

Executive Numbered Memo 007-2013-14 - Reclassification and Retention Procedures for English Learners (ELs)

Revision to Memo# 002-2008-09 Promoting, Retaining and Exiting English Learners from English Language Development Program

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

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

Below are the procedures for districts to use when:

- Exiting a student from the ELD program
- Retaining a student in the ELD program after a proficient score on the ELPA is obtained
- Returning a former English Learner to the ELD program.

Summary

These revisions are intended to clarify previous procedures to ensure that these practices are consistently applied throughout the state. Additional language has been added to define the team of reviewers required for exiting and retention decisions as well as limitations on retention options. Please note: A student who receives a level 5 on the ELPA and is retained in the ELD program due to a determination of student need and then receives a second level 5 score on the ELPA must be exited unless the district completes a separate retention process. See the "Retention in the ELD program" section below for full details.

The Oregon Department of Education (ODE) has developed policies around exiting, retaining, and returning English Learners [also known as English Language Learners (ELLs) or Limited English Proficient (LEP) students] from or to districts' English Language Development (ELD) programs. "English Learner" means all identified ELs, regardless of participation in ELD programs.

Oregon's English Language Proficiency (ELP) standards are presented in steps of sequential skills called proficiency levels. Students in the ELD instructional programs, aligned to the ELP standards, shall be expected to move through the progressive achievement continuum at a rate that allows them to become proficient within a reasonable and appropriate period of time, generally five years. Some students may achieve proficiency in less than five years while others may need additional time. Students are promoted, or exited, from the ELD program when they meet the exit criteria as set by their districts in accordance 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 decisions to exit, retain, or return ELs from or to the ELD program.

Exiting from the ELD Program

The English Language Proficiency Assessment (ELPA) is Oregon's primary measure for determining EL students' English language proficiency. Students who achieve a level of 5 (Advanced) on ELPA are generally considered to be proficient, and the vast majority of this group of students will exit the ELD programs. Districts must enter an exit date on the Spring LEP collection for each student who exits the program. All exited student records are submitted to the LEP collection with an LEP Exit date. The LEP exit date is the only indicator of exited students used in the calculation of AMAOs and the AMO for the EL sub-group.

Districts have the option to exit ELs before students have achieved a level of 5 (Advanced) on ELPA. This decision requires special consideration and evidence of the student's language proficiency and the student's academic performance. A school-level team must consider multiple factors indicating the student has already demonstrated that he or she can profit fully from instruction in the regular education program without additional language support from the ELD program. A school-level team must, at minimum, include a content-area teacher, an ELD teacher familiar with the student's language ability, a school-level administrator, and a parent/guardian. In the event that a parent/guardian cannot attend the school-level meeting, parental input must be

obtained prior to any decision making about the student's promotion from the ELD program.

Retention in the ELD program

Districts may, on a case-by-case basis, decide to retain a student who achieves a level of 5 (Advanced) on the ELPA. This decision must be based on a thorough evaluation conducted by a school-level team of the student's ELPA results and additional evidence of the student's language proficiency and academic performance. This evaluation must also indicate that the student needs additional instruction in English Language Development and this instruction can only be provided within the context of the district's ELD program. If a previously retained student scores a 5 (Advanced) on the ELPA in a future school year, the district must exit that student using the district exit criteria or proceed with a 2-step process in order to retain a student again. The 2-step process includes (1) specific evidence that the student is not yet able to profit from instruction in English ([ORS 336.079](#)) and (2) documentation of how the ELD program will be modified to address the specific linguistic needs of the student that prohibit the student from being able to profit from instruction in English. This 2-step process must be reviewed by a school-level team and is subject to examination by the Oregon Department of Education upon request. The school-level team conducting the evaluation must, at minimum, include a content-area teacher, an ELD teacher familiar with the student's language ability, a school-level administrator, and a parent/guardian. In the event that a parent/guardian cannot attend the school-level meeting, parental input must be obtained prior to any decision making about the student's retention in the ELD program.

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

[ORS 327.013 \(7\) \(a\) \(B\)](#) - allows an additional .5 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 as a Second Language 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 \(4\) \(a\) \(B\)](#).

Returning to the ELD Program

In rare circumstances, an EL 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 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 language proficiency must be provided to the school team and parents/guardians that clearly shows that the student has a language issue in more than one of the four language domains (speaking, listening, reading, and writing). A school-level team must, at minimum, include a content-area teacher, an ELD teacher familiar with the student's language ability, a school-level administrator, and a parent/guardian. In the event that a parent/guardian cannot attend the school-level meeting, parental input must be obtained prior to any decision making about the student's return to the ELD program. Students are coded as returning to an ELD program with a LEP Program Code of 1-D.

Parental Notification

Districts must notify parents when either (a) a student is recommended to be retained in or returned to the ELD program even after achieving a level of 5 (Advanced) on ELPA or (b) a student is recommended to be promoted out of the ELD program prior to achieving a level 5 (Advanced) on ELPA. Title III law requires that districts include parents as active participants throughout the process.