



Washington Office of Superintendent of
PUBLIC INSTRUCTION

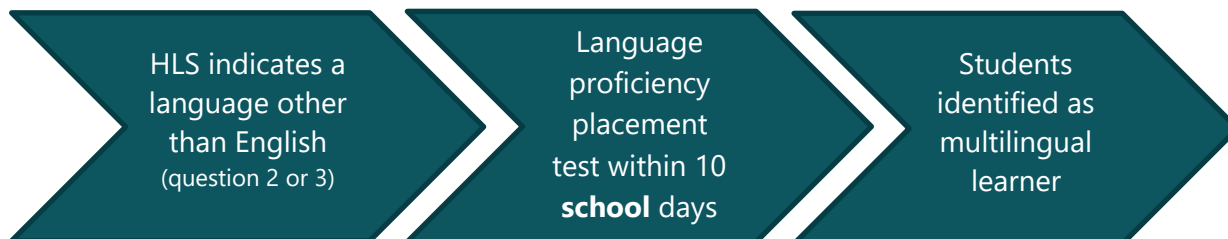
*Washington State
Multilingual Learners:
Policies and Practice Guide*

2023

CHAPTER 2: IDENTIFICATION OF ELIGIBLE MULTILINGUAL LEARNERS

Procedures

Every district must have written procedures to identify eligible multilingual learners.



Timeline

Districts must determine the primary language and eligibility of each newly enrolled student no later than the tenth day of attendance. For students entering kindergarten, the state-approved language proficiency placement test may be administered beginning in May of the year of enrollment.

Home Language Survey

All students who register with a school in Washington State must be asked to identify their primary language. Districts must:

Use the state-approved home language survey for that can be downloaded from the [OSPI Family Communication Templates website](#).

– OR –

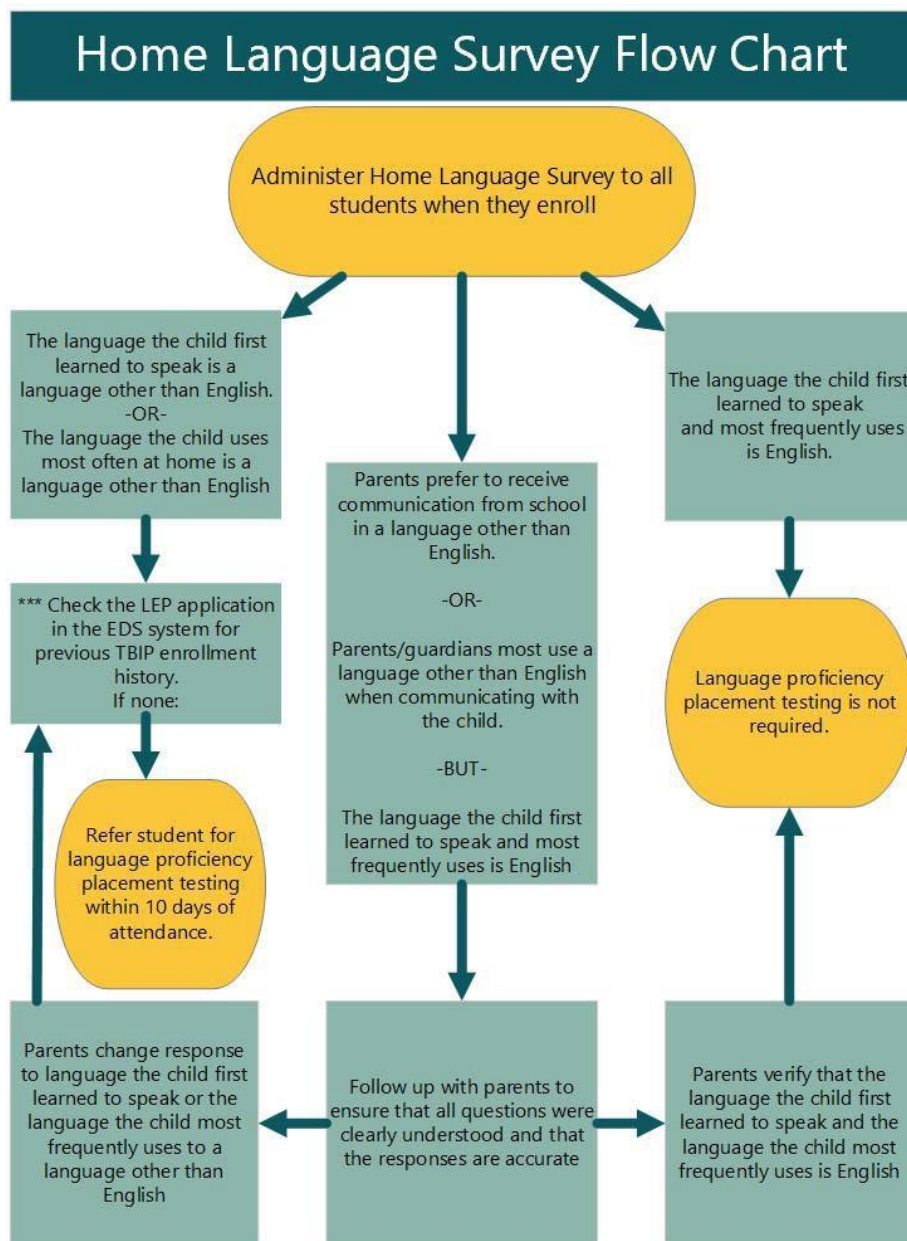
Add the questions necessary to identify a student's primary language from the state-approved home language survey to the district's enrollment form. For identification purposes, the following questions are used to identify the student's primary language:

