# Massachusetts Language Survey Protocol

June 2025

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## District Obligations to Identify English Learners

Under federal[[1]](#footnote-2) and state law[[2]](#footnote-3) districts must take appropriate steps to identify and assess English Learners (ELs) and provide them with a language assistance program that includes subject matter content and an English language learning component. Districts also have an obligation to ensure meaningful communication with parents,[[3]](#footnote-4) including parents with limited English proficiency. When a new student enrolls in a school district, it is the district’s obligation to determine whether the student is an EL by following appropriate procedures and placing the student in the appropriate instructional program to support content area and English language learning.

Federal law requires that ELs be identified within 30 days of school enrollment and that states must implement standardized EL entrance procedures[[4]](#footnote-5). The purpose of this protocol is to provide further guidance for the administration of the Language Survey (LS).

## Language Survey

Massachusetts is home to speakers of many different languages. This Language Survey helps us learn about your child’s English language skills and provide support to your child if necessary to help them learn English. Please answer the questions below. If your response to any of the questions in SECTION 1 is a language other than English, the school district will give your child a test to see if they may benefit from English language support.

**If you need help completing this form, please ask for assistance.**

|  |  |
| --- | --- |
| **Student Name:** **Grade:** **Date of Birth (mm/dd/yyyy):** **Name of Parent/Guardian #1:****Name of Parent/Guardian #2:** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **SECTION 1:**These questions will help the school identify students who may need English language supports. If your response to any question 1-3 is a language other than English, your child will be tested on their use and understanding of English to determine if English language supports are needed. | 1. Please list the language(s) that parents and/or primary caregivers use to communicate with your child at home.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_1. Please list the language(s) that your child currently uses to communicate with others.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_1. Please list the language(s) your child first understood and used to communicate.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| **SECTION 2: Interpretation and Translation Services**This section will let the school know if you, the parents/guardians, need an interpreter or documents translated. *This section is for informational purposes only and is not used to identify if your child needs support to learn English.*  | 1. In what language(s) would your family prefer to receive written communication from the school?

Parent/Guardian # 1: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Parent/Guardian # 2: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_1. Would you prefer for the school to arrange for an interpreter to be available to you free of charge during meetings and phone calls with the school about your child (including American Sign Language or other types of sign language)?

\_\_\_\_\_\_ Yes \_\_\_\_\_\_No If yes, in which language(s)?Parent/Guardian # 1: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Parent/Guardian # 2: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **SECTION 3 [Optional]: Prior Education**This section will provide the school with background information about your student and their prior education. *This section is optional and is not used to identify if your child needs support to learn English.*  | 1. Please list the name and location of the last school your child attended.

School Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_City/town: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Country: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_1. How many years has your child attended school in the United States? (beginning with kindergarten) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Please list the date your child first started school in the United States, if known (mm/yyyy):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Has your child ever attended school outside of the United States?

\_\_\_\_\_\_Yes \_\_\_\_\_\_No \_\_\_\_\_\_Not sure If yes, for how many years? \_\_\_\_\_\_\_\_\_\_\_\_ In what language(s) did your child learn while attending school outside of the United States? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ What is the last grade your child was enrolled in or completed?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_1. Has your child ever received support to improve their English in United States schools?

\_\_\_\_\_\_\_Yes \_\_\_\_\_\_\_No \_\_\_\_\_\_\_\_\_ Not sure1. Is there anything else you think is important for the school to know about your child? (for example, special interests, talents, or concerns you have about your child’s experience in school?)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| Parent/Guardian Name: Parent/Guardian Signature: Date (mm/dd/yyyy):  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

## Guidance for the Administration of the Language Survey (LS)

The Language Survey (LS) is the first step in identifying ELs and plays an important role in determining who is and is not legally entitled to receive English Learner Education (ELE) services. Districts should have procedures in place to inform families about the purpose of the LS and to help families feel comfortable completing it accurately. It should be made clear that the intent of the LS is not to inquire about citizenship status or predetermine ELE services. There should also be procedures for analyzing LS results to determine whether or not the student is a potential EL and should complete an English Language Proficiency (ELP) screening test.

* Districts will administer the LS to the parents of ALL new students enrolling in Pre-Kindergarten (Pre-K) through 12th grade.
* If enrollment takes place at a central intake location, there should be a sufficient number of individuals designated and trained in administering the LS at that location. If the enrollment takes place directly at schools, each school should identify and train at least one person to administer the LS.
* The LS must be made available in parents’ primary language.
* If the district has an online registration system, it is important for the district to provide instructions and access to written translations of the LS questions in parents’ primary or preferred language, to the extent practicable. Districts should use clear instructions and provide contact points for assistance in cases where online access is unavailable.
* Districts should also have registration processes in place for parents who do not have access to the web or who need support with completing the LS.

