

Pathways to Redesignate Multilingual Learner Students to Fluent English Proficient Monitor Status

State and Federal Requirements

Title VI of the Civil Rights Act of 1964, The Equal Educational Opportunities Act (EEOA), the Every Student Succeeds Act (ESSA), and Colorado's English Language Proficiency Act (ELPA) all outline school districts' obligations in providing quality English Language Development (ELD) instruction through a Language Instruction Educational Program (LIEP) to identified Multilingual Learners (MLs). As part of these requirements, districts must provide ELD instruction until the student attains Fluent English Proficiency (FEP) and can transition successfully to grade-level content classrooms with minimal and appropriate ELD support. The Elementary and Secondary Education Act (ESEA), reauthorized in 2015 as the Every Student Succeeds Act, highlights these civil rights by requiring states to establish and implement standardized entrance and exit procedures for ML students, including ML students with disabilities. As part of this requirement, the state's English Language Proficiency (ELP) assessment, ACCESS for ELLs and Alternate ACCESS must be used in the state's standardized procedures in making redesignation and exit decisions for ML students. ESSA requires states to set proficiency score(s) on the ELP assessment to be set at a level that enables students to effectively participate in grade-level content instruction. Additional objective criteria may also be used as supplemental information in determining whether to redesignate a student, but these additional sources may not take the place of a proficient score on an ELP assessment (U.S. Department of Education, 2016).

The Colorado Department of Education (CDE) requires that districts, schools, and public charters follow the procedures and guidance outlined in this document when developing and implementing procedures to redesignate ML students.

Redesignation Context for the 2023-2024 School Year

The COVID-19 pandemic presented challenges for required assessments used to redesignate ML students into monitor status. Per U.S. Department of Education (USED) guidance on May 18, 2020 (www2.ed.gov/documents/coronavirus/covid-19-el-factsheet.pdf) and restated in the January 18, 2021 Addendum (oese.ed.gov/files/2021/01/English-Learner-Fact-Sheet-Addendum-01-18-2021.pdf), to be eligible for redesignation in the 2023-2024 school year, ML students must meet Colorado's "English Proficient" level(s) on ACCESS for ELLs and Alternate ACCESS as outlined in the Pathways below. Per USED guidance, if ML students did not participate in the 2023 ELP assessment window or does not have an Overall or Literacy score, that student may not be considered for redesignation.

Only students whose disabilities preclude their participation in one or more language domains, or whose ELP assessment is incomplete due to a documented misadministration of a particular section, or a student with a documented absence during district, school, or public charter school testing window may be considered for redesignation without an overall and literacy score(s) on ACCESS for ELLs or Alternate ACCESS. In these cases, the school/district must collect a body of evidence to demonstrate proficiency in the non-tested language domain(s) on ACCESS for ELLs or Alternate ACCESS. For more information regarding test accommodations and the annual assessment window, contact CDE's Assessment Office (www.cde.state.co.us/assessment/ela).

Multilingual Learner Redesignation Procedures

Redesignation is a term that describes a process that districts and schools develop to determine when MLs are fluent English proficient and can transition successfully to classrooms, with minimal and appropriate ELD support. It is a term that is used when a student's English language proficiency level changes from Limited English Proficient (LEP) to FEP Monitor 1.

This process is initiated by the current annual ELP assessment data: ACCESS for ELLs (Pathway 1) or Alternate ACCESS (Pathway 2). ELD and Individual Education Program (IEP) teams are responsible for determining which of the pathways presented in this framework is the most appropriate for individual ML students with disabilities. The teams work in partnership to decide which pathway is best suited for the student (e.g., whether the student should take the general ELP assessment or an alternate ELP assessment, and/or whether the student should participate in all or some of the domains).