- What language(s) did your child first speak or understand?
- What language does YOUR CHILD use the most at home?

If the response to either of these questions is a language other than English, refer the student for testing with the state-approved language proficiency placement test. If the parent indicates that the child first spoke or understood English and another language simultaneously or currently uses both English and another language, administer the state-approved language proficiency placement test. If there is any doubt about whether the student should be tested based on these answers, contact the parents/guardians to clarify the primary language of the student and document their response in the student's file.

If a language other than English is indicated in the responses to any other question on the Home Language Survey or enrollment forms, but the student’s primary language is identified as English, follow up with parents/guardians to ensure the questions were answered accurately to verify the student’s primary language.

The Home Language Survey (HLS) must be verified and signed by the student’s parent(s) or guardian(s). Students aged 18 or over and emancipated youth may complete the HLS themselves. Districts with a policy for accepting verified electronic signatures may allow parents to complete the HLS and sign electronically. Districts should electronically retain the completed HLS in the same way they retain other documents required for Program Review, placing it in the student’s cumulative file.



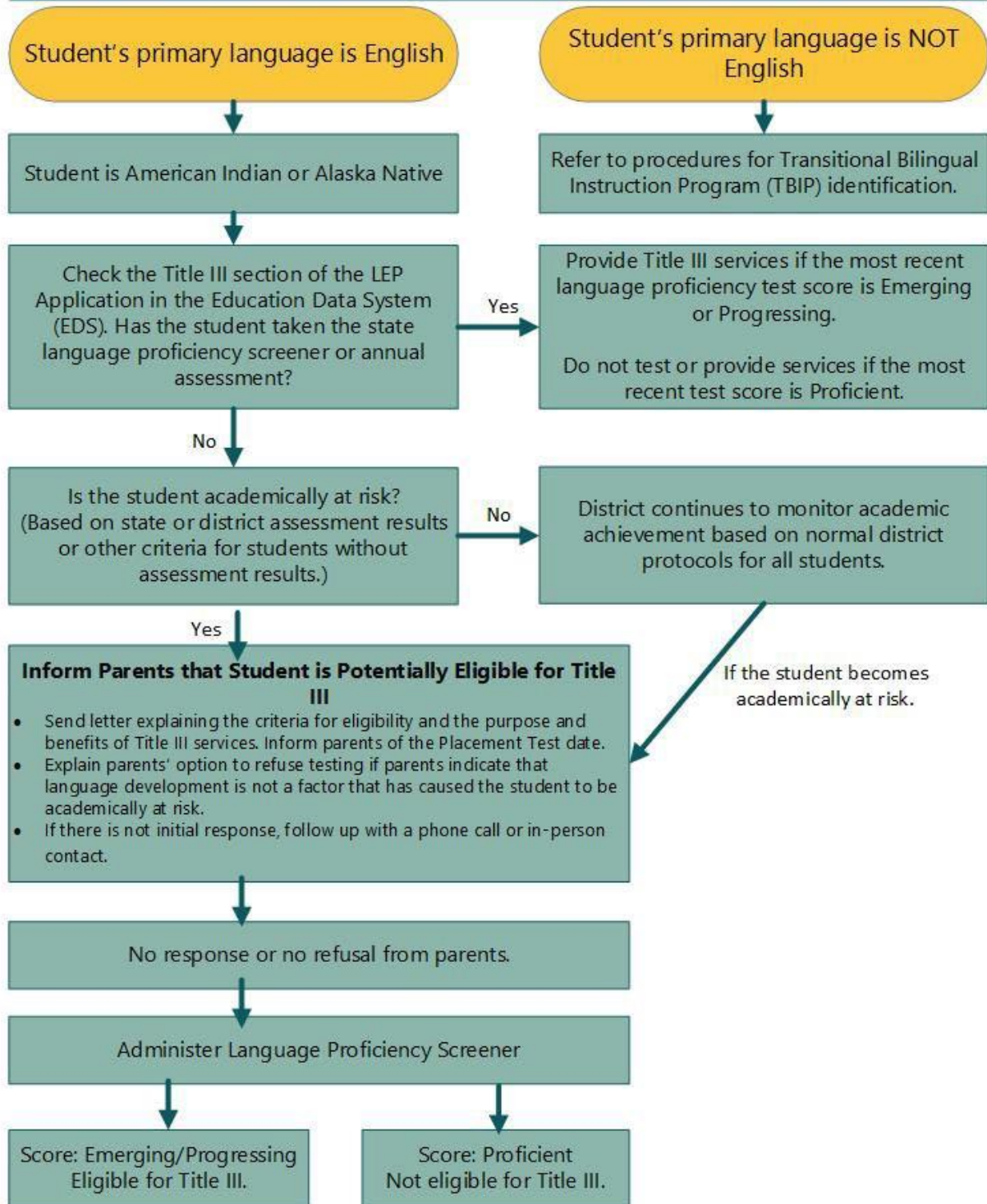
Student Groups

American Indian and Alaska Natives (Title III Part A)

All districts are required to have procedures for the identification of American Indian and Alaska Native (AI/AN) students who qualify for Title III. AI/AN students whose first language is English may qualify for Title III supplemental instructional support through the following process:

1. Identify AI/AN students through:
 - The district's race/ethnicity forms during enrollment. AND/OR
 - Responses to the question "Do grandparent(s) or parent(s) have a Native American tribal affiliation?" on past versions of the Home Language Survey. Documented tribal affiliation is not a requirement for Title III eligibility.
2. Search for Native American students in the Title III section of the LEP Application to determine if the student has previously been tested for Title III eligibility.
3. Review data to determine if the student is academically at risk:
 - Not meeting standard on state assessments.
