program for your child, you can tell us that you need more information.

Program Information (Same for both cover letters)

The school district of _____ must offer an effective language education program which will help your child learn English and meet the same academic standards as other children in their grade.

A school team has picked an English Learner program that we think will help your child the most. This team has an ESL teacher, a counselor, and a teacher who teaches your child's grade. We have placed your child in _____. On the next pages we explain what this program is and how it will help your child. We also explain other programs available in the district that you may choose instead.

You can change your child's English Learner program at any time. Contact us at xxxxxxxxxxxx.xxxxxxxxxx@xxxxxx.xxxx and ask to change your child's program. We will help you make this change. You may also choose not to have your child participate in any English Learner programs at all. If you need help to choose the best program for your child, please let us know and we will help. We will give you the information you will need to make the best choice for your child.

If you have any questions, please contact me.

Sincerely,
EL Teacher Name
Contact Info

Your Permission for English Language programs

Check one box to indicate what you choose:

- ☐ I **understand** the English Language programs that are being offered and I **agree** with the choice in this letter.
- ☐ I **understand** the English Language programs that are being offered and I **do not agree** with the choice in this letter. Please contact me so that I can make another choice.
- ☐ I **would like more information** about these English Language programs before I make a decision for my child.

Parent Name

Signature

Date

Language Education Program Descriptions

Our district has two language education programs, a transitional Spanish bilingual program and an ESL supported content-based program. The transitional Spanish bilingual program is available at _____ school, and the ESL supported content-based program is available in all schools.

Transitional Spanish bilingual program

The goal of a transitional bilingual program is to help your child keep using Spanish and also help them learn English. Using both languages will help them learn the things that other children in their grade are learning. It is called *transitional* because your student will *transition* out of the program as they grow older and become more fluent in English.

Until the end of the 2nd grade, about 25% (one fourth) of your child's classes will be taught in Spanish. The bilingual teacher (they speak Spanish and English) will teach reading in Spanish to your child in a small group for at least 30 minutes each day. The rest of the time with the bilingual teacher will be spent working on math, social studies and science in Spanish. Because your child's knows Spanish, they will be able to learn better in their classes taught in English because they will learn the same things in Spanish too.

When your child is not with the bilingual teacher learning in Spanish, they will be with their English-speaking classmates in classes where the bilingual teacher teaches with another teacher who uses English. All of the children in these classes will learn the same things in English, and the bilingual teacher will help your child if they don't understand. In these classes your child will work to build their English by learning English words, building English sentences, and practicing English with their classmates. One way the bilingual teacher will help is by teaching small parts at a time, and waiting to be sure that your child understands before moving on. They will also provide language supports like synonyms and translations.

After 2nd grade, your child will transition out of the bilingual program and will be in the same classes all day with their English speaking classmates. We will keep helping them learn by explaining in Spanish when they need it. Once they reach an ELP level 3.0 or higher on the ACCESS for ELLs test, they will no longer receive Spanish help, because their English will be high enough to work in English.

After your child reaches an ELP level 3.0 or higher, they will still receive language support. If they need things explained again we will do that, and we will build on what they already know. We will also help them with their vocabulary and to practice speaking English, and we will increase the number of words they understand in English. We will also give them extra time to take tests and other supports if they need it. A teacher who is trained to teach language will be in their classes to give them this help.

By the end of 2nd grade about half of our students are proficient in English. By the end of 5th grade almost all students are proficient in English. Once your child is proficient in English, they will no longer need these supports.