Please follow the guidance below to interpret the responses given to the LS:

|  |  |
| --- | --- |
| **SECTION 1: Eligibility for ELE Services*****This section will be completed during enrollment. If the district has online registration, this section should be integrated into the registration system if possible.***  | **Question 1, Question 2 and Question 3**Districts must determine the need to screen the English Language proficiency of all PreK and K-12 students using the [**rubric**](#_Home_Language_Survey)provided in the appendix with the [**exceptions**](#_Exceptions_to_screen) shared in this document. For the purpose of Student Information Management System (SIMS) coding, districts will enter the student’s primary language they identify by analyzing the responses given to the three questions in this section.  |
| **SECTION 2: Request for Interpretation and Translation Services*****This section will be completed during enrollment. If the district has online registration, this section should be integrated into the registration system if possible.***  | **Question 4 and Question 5**For information about communicating with parents who are not yet proficient in English, please see [Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf) and [Ensuring Meaningful Communication with Limited English Proficient Parents](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf).**The information about translation and interpretation requests should be updated annually if possible.** Districts should collect information for each parent or guardian to promote effective two-way communication between school staff and families. |
| **SECTION 3 [Optional]: Prior Education*****This section is optional and can be completed after enrollment. The Department recommends that district or school staff complete this section in person with parents if possible.***  | **Question 6**The answer to this question will help the district request new enrollees’ student records from their previous districts or review the student's previous records in Edwin Analytics Student profile report.**Question 7**This question provides important information regarding the student’s assets and may help inform program placement.**Question 8** The answer to these questions can be helpful for identification of Students with Limited or Interrupted Formal Education (SLIFE). *Please use the* [*SLIFE Pre-Screener*](https://www.doe.mass.edu/ele/slife/step1-pre-screener.docx) *to understand whether the student has experienced interruptions in their formal education outside the U.S. For more details see* [*Students with Limited or Interrupted Formal Education (SLIFE): Guidance for SLIFE Identification, Services, & Supports, pp. 12-19.*](https://www.doe.mass.edu/ele/slife/guidance.pdf)**Question 9**The answer to this question gives the school the opportunity to capture whether the student has ever been an EL in another district.**Question 10**The answer to this question gives the school the opportunity to know the student better and provides information that can help the school build upon the student’s assets and better meet their academic and linguistic needs. |

## Language Survey Rubric

The purpose of this rubric is to assist district staff in determining which students need to be administered the WIDA Screener or Pre-K Identification Screening Tool based on the responses provided to the questions on the Language Survey. The scenarios listed below are provided as guides for the district and may not be all-inclusive of represented responses provided.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Scenario** | **Question 1** What language(s) are primarily used in the home? | **Question 2** What was the first language that your student learned? | **Question 3** What language(s) does your student use most frequently at home? | **Administer screener** (Y/N) | Reason for determination |
| 1 | English or ASL | English or ASL | English or ASL | N | Responses are all English or ASL |
| 2 | English | English | Any Language(s) other than English or ASL | Y | Potential impact of a language other than English (Q3). |
| 3 | English | Any Language(s) other than English or ASL | English | Y | Potential impact of a language other than English (Q2). |
| 4 | English | Any Language(s) other than English or ASL | Any Language(s) other than English or ASL | Y | Potential impact of a language other than English (Q2 & Q3). |
| 5 | ASL | ASL | Any Language(s) other than English or ASL | Y | Potential impact of a language other than English (Q3). |
| 6 | ASL | Any Language(s) other than English or ASL  | ASL | Y | Potential impact of a language other than English (Q2). |
| 7 | ASL | Any Language(s) other than English or ASL | Any Language(s) other than English or ASL | Y | Potential impact of a language other than English (Q2 & Q3). |
| 8 | Any Language(s) other than English or ASL | Any Language(s) other than English or ASL | Any Language(s) other than English or ASL | Y | Potential impact of a language other than English (Q1, Q2, & Q3). |
| 9 |  |  |  |  |  |
| 10 | Any language other than ASL or English | English and language(s) other than ASL or English | English and language(s) other than ASL or English | Y | Home environment where a language other than English is dominant [Q1]. Consult with parents to verify all questions were clearly understood and the responses are accurate. |

## Exceptions for Required Screening of Students with a Language Other than English

When a family lists a language other than English for any of the questions in Section 1 (questions 1-3) the district reviews the responses using the [Language Survey Rubric](#_Language_Survey_Rubric), and administers an ELP screening test using the rubric to determine whether the student qualifies for ELE services. The only exceptions to this requirement are the scenarios below:

* Students who were previously classified as ELs and were then reclassified as FELs in their former districts;
* Students who transferred from another district within Massachusetts and the new district has accessible records from the previous district;
* The only reason another language is referenced on the LS is due to the student's enrollment in a world language course or other world language learning program (this will likely require conversation or follow-up with the family to determine).

|  |
| --- |
| **Students who transferred from another WIDA state with ACCESS results from the last calendar year** |
| ACCESS score lower than 4.2 overall and 3.9 literacy score | No need to screen for English language proficiency. Code the student as an EL, send the required [notification forms](https://www.doe.mass.edu/ele/resources/communications.html) to parents and start providing services. |
| ACCESS score 4.2 or higher overall and 3.9 or higher literacy score | No need to screen for English language proficiency. You can reclassify the student as FEL and start the 4-year FEL monitoring process. |
| ACCESS score lower than 4.2 overall and 3.9 literacy score, but the student met the exit criteria of the state they came from and was reclassified as a FEL.​ | Massachusetts cannot accept the other state's reclassification determination based on their exit criteria. There is no need to screen for English language proficiency, but code the student as an EL send the required [notification forms](https://www.doe.mass.edu/ele/resources/communications.html) to parents, and start providing ELE services.​ |

## Frequently Asked Questions

Q: What if the responses given to the LS administered in the most current school contradict the answers on the previous LSs completed by parents?