 - Below grade level on district assessments.
 - In the absence of state and district assessment results, consider multiple indicators, such as classroom-based assessments, curriculum-based assessments, or teacher recommendations. For newly arrived students, allow sufficient time for adjustment and instruction to occur before determining that the student is academically at risk.
4. If a Native American student is academically at risk, inform parents/guardians that the student is potentially eligible for Title III. In writing, explain the criteria for eligibility and the purpose and benefits of Title III services as well as the screener date and their right to refuse testing. OSPI has developed a [template letter](#) for this purpose. If there is no initial response to the written notification, follow up with a phone call or in-person contact and document the attempt to communicate with the parents/guardians. Proceed with administering the screener if there is no response or refusal from the student's parents/guardians.
5. Assess the student with the state language proficiency screener within 10 school days of determination of academically at-risk status. See the [English Learner Proficiency Screeners](#) page for current eligibility requirements.
6. Report all screener results (including Proficient) and program enrollment to CEDARS through the district's student information system. Refer to the [Student Limited English Proficiency File \(J\) section](#) of the CEDARS Data Manual for guidance.
7. Notify parents/guardians of the student's initial identification within 30 days of the beginning of the school year, or within 15 days if identified during the school year, after administering the screener. OSPI has developed a [template letter](#) for this purpose. The notification must include all required components of the Title III family notification letter. (See [ESEA Sec. 1112\(e\)\(3\)](#))

Process for Identifying Title III Eligible American Indian/Alaska Native Students



Immigrant Children & Youth (Title III, Part A)

Identification and Reporting

Identify students who meet the definition of “immigrant” by asking the following questions from the state’s home language survey during enrollment:

- In what country was your child born?
- When did your child first attend a school in the United States? (Kindergarten-12th Grade)

Although many immigrant students are English language learners, this is not always the case. Students who meet the Title III definition of “immigrant” must be reported regardless of their primary language or language proficiency level.