In addition to the annual ELP assessment scores, districts, schools, and/or public charters are required to collect a body of evidence to demonstrate student's ability to transition to classroom, with minimal and appropriate ELD support. In order to comply and document student demonstration of English proficiency level and student's ability to transition to classrooms with minimal and appropriate ELD support, districts, schools, and public charter schools must establish and document standardized measures and metrics across K-12 grade levels that define grade level success in reading and grade level success in writing.

When determining grade level success in reading and writing, districts, schools, and/or public charter schools should ensure students eligible for redesignation can access grade-level content and perform academically similarly to Former English Language Learners (FELLs) and students never identified for LIEP instruction. Additionally, districts, schools, and/or public charter schools must communicate and monitor their redesignation procedures and processes to all staff to ensure consistent and equitable implementation across all schools/grade levels.

To demonstrate compliance, CDE strongly recommends that districts/schools/public charter schools develop a clearly articulated process in written form that includes, at a minimum:

- ✓ A district/school/public charter school developed "redesignation form" that includes all possible criteria for assessments, classroom observations, or analysis of student work to demonstrate ML students meet district, school, charter school expectations for grade level success in reading and writing.
- ✓ Detailed roles and responsibilities of personnel involved in redesignation (i.e. ELD educators providing access to grade-level content, assessment and/or data personnel, and school/district leadership) should include staff responsible for gathering data, instructional staff, and LIEP program staff. Instructional staff should not be pulled from core grade-level or ELD instruction to assess students, collect data, or perform tasks associated with redesignation.
- ✓ The student's body of evidence collected during the redesignation process must be well-documented and kept in the student's records.

Districts, schools, and charter schools are strongly encouraged to review and must comply with student data retention security and privacy policies. The School District Records Management Manual in the Colorado State Archives outlines procedures to securely store paper test kits and safely transfer student records/score reports and other relevant documentation used to identify multilingual learners. As provided under SB21-268 and beginning with fiscal year 2021-2022, the English Language Learner funding factor will be included in the calculated total program funding for each district. Compliance audits including a review of documentation requires district, school, and public charter schools to retain score reports following guidance found in the English Language Learner Count Audit Resource Guide.

Pathway 1: ACCESS for ELLs Assessment Data

Pathway 1a.

Districts/schools/public charter schools must consider ML students whose score meets the ACCESS for ELLs Assessment criteria for English language proficiency (4.0 Overall and 4.0 Literacy) eligible for redesignation. If the district/school determines that the student meets the standardized state ELP assessment criteria, two additional pieces of evidence must be collected to demonstrate the student's ability to transition to classrooms with minimal and appropriate ELD support.

