

## **Unity School District**

### **Administrative Rule 342.7**

#### **Procedures for Testing and Assisting English Learners**

**Last Revised 10/11/2022**

##### **A. Identification of English Learners**

1. All new students enrolling in the District will be asked to complete a Department of Public Instruction (DPI)-approved home language survey. The survey will be used to identify the following students for further evaluation and possible eligibility for the District's services or programs for English Learners (ELs):
  - a. Students who communicate in a language other than English; or
  - b. Students whose families use a primary language other than English in the home; or
  - c. Students who use a language other than English in daily non-school surroundings.
2. After any initial identification as provided above, or after some other initial referral indicating that language may be a barrier to the student's learning, the District will review the student's available academic history, consider any input provided by the parent or guardian, and any input based on the student's performance in school.
3. Students will receive a formal screening for potential placement via testing if: (a) the review of the student's academic history indicates a possible language barrier, (b) a lack of sufficient information on which to judge academic performance and/or the extent to which limited English proficiency may be a barrier to learning, or (c) the student is newly arrived in the United States.
4. Parents and guardians will be notified of identification, assessed proficiency, placement and other information as required by law. Parents and guardians may also withdraw their child from offered supports and services at any time.

##### **B. Assessing English Proficiency**

1. On or before March 1 each year, District staff shall conduct a count of all English Learners (ELs) enrolled in District schools, assess the language proficiency of such students and classify such students by language group, grade level, age and English language proficiency.
2. EL students shall be assessed to determine their English language proficiency using the DPI-approved English proficiency assessment instrument – ACCESS for ELLs® (or Alternative ACCESS for ELLs for qualifying students with significant cognitive disabilities). The assessment shall be administered by the EL coordinator or psychologist. The District may also use information such as the following when assessing a student's English proficiency: prior academic records from within or outside the United States, information on everyday classroom performance, and course grades which, in relation to the student's grade level, indicate that lack of progress is due to limited English language skills.
3. EL students assessed shall be classified and reclassified as appropriate, according to their English proficiency level as outlined in state rules (Level 1 – Beginning Preproduction through Level 6 – Formerly Limited-English Proficient Now Fully-English Proficient).
4. Student English proficiency assessment records shall be maintained by the District in accordance with state and federal laws and District student records policies and procedures. Reports

regarding EL students shall be made to the DPI as legally required.

### **C. Assessing Academic Performance**

Decisions regarding academic performance and assessment shall be made on an individual basis for each EL student, and information on both academic and English proficiency data shall be documented and considered. Decisions regarding the appropriate approach to assessment, including the planned approach for the student's state-wide academic tests, shall normally be made by the principal in consultation with classroom teacher English as a second language teacher. Such decisions shall be communicated to the student's parent(s) or guardian. The District's approach to the administration of state-wide academic tests is further identified in the next section of this rule.

### **D. EL Students and State-wide Academic Tests**

1. As used in this section, state-wide academic tests are all state-mandated tests that are expressly covered by Chapter PI 13 of the Wisconsin Administrative Code and all of the annual state-wide tests required under the federal Elementary and Secondary Education Act to which the District may lawfully apply the Chapter PI 13 standards regarding testing accommodations and testing exemptions.

2. Decisions relating to the administration of state-wide academic tests to an EL student shall be made on an individualized basis. Information and data on the student's academic progress and English proficiency shall be documented and considered.

3. The District shall administer a state-wide academic test to an EL student unless an individualized determination has been made that the results of the test, with allowable accommodations made for the student as needed, or as otherwise provided by statute, will not be a valid and reliable indicator of the student's academic knowledge and skills. For example, any student with a qualifying significant cognitive disability and who, as a result is unable to meaningfully participate in state-wide academic tests shall be administered a DPI-approved alternative test (Dynamic Learning Maps – DLM). In no case may the District exempt an EL student from any state-wide academic test based solely on the student's EL status.

a. Before making decisions regarding state-wide academic tests for any EL student, the District will first determine if the student has recently arrived in the United States. "Recently arrived" refers to a student that has attended a U.S. school for less than 12 months.

§ A recently arrived EL student with limited English language proficiency (classified as ACCESS level 1 or 2) may be exempted from one required administration of the state's English/Language Arts test. EL students for whom this exemption is claimed must take the ACCESS for ELLs during the school year of the exemption, which counts for participation on the English/Language Arts section(s) exempted. EL students arriving in the small window between the end of ACCESS testing and the end of academic content testing are exempted from this requirement.