Districts report immigrant students through their student information systems to CEDARS based on the following data elements:

- Element B09 – Birth Date (required)
- Element B10 – Birth Country (required)
- Element B32 – Initial USA Public School Enrollment (required for students whose birth country is not the United States). Provide the initial date of enrollment in a U.S. school, kindergarten-12th grade, public or private.
- Element B34 – Number of Months Non-US Attendance in School

Immigrant Competitive Grant

Districts that have experienced a significant increase in their immigrant count are eligible to apply for an immigrant grant on a competitive basis. The state pulls the October immigrant student count for each district from CEDARS to determine this increase. This count is compared to the two preceding fiscal years to determine if a district has experienced a significant increase [ESEA Title III, Section 3114(d)(1)].

Under ESEA Title III, Section 3115(e)(1), districts receiving an immigrant grant must provide enhanced instructional opportunities for immigrant children and youth, such as:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in their children's education.
- Recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth.
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth.
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds.

- Basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services.
- Other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education.
- Activities coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants to assist parents and families of immigrant children and youth by offering comprehensive community services.

Immigrant Students' Rights to Attend Public Schools

While school districts are required to identify immigrant students as defined by Title III, districts may not take steps with the purpose of determining the documented status of children or their parents.

The U.S. Supreme Court ruled in *Plyler vs. Doe* (457 U.S. 202 (1982)) that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students are obliged under state law to attend school until they reach a mandated age. As a result of the *Plyler* ruling, public schools may not:

- Deny admission to a student during initial enrollment or at any other time on the basis of undocumented status.
- Treat a student differently to determine residency.
- Engage in any practices to "chill" the right of access to school.
- Require students or parents to disclose or document their immigration status.
- Make inquiries of students or parents that may expose their undocumented status.
- Require social security numbers from students.

Please note that parents or guardians without social security numbers who are completing the Free and Reduced-Price School Meals Application and Verification Form for a student only need to indicate on the application that they do not have a social security number.

Requirements of the F-1 (Student) Visa Program, which is only for students who apply for a student visa outside the U.S., do not alter the *Plyler* obligations to children residing in a district's service area. Dependents of a nonimmigrant visa holder of any type, including F-1, are not prohibited from attendance at a public primary or secondary school.

School personnel - especially building principals and those involved with student intake activities - should be aware that they have no legal obligation to enforce U.S. immigration laws and should not attempt to do so. (U.S. Supreme Court, 1982)

Visit OSPI's [Immigrant Students' Rights to Attend Public Schools](#) webpage for additional resources.

Foreign Exchange Students

Districts are required to follow the same identification procedures for all students, including foreign exchange students.

Districts may claim TBIP-eligible J-1 foreign exchange students for state and federal funding. Foreign exchange students on an F-1 visa pay tuition as a condition of their visa and, therefore, cannot be claimed for state funding.

Sign Language as Primary Language

Under the federal definition, a student cannot be considered a Multilingual Learner (ML) for the purpose of qualifying for Title III based solely on a reliance on signing for communication (e.g., American Sign Language) due to the student's or parent's deafness or hearing impairment. However, a student who relies on signing for communication can qualify for Title III services if the student's home language is a language other than English.

A student who uses American Sign Language (ASL) for communication at home because of a family member's hearing impairment may be tested to determine TBIP eligibility for state funding. Districts should consult with the family prior to testing as such students can only be identified as Multilingual Learners (MLs) under the state definition and not the federal definition. In this case, testing for TBIP eligibility is not required by the state, but it is an option if the parents and district determine that it is in the student's best interest.

Student Language	Home Language	Eligible for TBIP?	Eligible for Title III?
ASL (student has hearing impairment)	English	No	Only Native American students who qualify based on Title III identification procedures.
ASL (student has hearing impairment)	Not English	Yes, based on state language proficiency placement test results.	Yes, based on state language proficiency placement test results.

<p>ASL (student does not have hearing impairment but uses ASL for communication at home)</p>	<p>ASL</p>	<p>Yes. The district may test with parent permission to determine TBIP eligibility but is not federally required to do so.</p>	<p>Only Native American students who qualify based on Title III identification procedures. American Sign Language is not considered a language other than English for the purposes of the federal definition of an English Learner.</p>
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In-State Transfer Students

Transfer students often complete a new home language survey as part of the enrollment packet in a new district. If there is a discrepancy between the new home language survey and the home language survey completed at the previous district, program eligibility determinations should be made based on the home language survey that indicates a language other than English.