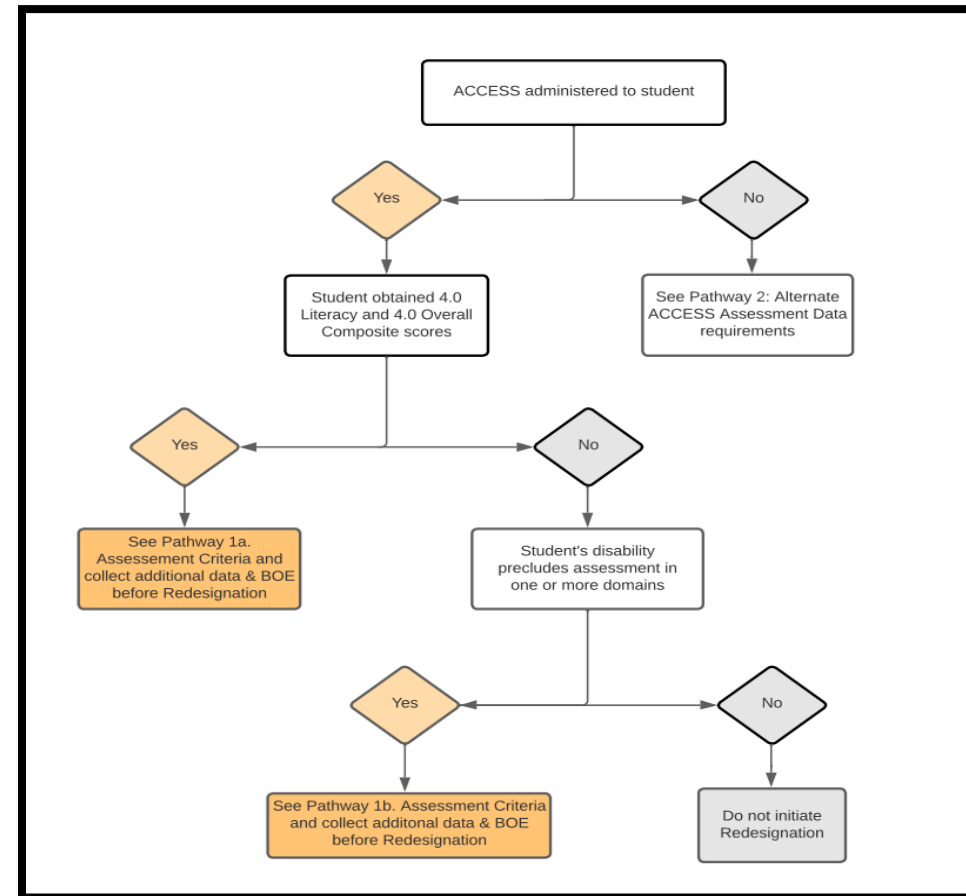
Evidence must include two pieces of local data that demonstrate:

- 1) success in reading through English Language Arts (ELA), science, social studies, and/or math as comparable to English proficient peers **AND**
- 2) success in writing through English Language Arts (ELA), science, social studies, and/or math as comparable to English proficient peers.

Pathway 1b.

Districts/schools/public charter schools should consider this pathway when a student's ACCESS for ELLs assessment is incomplete due to a documented misadministration of a particular section, or a student with a documented absence.

Additionally, ML students with disabilities whose disabilities preclude assessment in one or more domains (i.e., significant language disability, deaf or hard of hearing, intellectual disability, and/or visually impaired) must be considered and possibly eligible for redesignation through pathway 1b. State and federal law require schools and districts to provide ML students with disabilities both English language development instruction through a Language Instruction Educational Program (LIEP) and special services to support their individual learning needs. Therefore, districts and schools need to ensure that students with disabilities have been provided with adequate and quality ELD instruction before considering redesignation through pathway 1b.



CDE recommends that districts/schools establish a trajectory to ELP based on all ML students and consider, at a minimum: English language proficiency level at the time of enrollment, grade span, and LIEP model(s). ML students with a disability and on an IEP should be provided, at a minimum, the same time to attain English language proficiency, as all other ML students before considering the student for redesignation.