§ Unless lawfully exempted for reasons other than solely their EL or recently arrived status, recently arrived students must participate in all other content areas of the applicable state-wide tests (with or without accommodations).

b. The District shall provide testing accommodations for an EL student if they are needed. As required by DPI regulations, any approved accommodation must maintain the validity of the test. Testing accommodations may include, but are not limited to, one or more of the following:

§ for tests that do not assess English language competency, providing translations in a student's native language or the assistance of a qualified translator to translate instruction or read test

items;

§ providing small group or individual testing opportunities;

§ providing more practice tests or examples before the actual test is administered;

§ allowing EL students to use dictionaries or other educational aids while taking the test unless this use would invalidate the test;

§ allowing EL students as much time as necessary to complete the test; and

§ any other accommodation approved by the DPI.

c. The District shall document the accommodations that are approved for any EL student in connection with the administration of state-wide academic tests. To the extent applicable for EL students with disabilities, such supports and accommodations shall be coordinated with decisions that are made by the student's individualized education program (IEP) or Section 504 team.

4. Separate from any lawful testing exemptions that are based on a student's recently arrived status or the validity and reliability of the test results, if the parent or guardian of an EL student decides to opt their student out of taking a state-wide test, the District will accept such decisions to the same extent that state law or Board policy allows parent-initiated opt-out decisions for students who are not English Learners.

5. School personnel shall make reasonable efforts to consult with a student's parent or guardian regarding the planned approach to the student's state-wide academic tests.

6. The results of state-wide academic tests that are given to an EL student shall be used in a manner that is consistent with District policies in making instructional, promotion and graduation decisions. In addition, the results of such tests may not be used as the sole criterion in re-classifying an EL student from a bilingual-bicultural education program or in determining grade promotion, eligibility for courses or programs, eligibility for graduation or eligibility for participation in post-secondary education opportunities. Similarly, if a student has been exempted from taking any state-wide academic test, the exemption may not be used as the sole criterion for making such determinations.

7. Student test results shall be communicated to the student's parent or guardian and to the DPI as required by law.

#### **E. Educational Program Assistance**

1. An EL student will be provided educational program assistance and/or services as appropriate and necessary to help the student improve his/her English language skills and academic performance. The degree of curricular and instructional modification, type of support or other program services and their duration shall be determined individually, based on student need.

#### **F. Students Exiting the EL Program Based on Proficiency**

1. Whenever an EL student is considered or evaluated for exiting the EL program (i.e., possible reclassification as a former EL student), the relevant data and other information used in the process, along with resulting determination, shall be maintained as part of the student's academic record.

2. An EL student must be exited from the EL program or services when the student achieves an overall composite score of 5.0 or greater on the ACCESS for ELLs®.

3. An EL student may also be eligible for exiting from the EL program or services if all of the following conditions are met:

- a. The student has attained an overall composite score of 4.5 or above on the ACCESS for ELLs®.
- b. Additional pieces of evidence, as gathered using a Multiple Indicator Protocol (MIP), demonstrate that the student has become fully English language proficient. Evidence should include demonstrations of the student's reading, writing, speaking and listening skills in English through observation of student language use in classroom activities or through a portfolio of student work (examples of language use over time – e.g., writing assignments, book reports, audio or video projects, etc.).

The District shall notify the student's parent(s) or guardian(s) of the MIP process used to make discretionary decisions regarding exiting the program and of the resulting determination.

4. Once a decision is made to exit an EL student from the EL program based on current-year ACCESS test results and any current-year MIP results:

- a. The District will notify the student's parent or guardian of the reclassification decision and communicate information about any changes in programming or supports.
- b. The student will maintain EL status through the remainder of the current school year and begin the next school year as a former EL student.

5. Once students have been exited from the EL program:

- a. They shall no longer be tested on their English proficiency or receive accommodations for EL students when taking state-wide academic tests.
- b. The District will continue to monitor the exiting student for two additional years through teacher observation and by documenting adequate progress/classroom performance. If it is determined that the student was exited from the EL program prematurely, he/she will be placed back in the EL program and provided appropriate services.
- c. The District will continue to report the academic progress of students that have exited EL status to the DPI for four years after the reclassification occurs, as required by the DPI.

#### **G. Notices and Other Communications with Parents and Guardians**

District personnel are expected to make reasonable efforts to present formal notices and other information to parents and guardians in an understandable format and in a language parents and guardians can understand. Notices and communications may be provided in the parent's or guardian's primary language (preferred when practical, and required by law in some instances), in English with additional explanation, or via other means that sufficiently convey the required information (e.g., using direct translation assistance if available and if necessary).