Resolving Unclear English Learner Status
Updated 9/26/24

English Learner Status from Other States

ODE honors English learner (EL) status determinations made in other states for students who transfer into an Oregon public school, regardless of the English Language Proficiency (ELP) assessment used in that state. This includes all state determinations regarding entry into and exit from EL status. This policy took effect July 1, 2023 and is not retroactive. It has no impact on decisions about EL status made prior to the 2023-24 school year.

For the purposes of this guidance, "state" includes all states and territories of the United States.

The following table summarizes how EL status transfers from other states to Oregon districts, along with necessary action by Oregon districts following enrollment of the transferring student.

EL status in state of origin	EL status in Oregon district (and necessary action)
Unknown	Unknown • Consult or complete Oregon Language Use Survey (LUS). • If LUS rubric indicates, administer ELPA Screener, then use results to determine EL status.
Screened and found ineligible for EL status (ex. "initially fluent")	Does not have EL status • Do not administer an ELP assessment. • Follow student academic and linguistic progress for one year, in case screening for entry into EL status is needed. • Where appropriate, report as "Never EL".
Currently has EL status	Has EL status • Administer English Language Proficiency Assessment (ELPA) Summative during next available test window. • Where appropriate, report as having EL status using Reporting EL Status instructions at the end of this document.
Exited from EL status	Does not have EL status • Complete monitoring cycle (four years following EL exit date). • If monitoring cycle was completed in the state of origin, or time left in monitoring cycle is unknown, monitor student academic progress for one year, in case reentry into EL status is needed. • Where appropriate, report as "Monitored EL" (5-M) or "Former EL" (5-F). ○ Both these designations require a start and exit date.

English Learner History Report

The English Learner History Report can be used to verify existing EL status for Oregon students.

The English Learner History report is found on ODE Consolidated Collections. This report is linked to (1) SSID, (2) EL data collections and (3) assessment data. As soon as a student's SSID has been updated with

ODE, then this report is updated. Any student with a prior EL data collection record will be included on this report.

To access this report:
1. Sign in to the ODE District secure applications
2. Open Consolidated Collections application
3. Click on the Report Tab
4. Click on ESEA Title III: Limited English Proficiency in the first column
   a. The click opens the middle column
   b. Click on the most recent EL data collection (most recent report year)
      i. This click will open the last column
      ii. Click on English Learner History Report
5. The report will display on the screen. You can also download as a CSV file.

Unknown EL status and monitoring

If there is any question whether a student's EL status is "unknown", use the following decision tree.
1. Are educational records from any US state or territory indicating the student's EL status in the current or previous school year available within federal identification timelines?
   a. **Yes**: Stop here. Use EL status as indicated in available records.
      i. "Any US state" includes Oregon.
      ii. "Educational records" includes both information **sent** by the student's institution of origin and information that can be readily **retrieved** by the student's receiving institution. The records must include an EL start date and/or EL exit date to confirm the student's current EL status.
      iii. "Available" refers to information the student's receiving institution could reasonably be expected to know about and have consulted. Under this definition, information in the EL History Report is "available".
   b. **No**: Continue.
      i. As a reminder, EL status must be resolved within 30 calendar days for students enrolled on the first day of the school year, or 14 calendar days otherwise.
2. Did the student test on one of Oregon's adopted ELP assessments in the current or previous school year, resulting in a valid score?
   a. **Yes**: Stop here. Use the valid Oregon ELP assessment score to resolve the student's EL status.
   b. **No**: Continue.
3. Did the student exit EL status in Oregon in any prior year AND receive substantial instruction delivered primarily in English in all subsequent years?
   a. **Yes to both**: The student exited EL status in Oregon and does not need to reconfirm their proficiency.
   b. **No to either**: Continue.
      i. A student who exited EL status in the past, but who has not received substantial instruction in English for one or more full school years, may once again need language services to meet increasing academic demands upon their return to an environment where instruction is delivered primarily in English.
4. All questions have been answered No. The student's EL status is therefore unknown. Consult or complete the LUS, screen if indicated, and use any Screener results to resolve the student's EL status.

If monitoring reveals the presence of a persistent language barrier, administer the ELPA Screener. A Proficient result means the student is not eligible for EL status. Any other result means the student reenters EL status *with parent consent*. The parent/guardian must consent to any such reentry, regardless of the Screener result (see 2015 Dear Colleague Letter, page 34). Note that this federal guidance applies to all monitoring of students who have exited EL status.

If a district administers the ELPA Screener in good faith to meet federal identification timelines, and student records arrive later that contradict the result of that test, use the most recently administered Oregon test result to make a final determination about the student's EL status.

- Example: A student enrolls from another state, but records are not available within federal identification timelines. The LUS indicates that the ELPA Screener should be administered, and the student subsequently scores Proficient. The ELPA Screener result is used to determine the student's EL status in Oregon, even if records indicating the student has EL status later arrive from the student's state of origin.

Oregon Students with Unknown EL Status

Students transferring within or among Oregon school districts may also have unknown EL status, as defined above. To resolve unknown EL status:

- Consult or complete Oregon Language Use Survey (LUS).
- If LUS rubric indicates, administer ELPA Screener. Use Screener results to determine EL status.

Reporting EL status

- Students whose EL start date is in a **prior school year** will be reported as:
  - 1-B (continuing in EL program - if served by EL instructional program) with EL start date from state of origin
  - 4-N (if parents have signed a waiver for EL instructional program participation) with EL start date from state of origin
  - Both of these record type codes will have ELPA summative test codes (06, 09, or 10) whichever is the most appropriate ELPA assessment for the student.
- Students whose EL start date is in the **same school year** will be reported as:
  - 1-A (identified in the current school year - if served by the EL instructional program) with EL start date in the current school year.   **OR**
  - 4-N (identified in the current school year - if parents/guardians have signed a waiver for EL instructional program)
  - Both of these record type codes will have:
    - The proficiency test code will be code 11 (Identified as an EL in another state this school year),
    - The proficiency test administration date will match the EL start date.
    - The domain scores will be blank
- Students having an EL exit date within the previous four school years will be reported as:
  - 5-M (monitored)
  - Select the program models based on the number of years since the exit date.
- Students having an EL exit date more than four school years prior are reported as:
  - 5F – Former EL
  - Former EL is selected for program models.

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Districts should reach out to their Title III contact for guidance on reporting students in EL data collections.

Erroneous Testing

If a student is tested in error, the District Test Coordinator (DTC) should submit a test impropriety report. Examples of erroneous testing related to this guidance include but are not limited to:

- Screening a student when a valid Screener, Summative, or Alt ELPA result from the current or previous school year was already available.
- Screening a student when records indicating the student's EL status were already available.
- Screening a student due to internal miscommunication.
    - For instance, the district may have established a short waiting period to give records time to arrive (note that this waiting period cannot exceed federal identification timelines).

If the erroneous testing occurred because the student's EL status was already known, the test will be Invalidated and the student's known EL status will be used. Otherwise, appropriate action will depend on the nature of the error and should become clear during the impropriety resolution.

Contact information

Please contact ELPA Specialist Ben Wolcott with questions about ELPA testing.

Please contact Title III Specialist Kim Miller with questions about Title III or EL data collections.