Pathway 2: Alternate ACCESS Data

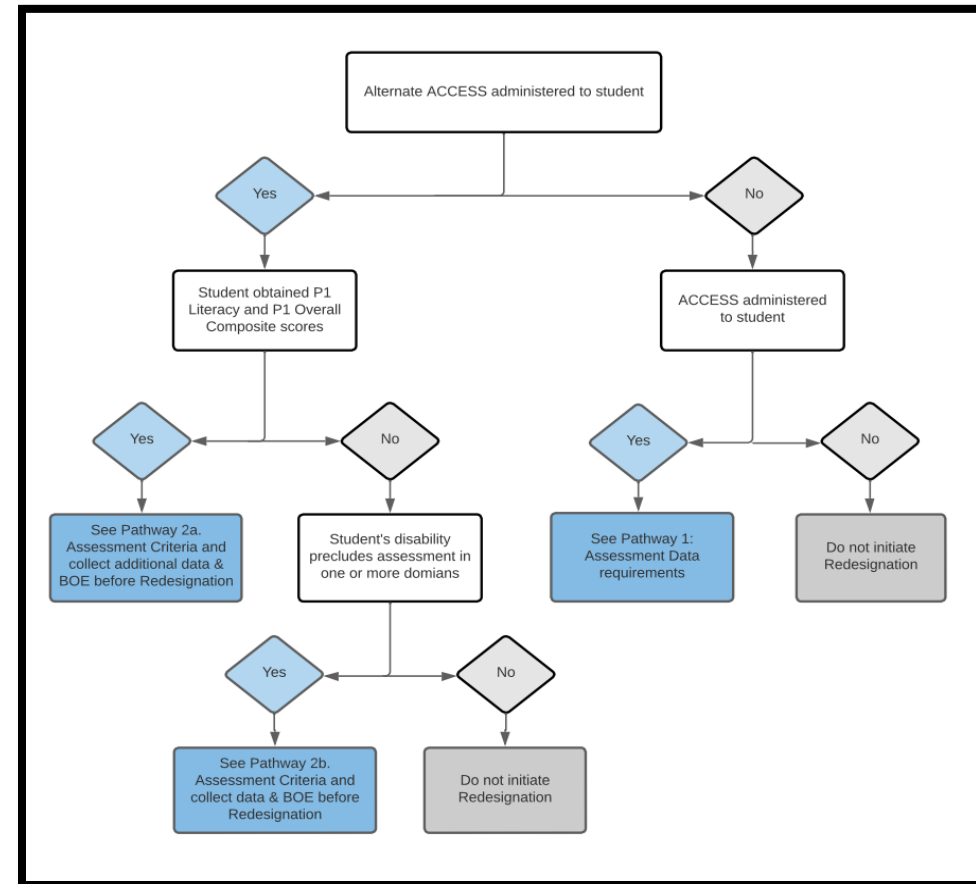
Pathway 2a.

Districts/schools/public charter schools should consider ML students with disabilities whose score meets the Alternate ACCESS Assessment criteria for English language proficiency (P1 Overall and P1 Literacy) eligible for redesignation. If the district determines that the student meets the standardized state Alternate ELP assessment criteria, two additional pieces of evidence **must** be collected to confirm or refute the student's ELP level:

- 1) At least one piece of local data that demonstrates adequate performance and/or proficiency in English.
 - This should be reviewed in collaboration with ELD and special education specialists.
 - The data should be representative of multiple years of ELD and special education instruction and services which have been provided consistently in an integrated manner.
- 2) At least one piece of local data that demonstrates broad generalization of skills in English in the content areas of ELA, Science, Socials Studies, and/or Math.
 - The student demonstrates sufficient English language to adequately understand and/or express themselves in one or all four domains (listening, speaking, reading, and writing). Skills demonstrated are reflective of the integration between language objectives and individualized goals for the English learner/multilingual learner with a disability.

Pathway 2b.

Districts/schools/public charter schools should consider this pathway only when a student's Alternate ACCESS assessment is incomplete due to a documented absence, or a misadministration of a particular section has occurred. Additionally, ML students with disabilities whose disabilities preclude assessment in one or more domains (i.e., significant language disability, deaf or hard of hearing, intellectual disability, and/or visually impaired) should be considered and possibly eligible for redesignation through Pathway 2b.





State and federal law require schools and districts to provide ML students with disabilities both ELD instruction through a LIEP and special services to support their individual learning needs. Therefore, districts and schools need to ensure that students with disabilities have been provided with adequate and quality ELD instruction before considering redesignation through pathway 2b.

CDE recommends that districts/schools/public charter schools establish a trajectory to ELP based on all ML students and consider, at a minimum: English language proficiency level at the time of enrollment, grade span, and LIEP model(s). ML students with a disability and on an IEP should be provided, at a minimum, the same time to attain English language proficiency, as all other ML students before considering the student for redesignation.