Look for the student in the LEP Application in the EDS system to determine whether the student has already been identified as an eligible multilingual learner in Washington if:

- the student’s primary language is indicated as a language other than English.
- OR –
- there is any indication in the student’s enrollment forms or cumulative file that the student may have been identified as a multilingual learner in Washington in the past.

If no results are found for the student in the LEP Application of EDS, contact the sending district to determine if the student completed the placement test, and information was not yet uploaded to CEDARS. If the sending district does not respond in a timely manner, administer the state language proficiency placement test. If the student’s original placement test becomes available after retesting, base program eligibility on the results of the first placement test and contact the sending district to request that these results be reported to CEDARS.

If a TBIP-eligible student has not been tested on the two most recent annual English proficiency assessments, the district may choose to administer an assessment to determine the current proficiency level and inform placement decisions. The following options are all acceptable options for this purpose.

- A local assessment that was designed to determine current proficiency and inform placement
- WIDA MODEL (district purchased)
- WIDA Screener (Please note that students who are already identified as eligible MLs may not exit ELD services using the Screener, regardless of their score.)

No placement test is necessary for a student who has been served previously through a Transitional Bilingual Instructional Program in Washington and has not exited on the state annual language proficiency assessment. These students should be placed directly into the TBIP program.

Students who score proficient on the state annual language proficiency assessment are eligible for follow-up academic support in the TBIP program as “exited TBIP students” for two years after transitioning.

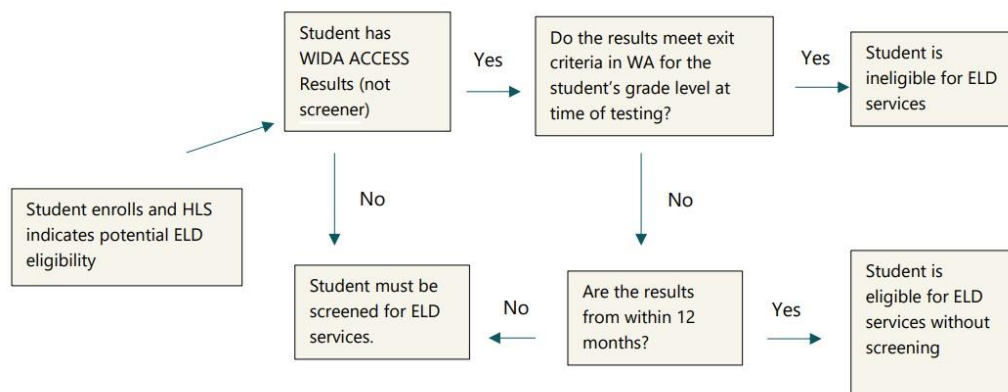
Out-of-State Transfer Students

If the student has not been enrolled in a Washington State public school in the past 12 months and meets the identification criteria on the home language survey, the student must take the WIDA Screener to determine eligibility unless the student has out-of-state WIDA ACCESS scores, which can be accepted under the following conditions:

- If a student met the current Washington State WIDA Exit Criteria at any point on the annual WIDA ACCESS, then the student is ineligible for ELD services.
- If a student has WIDA ACCESS scores from within the previous 12 months and did not meet the Washington State Exit Criteria, the student is eligible for services.
- If the student has not taken the WIDA ACCESS in the last 12 months and has not met the current exit criteria based on a previous ACCESS score, then the student must be screened using the WIDA Screener. Washington State does not accept WIDA Screener scores from out of state.

All WIDA scores must reflect the requirements for the grade level the student was enrolled in when the student completed the test. Regardless of how eligibility is determined, the student must be identified for services within 10 school days of attending a Washington public school. If out-of- state scores are unavailable within 10 days, the school will need to administer a WIDA screener assessment to determine eligibility.

If a student who previously transitioned (exited) from the TBIP program returns to Washington after having lived outside the United States in a non-English-speaking country for twelve or more months, the district can administer the WIDA Screener to determine if there has been a loss of English language proficiency. Based on the new placement test results, the student can re-qualify for TBIP services.



Alternative and Virtual Learning Environments

Students who attend virtual programs are served by the school they attend, not by the local school district. However, if the student needs to do WIDA Screening or WIDA ACCESS testing, the virtual school can contract with the local school district to conduct testing. Many virtual programs already have a Memorandum of Understanding (MOU) in place with the local district to allow for academic annual state testing, and English language proficiency testing can be added to that MOU, if needed.

