

Update to Executive Numbered Memo 006-2015-16 - Reclassification and Retention Procedures For English Learners (ELs) During School Year 2015-16

March 3, 2016

TO: All District Superintendents, Principals, and Title III Directors

RE: Reclassifying and Retaining Students in English Language Development (ELD) Programs

This is an update to a previously issued numbered memo. New language has been *italicized* for your convenience.

Below are the procedures districts shall use when:

- Reclassifying (exiting) a student from the ELD program;
- Returning a previously reclassified English Learner to the ELD program.

Summary

These revisions are intended to outline procedures during the 2015-16 school year, as Oregon transitions to a new English Language Proficiency Assessment (ELPA) and to clarify previous procedures to ensure consistent application throughout the state. Additional language has been added to define the team of reviewers required for reclassification and retention decisions, as well as limitations on retention options. Prior to any final decision regarding reclassification or retention, parents must be included in the decision-making process.

Background

The Oregon Department of Education (ODE) has developed policies around reclassifying English Learners (ELs) from districts' English Language Development (ELD) programs, as well as retaining students in or returning them to the ELD program. These policies pertain to all currently identified ELs, regardless of participation in ELD programs, as well as to monitored ELs (i.e., those who have been reclassified within the previous two years).

Reclassification decisions are based upon student demonstration of English language proficiency as defined by Oregon's English Language Proficiency (ELP) standards, which were adopted in 2013. The ELP standards are presented in a progressive sequence of proficiency levels. Students in ELD programs, aligned to the ELP standards, are expected to advance through the proficiency levels at a rate that allows them to become proficient within a reasonable and appropriate period of time that takes into account the student's English proficiency upon entry in the ELD program. Some students, particularly those who enter the ELD program in Kindergarten, may achieve proficiency in less than five years while others may need additional time. Students are reclassified, also referred to as promoted or exited, from the ELD program when they meet the reclassification criteria outlined in Section 6 of the district's EL Plan. District reclassification procedures must comply with the guidelines set forth in this memo. In addition, districts should consult the updated English Learners Program Guide for guidance on proficiency timeline expectations.

The following are guidelines for school districts to follow in making reclassification and retention decisions involving current ELs, as well as decisions to return former ELs to the ELD program.

Reclassifying a Student From the ELD Program

For school year 2015-16, Oregon is transitioning from the previous Oregon ELPA to a new English language proficiency assessment, called the English Language Proficiency Assessment for the 21st Century (ELPA21). Generally, the statewide ELP assessment is Oregon's primary measure for determining EL students' English language proficiency; however, during this transition to the new assessment, individual student score results for 2015-16 will not be provided to districts until after June 2016 due to the timeline of the transition to ELPA21.

Preliminary Reclassification in 2015-16 Based on a Formal Review of Relevant Student Performance

Since the results from the statewide ELP assessment will not be available before June 2016, school-level staff can instead review a portfolio of student work as evidence that the student is ready to be reclassified. This decision requires special consideration and evidence of the student's English proficiency as it relates to Oregon's ELP standards. A school-level team must consider multiple pieces of evidence demonstrating that the student has attained sufficient English proficiency to enable him/her to benefit fully from instruction in the regular education program without additional language support from the ELD program. Districts must not use attendance records, homework completion, and other measures not linked to the state-adopted ELP standards in reclassification decisions.

Based on preliminary recommendations of a state work group on the use of multiple measures for reclassification decisions, ODE developed a resource document to assist with reclassification decisions during 2015-16. You can access this resource document here. *Reclassifications during the 2015-16 school year will be reported in the 2015-16 Spring LEP collection or the 2015-16 Spring LEP Collection review window. Assistance with LEP collection submissions is here.*

Reclassification decisions are made by a school-level team that must, at minimum, include a content-area teacher familiar with the student, an ELD teacher familiar with the student's language ability, a school-level administrator, and the student's parent/guardian. In the event that a parent/guardian cannot attend the school-level meeting, parental input must be obtained and documented by the district prior to any decision making about the student's reclassification from the ELD program. *The parent/guardian must be contacted and invited into a conversation about the student's progress toward English proficiency. They must be provided with information about options for the student and learn about the school-level recommendation for the student. After discussion with the parent/guardian, an agreement should be reached and documentation of that decision must be provided to the parent.* If the student has an IEP, a member of the school's student services team *must* be added to the school-level team, and the IEP reviewed as part of the reclassification process *to update delivery of services and state assessments.* The district's procedure should include full documentation of the student's English proficiency as it relates to the state's ELP standards at the time of reclassification. For a student who has an IEP, reclassification decisions should be made based on English language proficiency separate of any disability status, as students with IEPs should not be held in the ELD program solely due to that disability.