Standardized Body of Evidence (See examples on pg. 6)

In addition to the ACCESS for ELLs scores, districts, schools, and/or public charters are required to collect a body of evidence to demonstrate student's ability to transition to grade-level classrooms and content, with minimal and appropriate ELD support. In order to comply and document student demonstration of English proficiency level and student's ability to transition to classrooms with minimal and appropriate ELD support, districts, schools, and public charter schools must establish and document standardized measures and metrics across K-12 grade levels that define grade level success in reading and grade level success in writing. Additionally, districts/schools/public charter schools must communicate and monitor redesignation procedures and processes to all staff to ensure consistent and equitable implementation across all schools/grade levels.

- A. Districts/schools/public charter schools must establish expectations of student grade level performance and set criteria to determine eligibility for redesignation – failure to do so, does not necessitate an automatic redesignation for students.
- B. District, school, and public charter schools process must state clearly articulated expectations to meet established criteria.

When a student's ACCESS for ELLs assessment is incomplete due to documented absence or a documented misadministration of a particular section of the ACCESS for ELLs assessment has occurred, OR the student's disabilities preclude assessment in one or more domain(s), one additional piece of evidence that confirms English proficiency that is aligned with the CELF standard(s) in missing domain(s) must be collected to confirm proficiency in that language domain.

Standardized Body of Evidence: students receiving instruction on the CAS Extended Evidence Outcomes (EEOs) (See examples on pg. 6)

When ML students receive their instruction through the Extended Evidence Outcomes (EEOs) *and* are administered the Alternate ACCESS assessment, the student's body of evidence must include a piece of evidence that demonstrates relevant English proficiency and/or performance as demonstrated through the CAS Extended Evidence Outcomes (EEOs) and/or CELF standard(s) in missing domain(s). In addition, the Body of Evidence (BOE) must also include a piece of evidence that demonstrates student's generalization of skills in English in the content areas of ELA, Science, Social Studies, and/or Math.

Examples of Artifacts for Standardized Body of Evidence

English Language Proficiency

- District/School/Public Charter School Review Committee Evaluation
- ≥ 4.0 proficiency in each language domain of ACCESS for ELLs
- Language Samples (reading, writing, listening, and speaking)
- Observation Protocols (ex. SOLOM, Mondo Oral Language Assessment, etc.)
- District/School/Public Charter School Language Proficiency Assessments (ex. IPT, Woodcock Muñoz, LAS, WIDA MODEL, etc.)
- Interim Benchmark Assessments
- Student Journals
- English Language Development Checklists
- Student Performance Portfolios
- WIDA Speaking and Writing Rubrics

Grade Level Academic Content Proficiency

- District/School/Public Charter School Review Committee Evaluation
- Evaluation of Common Grade Level Assessments (formal or informal)
- Demonstration of Meeting Grade Level Expectations (GLEs) and Prepared Graduate Competencies (PGCs)
- Observation Protocols
- District/School/Public Charter School Content-specific Proficiency Assessments
- Interim Benchmark Assessments
- Student Journals
- Achievement/Proficiency Checklists
- District/School/Public Charter School Assessments
- Student Performance Portfolios
- READ Act Assessments
- CMAS: English Language Arts (ELA), Social Studies, Science, Mathematics (*ELA includes two reporting categories, Reading, and Writing, which may be considered two individual pieces of evidence*)

Examples of Artifacts for Students who Receive Instruction on CAS EEOs and on an IEP

Demonstration of Adequate English Performance/Proficiency

- District/school/public charter school review evaluation team in collaboration with student's IEP team (MTSS/Progress monitoring teams)
- Language Samples (reading, writing, listening, and speaking)
- Observation Protocols (ex. District/School, SOLOM, Mondo Oral Language Assessment, etc.)
- District/school/public charter school Language Proficiency Assessments (ex. IPT, Woodcock Muñoz, LAS, WIDA MODEL, etc.)
- Interim Benchmark Assessments
- Student Journals
- English Language Development Checklists
- Student Performance Portfolios
- WIDA Speaking and Writing Rubrics
- WIDA Alternate Model Performance Indicators
- IEP Progress Monitoring Data
- Functional Communication Skills/Checklist