ESL integrated content-based program

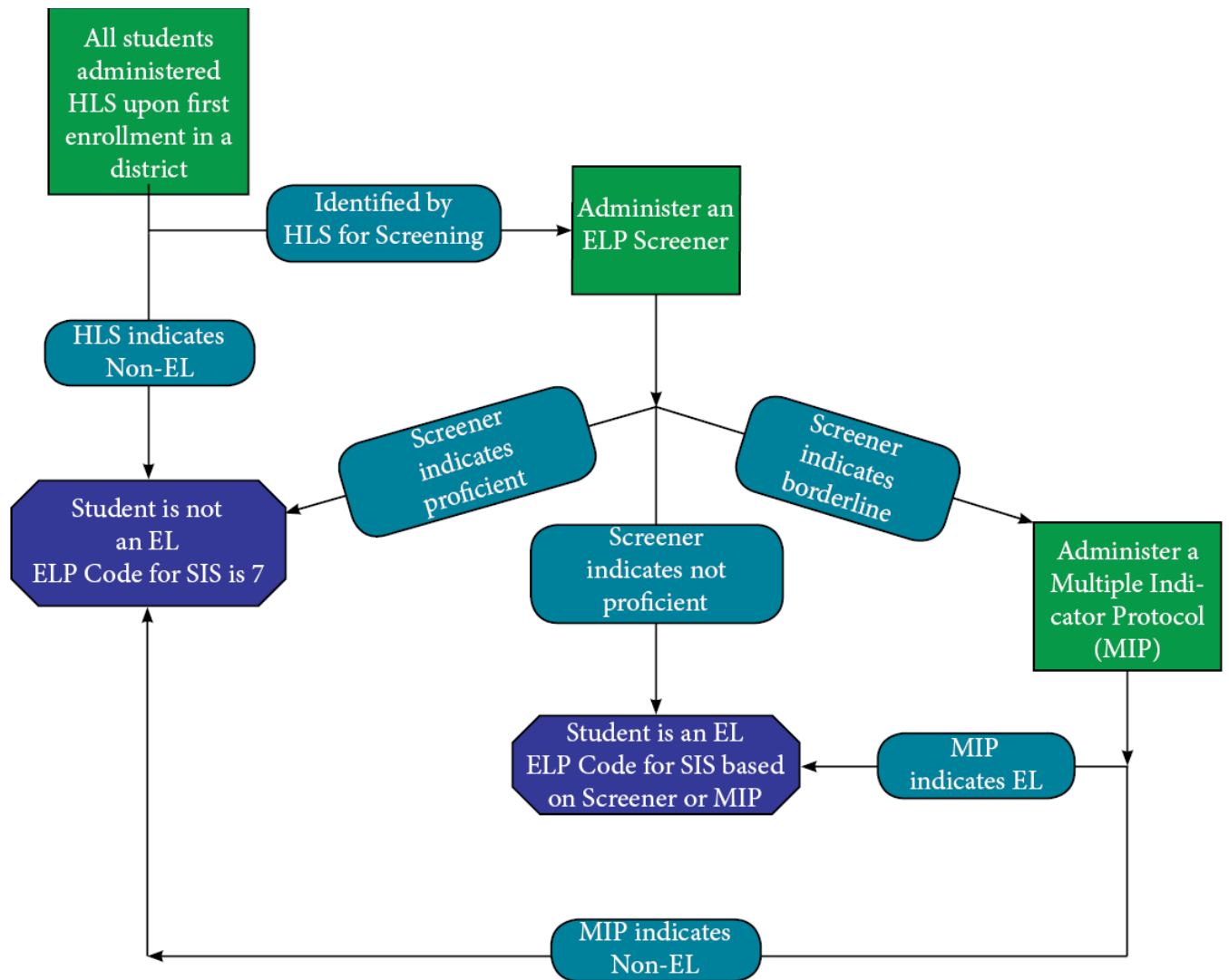
The goal of an ESL integrated content-based program is to help your child learn English as well as the lessons that their classmates are learning.

In this program, all of the classes will be taught in English, in classrooms that have English learners like your child as well as students who only speak English. Teachers will teach small parts of the lesson at a time and make sure that your child understands before moving on. They will also give your child help with vocabulary to help them learn. In these classes your child will work to build their English by learning English words, building English sentences, and practicing English with their classmates.

To help your child learn we will give them visual aids like charts, videos and graphic organizers. We will also help them learn with other students, and teach them to help each other learn. In some classes there will be two teachers, and one will help students like your child who are learning English when they need help. As your child's English gets better, they will need less help. As they get older, we will help them become independent learners.

By the end of 3rd grade about half of our students are proficient in English. By the end of 7th grade almost all students are. Once your child is proficient in English, they will no longer need help to understand their lessons in English. Your child will be proficient in English when they get a score of 5.0 or higher on the ACCESS for ELLs assessment.

EL Entry Process



(DPI recommends checking for updates to these policies at least annually. See <http://dpi.wi.gov/english-learners> for the most recent version of this document.)

Version	Modifications/Notes	Date
0.9	Initial release pending final edits	4/25/2018
1.0	Updated proficient scores, parent notification letter	8/15/2018
1.1	Copyedits	7/1/2019
1.2	Major change to parent notification letter, copyedits	1/31/2020