Language Proficiency Placement Test (Screener)

Students whose primary language is a language other than English must be assessed by the tenth day of attendance with the state-approved language proficiency placement test/screener. Washington State uses the WIDA Screener for Kindergarten, the WIDA Online Screener for students in grades 1-12, and the WIDA Paper Screener for students who require accommodations.

Eligibility for English language development (ELD) services is determined by a student's domain scores and overall score on the WIDA Screener assessment. Students must meet the minimum score in all four domains and the overall composite score to be determined proficient and ineligible for services.

Grade Level	Minimum Domain Score	Minimum Overall Score
Grade 1	4	4.5
Grades 2-12	4	5.0

Screening of Kindergarten Students

Incoming kindergarten students who enroll and begin attending prior to January 1 of their kindergarten year must be screened only in the listening and speaking domain on the WIDA Screener for Kindergarten. For incoming kindergarten students who enroll or begin attending after January 1 of their kindergarten year, all domains must be completed on the WIDA Screener for Kindergarten. Kindergarten students who screen before January 1 must achieve a level 5 on both speaking and listening domains and an oral language composite score of 5. Kindergarten students who screen after January 1 must have a minimum of 4 in all four domains and an overall score of 4.5.

Time of Year	Domain Score Minimum	Composite Score Minimum
Prior to January 1	5 (speaking and listening only)	5 Oral language
After January 1	4 (all four domains)	4.5 Overall

Screening of Students in Transitional Kindergarten

Students who may be eligible for English language development (ELD) services are required to be screened and be provided with those services, including students in Transitional Kindergarten (TK) programs. However, our state-approved English language proficiency assessment, the WIDA Kindergarten Screener and WIDA Kindergarten ACCESS for ELLs assessment have not been validated for children under 5 and therefore, are not appropriate for screening TK students until they are closer to the typical age of kindergarten students.

The following procedure must be used for screening TK students:

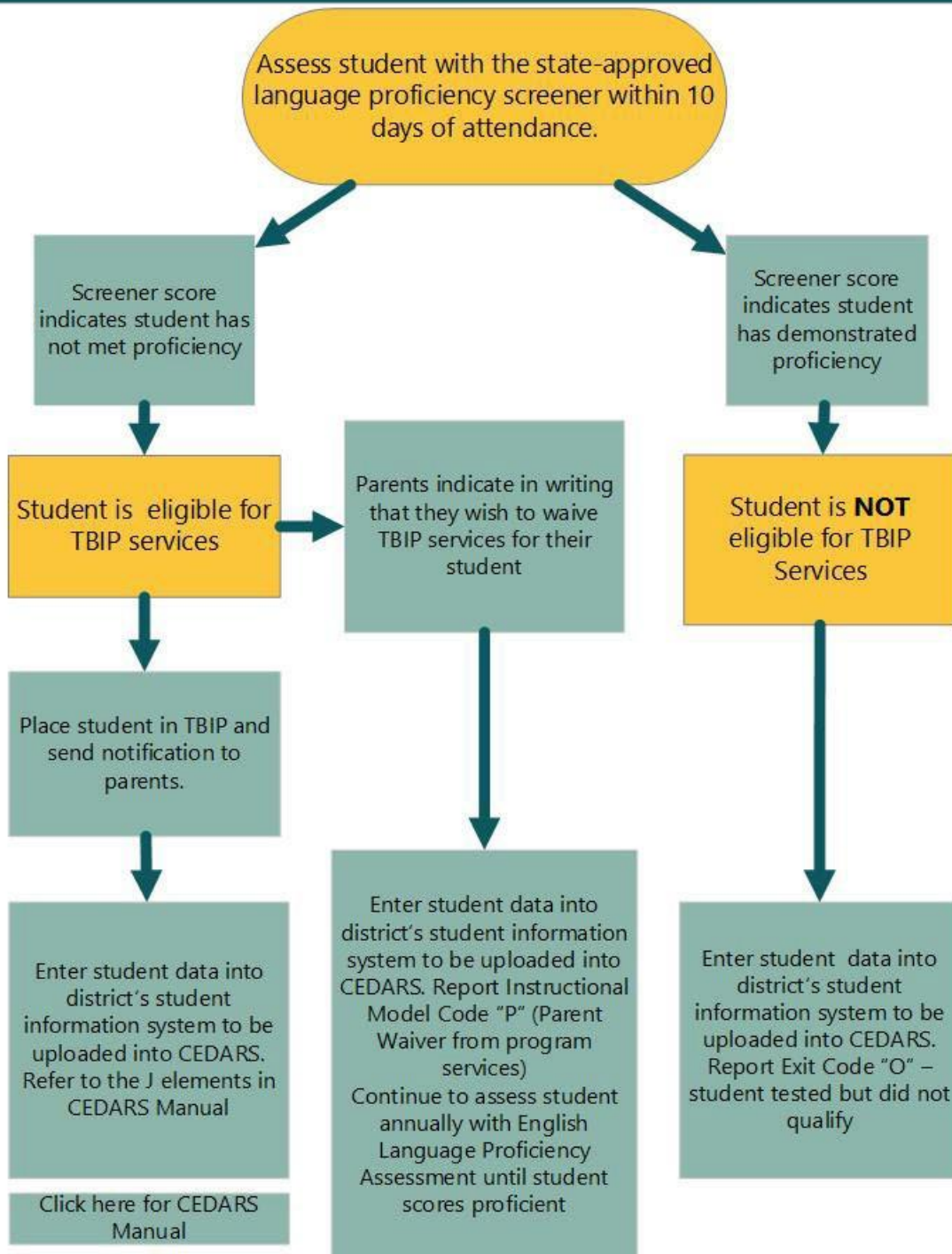
1. *Home Language Survey* – Require the Home Language Survey for all TK students and use the information from questions 2 and 3 to determine possible eligibility.
2. *Provisional Qualification* – Record all TK students who are possibly eligible based on the Home Language Survey as provisionally qualified English learners without a screener score, using their date of enrollment as their Initial Placement Test Date.
3. *Spring WIDA Screening* – Beginning May 1st, all TK students must be given the WIDA Kindergarten Screener prior to the end of their time in TK, following the guidance for early kindergarten screening (listening and speaking only). This screening will fulfill the requirement for an annual English language proficiency assessment and will determine their eligibility for ELD services the following school year upon entering kindergarten.