Demonstration of Generalization of Skills in Content Area(s)

- District/school/public charter school review evaluation team in collaboration with student's IEP team (RTI/Progress monitoring teams)
- Evaluation of Common Grade Level Assessments (formal or informal)
- Demonstration of meeting grade-level Extended Evidence Outcomes (EEOs)
- District/school/public charter school Observation Protocols that incorporate a variety of school environments and people
- Interim Benchmark Assessments
- Student Journals
- Achievement/Proficiency Checklists
- District/school/public charter School Assessments
- Student Performance Portfolios
- READ Act Assessment: Colorado Emergent Literacy Scales (CELS)
- WIDA Alternate Model Performance Indicators
- IEP Progress Monitoring Data
- Functional Communication Skills/Checklist
- CMAS-COALT: English Language Arts (ELA), Social Studies, Science, Mathematics (*ELA includes two reporting categories, Reading, and Writing, which may be considered two individual pieces of evidence*)

Monitoring of FEP M1 and FEP M2 Students

Redesignation occurs when districts, schools, and public charter schools determine ML students are Fluent English Proficient (FEP) and formally redesignate them successfully to grade-level content classrooms with minimal and appropriate ELD instruction. In data reporting, students who are redesignated are classified as Fluent English Proficient Monitor Year 1 (FEP M1) and Fluent English Proficient Monitor Year 2 (FEP M2) and will not take the annual state assessment for English language proficiency, ACCESS for ELLs and Alternate ACCESS. However, districts, schools, and public charters have an obligation under Title VI of the Civil Rights Act, EEOA, ESSA, and ELPA to monitor FEP M1 and FEP M2 students' linguistic and academic progress during these two years. Monitoring must ensure the FEP students are able to actively participate and access the grade-level content similar to FELLs and students never identified for LIEP instruction. Monitoring must occur even for FEP students whose parents formally opted them out of the LIEP.

The district, school, and/or public charter school must develop and document a monitoring process that includes:

- ✓ The criteria for assessments, classroom observations, or analysis of student work to demonstrate ML students are continuing to progress academically, on grade-level standards without the targeted ELD instruction provided in the LIEP;
- ✓ Structured meetings between the CLDE teacher/coach/coordinator and the student's content teachers and/or the school/district data driven instruction team to discuss the student's academic progress and progress in continuing to develop English language proficiency;
 - End of school year determination of student's progression to FEP M2, FEP Exit Year 1, or re-entry into LIEP; and
- ✓ Ongoing conversations with the student and student's family about their academic performance and English language development.

The student's body of evidence collected during the monitoring process should be well-documented and kept in the student's records. If ongoing monitoring demonstrates that the student is struggling in academic performance and/or English language proficiency skills, appropriate academic and ELD support and instruction must be provided. Establishing rigorous monitoring systems that include periodic benchmarks allows districts, schools, and/or public charters to effectively monitor student's progress over time. More information regarding [monitoring tools and resources](http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf) can be found at www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf.

If, after appropriate ELD support and instruction is provided, the FEP student is not progressing academically or linguistically as expected, districts, schools, and public charter schools should re-evaluate the student's English language proficiency level, following Colorado's Standardized Identification procedures, and determine if the student would benefit from additional English language development instruction and provide a targeted, appropriate LIEP. If the student is re-entered into the LIEP program, the school/district must document the reasons why and provide written notification to the guardian(s) of their student's



reenrollment into the LIEP program. More information about statutorily required elements related to [written parent notification letter](#) can be found at ncl.ed.gov/files/english_learner_toolkit/7-OELA_2017_optout_508C.pdf.

If ML students continue to make academic progress in year 1 of FEP monitoring, as determined by the school/district, the following school year the student is placed in year 2 of FEP monitoring. Upon completion of two full school years of FEP monitoring, the FEP student will be moved to FEP exit status in the Colorado Data Pipeline.