For districts who wish to streamline the school-level process, please see the recommendations for holding reclassification meetings with parents/guardians. The "Reclassification Meeting" description linked here. These recommendations will assist districts who wish to do a more efficient stadium-style in person meeting as part of the reclassification process during 2015-16 or would like to hold the parent meeting during spring conference. Districts are not required to use these recommendations, but must have parental input prior to any reclassification decisions are made.

Review of Reclassifications Without ELPA21 Scores

ELPA21 student-level score reports will be available in late fall 2016 (contingent upon performance standards adoption by the Oregon State Board of Education). Districts may choose to perform a file review for any student who was reclassified during 2015-16 without an ELPA21 score after receiving the ELPA21 student level score report. If a student is recommended for return to EL status as a result of a Fall 2016 file review, parental input must be received and documented by the district prior to any final decision about the student's return to the ELD program. If the parent agrees with the recommendation to return the student to EL status, and the district confirms this decision, this change must be documented in the *2016-17 LEP Collection*. This student would be reported as a 1-D (returning to the ELD program and served) or 4-P (returning to waiver EL status) for the 2016-17 school year based on the outcome of the final decision-making process.

Returning to the ELD Program

In rare circumstances, an EL who is already in monitor status might qualify to re-enter the ELD program after being exited in a previous school year. For this rare circumstance, the decision requires a thorough evaluation by a school-level team and an examination of evidence that clearly shows that the student's English language proficiency is a barrier to accessing instruction in academic classes. A barrier is defined as a language issue that is beyond the average experience of a non-EL. Specific evidence of the student's current level of English language proficiency must be provided to the school team and the parent/guardian, and this evidence must clearly demonstrate that the student has a language issue in more than one of the four language domains (speaking, listening, reading, and writing). In addition, districts must not use attendance records, homework completion, and other measures not linked to state-adopted ELP standards in decisions to return a student to the ELD program.

The school-level team for this review must, at minimum, include a content-area teacher *who is familiar with the student*, an ELD teacher familiar with the student's language ability, a school-level administrator, and the student's parent/guardian. In the event that a parent/guardian cannot attend the school-level meeting, parental input must be obtained and documented by the district prior to any decision making about the student's return to the ELD program. If the student has an IEP, a member of the school's student services team *must* be added to the school-level team, and the IEP reviewed *to update delivery of services and state assessments*. If the parent agrees with the recommendation to return the student to the ELD program, and the district confirms this decision, the student must be coded as returning to an ELD program with a LEP Program Code of 1-D (if the student will be receiving services), or 4-P (if the student is returning to EL status and has a waiver for ELD services). For a student who has an IEP, reclassification decisions should be made based on English language proficiency separate of any disability status, as students with IEPs should not be held in the ELD program solely due to that disability.

Retention in the ELD Program

In rare cases, a district may decide to retain a student who has achieved a score of "proficient" on the state's ELP assessment in the ELD program. Because ELPA21 scores will not be available in 2015-16, these decisions cannot occur during the 2015-16 school year; however, districts should follow the same procedures in fall 2016 and thereafter that are outlined in the above section related to returning a student to the ELD program.

Parental Notification

In line with Title III guidance, districts must notify parents when either (a) a student is recommended to

be retained in or returned to the ELD program or (b) a student is recommended to be reclassified out of the ELD program prior to receiving the annual ELPA results. Title III law requires that districts include parents as active participants throughout the process.

ESSA changes

On December 18, 2015, a [Dear Colleague letter](#) was sent from US Department of Education regarding the transition to Every Student Succeeds Act (ESSA), The transition for AMAO accountability was included in this letter. For 2015-16 districts will not be held accountable for their AMAO determinations, although the Oregon Department of Education is still required to report the progress of English learners acquiring English proficiency for 2015-16. While districts will not be held accountable for their AMAO determinations, reclassification decisions should be still made during 2015-16 school year and be reported in the LEP collection based on the best interest of the student. Retention of a student who has demonstrated English proficiency in an ELD program could be a civil rights concern.

State Funding related to English Learners

In order to receive additional state funding for ELs retained in the ELD program under the circumstances *described in this document*, districts must comply with two laws:

ORS 327.013 (7) (a) (B) - allows an additional half weight to be added to the average daily membership (ADM) funding calculation “for each student in average daily membership eligible for and enrolled in an English Language Learner program under ORS 336.079,” and

OAR 581-023-0100 - to be eligible to receive that funding, district programs must meet the criteria set out in OAR 581-023-0100 (4) (a) (B).

Please contact [Kim Miller](#) at 503-947-5712 or [David Bautista](#) at 503-947-5750 if you have any questions or need further information.