Provisionally qualified TK students are eligible for ELD services and can be claimed on the P-223 count for Transitional Bilingual Instruction Programs (TBIP) and Title III funding. Best practice for early multilingual learners is to provide inclusive services through co-teaching or through professional development for TK educators to integrate ELD supports and strategies into the early learning environment. Pull-out services are not best practice and are discouraged.

For more information on early learning strategies for multilingual learners, see the [WIDA Early Years Can Do Descriptors](#) and [WIDA Focus Bulletin: Promoting Equity for Young Multilingual Children and Their Families](#).

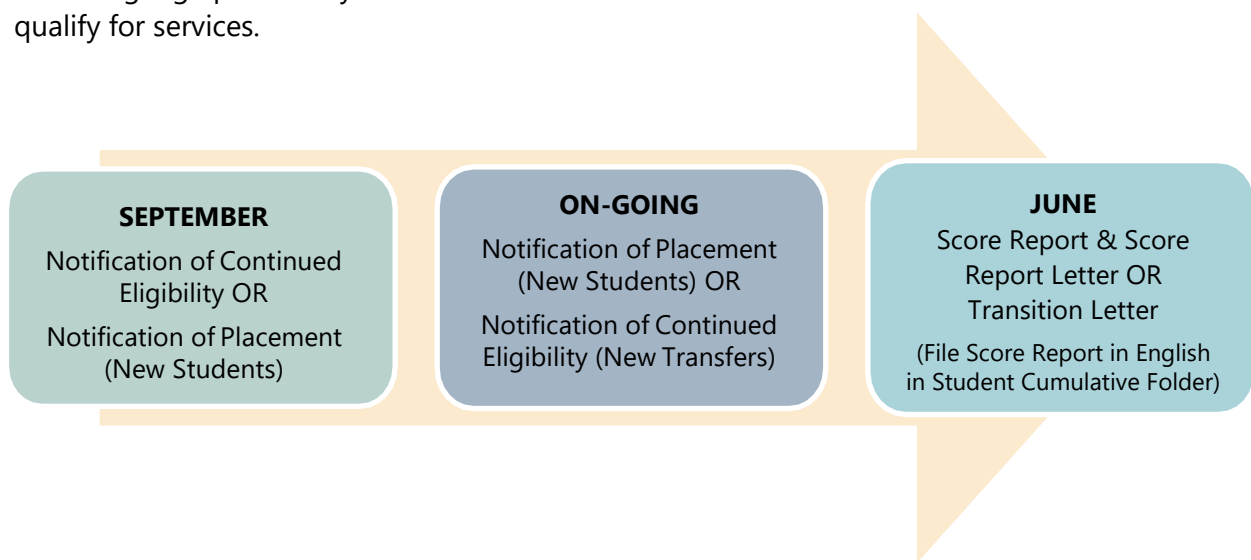
Language Proficiency Placement Test/Screeners Flow Chart