Dually Identified Students

When districts, schools, and public charter schools make a determination that a student is an ML and is placed on an IEP, they must monitor the IEP goals for continued academic progress, as well as the student's linguistic and academic progress. IEP goals should delineate the mode of communication used by the student in acquiring functional and academic skills. Should monitoring of IEP goals identify persistent or developing language needs, schools/districts should consider re-evaluating the student's English language proficiency level to determine whether additional language instruction educational program services are necessary and provide documentation in the IEP regarding who will be providing the instruction and how the English language development instruction will be provided.

Where can I learn more?

- [Office of Culturally and Linguistically Diverse Education](http://www.cde.state.co.us/cde_english/redesignation) (www.cde.state.co.us/cde_english/redesignation)
- [Office of ESEA Programs](http://www.cde.state.co.us/fedprograms/tiii/index) (www.cde.state.co.us/fedprograms/tiii/index)
- [OELA English Learner Toolkit](http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html) (www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html)
- [Student data retention security and privacy policies](http://www.cde.state.co.us/cdereval/districtguidanceoninformationsecurityandprivacypolicies) (www.cde.state.co.us/cdereval/districtguidanceoninformationsecurityandprivacypolicies)
- [School District Records Management Manual](http://archives.colorado.gov/records-management/school-district-records-management) (archives.colorado.gov/records-management/school-district-records-management)
- [English Language Learner Count Audit Resource Guide](http://www.cde.state.co.us/cdefinance/auditunit_ell_count) (www.cde.state.co.us/cdefinance/auditunit_ell_count)



References

Linquanti, R. & Cook, H. G (2015). *Re-examining Reclassification: Guidance from a National Working Session on Policies and Practices for Exiting Students from English Learner Status*. Washington, DC: Council of Chief State School Officers. (Available at [WestEd website](http://www.wested.org/resources/re-examining-reclassification/) at www.wested.org/resources/re-examining-reclassification/).

Molle R., et. Al. (2016). *Discerning — and Fostering — What English Learners Can Do With Language: Guidance on Gathering and Interpreting Complementary Evidence of Classroom Language Uses for Reclassification Decisions*. Washington, DC: Council of Chief State School Officers. (Available at [WestEd website](http://www.wested.org/resources/discerning-and-fostering-what-english-learners-can-do-with-language/) at www.wested.org/resources/discerning-and-fostering-what-english-learners-can-do-with-language/).

U.S Department of Education (2016). *Tools and resources for Monitoring and Exiting English Learners from EL Programs and Services* (English Learner Toolkit Chapter 8 available at [US Department of Education website](http://www2.ed.gov/about/offices/list/oela/9english-learner-toolkit/index.html) at www2.ed.gov/about/offices/list/oela/9english-learner-toolkit/index.html).

Additional Resources

National Center on Educational Outcomes, *Meeting the Needs of ELs with Disabilities in Your State: making EL Exit Decisions* (nceo.info/Resources/publications/OnlinePubs/briefs/brief13/brief13/brief13.html)

U.S Department of Education, Office of English Language Acquisition, *English Learner Toolkit*, September 2015, Chapter 6 (www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html)

[Colorado Academic Standards](http://www.cde.state.co.us/standardsandinstruction) (www.cde.state.co.us/standardsandinstruction)

[Colorado English Language Proficiency Standards](http://www.cde.state.co.us/coenglangprof) (www.cde.state.co.us/coenglangprof)

[Colorado Instructional Standards and Adaptations for Students with a Disability](http://www.cde.state.co.us/cdesped/instructionalstandards) (www.cde.state.co.us/cdesped/instructionalstandards)

Council of Chief State School Officers, *CCSSO English Learners with Disabilities Guide* (www.ccsso.org/sites/default/files/2017-11/CCSSO%20ELSWD%20Guide_Final%2011%2011%202017.pdf)