**Reentering the EL Status**

**Recommendations for School Divisions to Establish**

**Federally Compliant Written Procedures**

School divisions are strongly recommended to establish written procedures for former ELs who are at risk for academic failure to reenter the EL status. These procedures may be included as part of the school division’s written protocol to identify, screen, and place ELs as mandated in [Superintendent’s Memo 149-21](https://www.doe.virginia.gov/home/showpublisheddocument/9548/638025979843300000).

**Exiting the EL Status**

Federal civil rights law for English learner (EL) education mandates that ELs must be exited from the EL status once they demonstrate English proficiency on the state English language proficiency (ELP) assessment in speaking, listening, reading, and writing ([Dear Colleague Letter](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf) [USED/USDOJ, 2015 Section H] and [Chapter 8](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf) of the English Learner Toolkit [USED/USDOJ, 2016]). In Virginia, students (including ELs with disabilities) exit the EL status solely by achieving 4.4 or better on the annual ACCESS for ELLs test [(Superintendent’s Memo 168-17](https://www.doe.virginia.gov/home/showpublisheddocument/4290/638005124566070000)). These students are reclassified as ***former ELs***. Former ELs are no longer required to participate in language instruction educational programs (LIEP) services and should not be administered the state annual English language proficiency test (in Virginia, the ACCESS for ELLs test).

**Monitoring Former ELs**

**Federal requirement:**

For the first two years after ELs are reclassified as former ELs, school divisions must ensure that these students are not struggling academically because of persistent language barriers and are able to meaningfully participate in the school division’s general educational program to allow an opportunity for on-time graduation ([Every Student Succeeds Act (ESSA)](https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf) Section 3121). Therefore, school divisions must: 1) ensure that these students are being provided meaningful and equitable access to the general age-appropriate education program; and 2) develop and implement a process for actively monitoring former EL student achievement in the general age-appropriate academic program without the provision of specialized language support.

**Considerations to Ensure Compliant Monitoring Procedures:**

Federal requirements allow school divisions the flexibility to create their own process for monitoring former ELs for a period of two years after meeting the state English proficiency criteria. However, this process must include at a minimum, periodically tracking former EL progress in all core academic classes and soliciting feedback from pertinent stakeholders with knowledge of the former EL’s academic progress. A designated staff member should obtain this feedback with sufficient frequency to prevent the student from falling behind academically ([Chapter 8](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf) of the English Learner Toolkit). A school division may also choose to monitor the academic achievement of former ELs for a four-year period after being reclassified as a former EL. In addition, for accountability purposes the school division must report to the state the scores of former ELs on the Standards of Learning (SOL) reading and mathematics assessments for a period of four years after reclassification from the EL status.

The school division should create monitoring forms to capture the ongoing progress all year 1 and year 2 former ELs. The following quarterly and annual progress checks could be included to ensure ongoing academic success:

* **9 week class grades;**
* **informal and formal classroom assessments;**
* **student portfolios and work samples; and/or teacher academic observations**
* **teacher behavior and/or attendance observations;**
* **SOL test results;**
* **results from other standardized testing;**
* **ACCESS for ELLs test results (administered prior to the student reaching English proficiency);**
* **student report cards;**

**Requirements Prior to Reentering a Student in the EL Status**

When a school division’s monitoring process indicates that a former EL is at risk for academic failure, the division must ensure that the student is being provided meaningful and equitable access to the general education program. The school division must administer the same successive specialized academic intervention and/or remediation services to former ELs as those provided to never-EL students. Furthermore, the successive intervention and/or remediation services must be administered to former ELs in the same way and in the same timeframe as never-EL students ([Dear Colleague Letter](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf) [Section H] and [Chapter 8](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf) of the English Learner Toolkit).

The school division should convene a committee of pertinent stakeholders who are familiar with the academic performance of the former EL to:

* oversee the administration of successive specialized academic intervention and/or remediation services to the former EL;
* set expectations for the process and assign responsibilities to committee members;
* determine a timeframe for the evidence collection and review process;
* determine what evidence and information regarding the former EL will be collected for review;
* collect evidence and information for review;
* periodically examine the results for student academic improvement; and
* document the review process and maintain documentation in the student’s scholastic file.

Pertinent stakeholders could include administrators, data and testing personnel, instructional specialists, Title III coordinators, LIEP teachers, content/classroom teachers, counseling and/or student support staff, special education staff (if appropriate), parent liaisons, interpreters, parents, and student (if appropriate).

**Recommended Procedures to Reenter a Student in the EL Status**

If successive specialized academic intervention and/or remediation services have proven inadequate to remedy the academic deficit exhibited by a former EL, and it is suspected that a persistent language barrier may be the cause, school divisions are allowed under federal law to rescreen the student with a valid and reliable, grade-appropriate screening instrument to determine the English proficiency level. ([Dear Colleague Letter](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf) [Section H] and [Chapter 8](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf) of the English Learner Toolkit). In Virginia, former ELs, as with the initial screening of ELs, must be rescreened with a WIDA screening instrument, i.e. the WIDA screener or the WIDA Model ([Superintendent’s Memo 149-21](https://www.doe.virginia.gov/home/showpublisheddocument/9548/638025979843300000)). If it is determined the former EL’s English proficiency level qualifies the student for LIEP services, he or she must be:

1. provided direct LIEP services as appropriate with a qualified LIEP instructor in order to meet the school division’s federal civil rights obligations; and
2. identified as an EL in the school division student information system (SIS)

([Dear Colleague Letter](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf) [Section H] and [Chapter 8](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf) of the English Learner Toolkit)

In no case should a school division prohibit the rescreening of former EL’s English language proficiency level if it suspects a persistent language barrier as the cause of the student’s academic challenges.

**Parental Consent**

If a former EL’s English proficiency level qualifies him or her for LIEP services based on the rescreening, school divisions must obtain the consent of the former EL’s parent(s) or legal guardian(s) to reenter the student in the EL status ([Chapter 8](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf) of the English Learner Toolkit). It is strongly recommended that school divisions obtain written parental consent to be maintained in the student’s scholastic file.