Language Proficiency Screener and Placement Flow Chart



Parent Notification of Eligibility

Parental permission is not needed to assess a student’s English language proficiency for placement purposes except during circumstances as outlined in the TBIP procedures for eligibility and the state procedures for identifying Title III-eligible Native American students. Districts must notify parents when a student initially qualifies for English language development support services. Districts must also send parents/guardians their student’s results on the annual state language proficiency assessment and notification of whether the student continues to qualify for services.



Parent notification of initial placement or continued eligibility must be sent to parents no later than 30 days after the beginning of the school year or within two weeks of placement if the student qualifies for language support services during the school year.

Notification	Required by TBIP?	Required by Title III?
Potential Eligibility, Prior to Placement Testing	No	Only when testing Native American students who are not eligible for TBIP.
Notification of Initial Placement in Program	Yes (with parents’ right to opt out of services)	Yes (with all eight Title III-required components)
Notification of Continued Placement in Program	Yes (with parents’ right to opt out of services)	Yes (with all eight Title III-required components)
Transition from Program	Not required but recommended	Yes

Although TBIP legislation does not specify the information to be included in the parent notification letter, Title I requires that the parent notification letter include the following components ([ESEA Title I Section 1112 \(e\)\(3\)](#)):

- The reasons for the identification of their child as an English Learner and need for placement in a language instruction educational program.
- The child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement.
- The method 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, instruction goals, and use of English and a native language in instruction.
- How the program in which their child is or will be participating will meet the educational strengths and needs of the child.
- How such program will specifically help their child learn English as well as meet age- appropriate academic achievement standards for grade promotion and graduation.
- The specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for English Learners, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools.
- In the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- Information pertaining to parental rights that includes written guidance detailing:
 - Parents' right to have their child immediately removed from such program upon their request; and
 - Parents' option to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
 - Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

Templates are available for these notification letters that includes these required components on the [OSPI Family Communication Templates](#) webpage with translations available in 40 languages. The expected graduation rate can be reported as the most recent district four- and five-year graduation rates. The expected rate of transition can be reported as the median number of years that students remain in the program in the district. These data are provided annually by OSPI to support districts with these required letters. Districts must retain a copy of all parent notification letters in students' cumulative files to demonstrate program compliance.

Parent Waivers

Under the Transitional Bilingual Instructional Program, WAC 392-160-015(2), parents have the right to opt their children out of TBIP services. Such a waiver of services must be documented and kept on file by the district.

However, an administrator knowledgeable about the program must communicate the benefits of program participation to parents or guardians in a language they can understand.

Re-Classification and Re-Evaluation for ELD Services

For students who have been screened and did not qualify for services, the district or LEA should not re-screen these students without first consulting with parents and documenting intervention efforts through the MTSS process (See Chapter 6).

Districts must document the parent or guardian's refusal of TBIP and Title III services and keep a signed copy of the document in the student's cumulative file. The state provides a [template form with translations](#) that may be provided to parents/guardians for this purpose.

Multilingual learners whose parents have waived TBIP/Title III services are reported to the state with an instructional model code of "P". Districts do not receive supplemental TBIP or Title III funding for these students but must still periodically review their progress with school staff and annually assess the student's progress toward English language proficiency. The [2015 Dear Colleague Letter](#) states that districts retain the responsibility to ensure that the student has an equal opportunity to meet their English language and academic needs when parent/guardian(s) decline TBIP program participation. Districts can meet this obligation in a variety of ways, including adequate training for classroom teachers on second language acquisition.

Students under a parent waiver must continue to take the annual state English language proficiency assessment until the student meets program exit criteria. TBIP-eligible students who have met exit criteria are eligible for academic supports through TBIP funding if they are not at grade level, regardless of whether they were previously under a parent waiver.

A parent may choose to withdraw the waiver at any time with a written request. In this situation, the district changes the student's instructional model code in CEDARS and begins providing English language development services to the student.

Resources

For more resources on identifying multilingual learners, see the [U.S. Department of Education EL Toolkit Chapter 1](#), and for information on serving eligible multilingual learners who opt out of ELD programs, see [EL Toolkit Chapter 7](#).