A: Districts must honor all Language Surveys (LSs) completed by parents. If there are concerns about potential errors, the district should communicate with the parents to verify the information. If no error is found, the district must continue providing English Learner Education (ELE) services to students who were identified as English Learners (ELs) in their previous district.

Q: Are districts required to ask parents’ permission before they administer the ELP screener to students whose LS indicates that there is a language other than English spoken at home?

A: Districts do not need parents’ permission to screen students’ English language proficiency.

Q: Can a local educational agency (LEA) alter the questions and language used in the LS?

A: LEAs cannot modify Section 1 of the LS in its wording or content. However, LEAs may choose to have additional sections of questions or request additional information needed for educational purposes in other areas of their registration or enrollment forms.

Q: Can an LEA place a student into ELE services if it is apparent immediately after completing the LS that the student has very little English language proficiency?

A: No; LEAs must utilize the LS to determine if there is a need to screen the student. If the LS indicates a home language other than English or ASL, then the LEA must use the appropriate screening tool to determine whether or not the student is EL. After the screening is completed and scored, then the LEA may determine placement for ELE services, notify the parents as required, and update the student’s SIMS coding.

Q: Should an LEA have a parent complete another LS or revise the current one? For example, if the parent(s) indicate they no longer need translation or interpretation language assistance?

A: No; the LEA should not have a new LS completed after a student’s initial registration/enrollment. If parents’ language needs shift, the LEA can document this and attach it to the original LS and ensure this information is accessible to all relevant staff.

Q: What must a school or district do if a child who is enrolling is currently not verbally communicating in any language?

A: The school or district must provide the parents with the LS form during the enrollment process, just as they would for any other child. A child who is not currently speaking does not necessarily lack language skills. A child may be able to understand English or another language even if they are not speaking it.

DESE encourages schools and districts to support families with completing the LS form in a way that accurately reflects any language(s) that the child may understand. This support should be tailored to the family’s and the child’s individual circumstances.

## Scenarios

When determining whether a student requires English language proficiency screening, districts must carefully consider the information provided on the Language Survey (LS) alongside additional details gathered through parent interviews. **Districts will attach the additional information obtained from these interviews to the students' LS and clarify the decision regarding English language proficiency screening.** The scenarios below illustrate various cases where language exposure and use may lead to different screening decisions. Each example highlights key factors that districts should consider to comply with identification procedures and to provide appropriate support for students.

|  |  |
| --- | --- |
| Kyla is an 8th grade student in a Massachusetts district. She has never been an EL and her home language is English. Last year her parents sent her to China for a year to learn Chinese. During her visit Kyla stayed with some relatives that she never met before. The next school year, when her parents registered her in the same school, they also included Chinese as a language Kyla spoke. | Kyla learned Chinese as a world language and the district will not screen Kyla’s English language proficiency.  |
| José’s parents are second-generation immigrants who were born in the U.S. and attended U.S. schools. They also speak Spanish. English is the dominant language spoken at home, but when grandparents visit from Argentina for a couple of times a year José’s parents speak Spanish with them. José doesn’t understand Spanish, and it is frustrating to him not to be able to communicate with his grandparents. When José registered for school, his parents included Spanish as a language spoken at home.  | José’s home language is English. The district will not screen the student’s English language proficiency. |
| Dylan was registered in a dual language program where he started to learn Spanish. His first language was English. Dylan’s parents moved, and Dylan no longer attended a dual language program. The LS completed by the parents for the new school listed Spanish and English as the languages the child spoke. | Dylan is a native English speaker and learned Spanish as a world language in the dual language program. The district will not screen Dylan’s English language proficiency. |
| Mary is the daughter of two English-speaking parents. Her parents wanted her to learn a second language and hired a French-speaking nanny when she was born. Mary communicated with the nanny in French and with her parents in English.  | Mary will be screened for English proficiency because Mary learned French as a home language communicating with her nanny, who was a primary caregiver, in French since she was born**.** |
| Maria is a Kindergarten student and speaks English and Spanish at home. The district has an additional procedure to identify students whose LS indicates a language other than English. They have a questionnaire that they administer with the following questions and students who can answer these questions are not administered the screening test: * What is your favorite food?
* How many brothers and sisters do you have?
* What time do you go to bed on school days?
 | The district is not in compliance with initial identification requirements because the district does not follow the Department’s guidance and uses additional questions to determine whether an ELP screening is needed. This is inconsistent with [603 CMR 14.02(1)](https://www.doe.mass.edu/lawsregs/603cmr14.html?section=all), which requires districts and charter schools to establish procedures in accordance with the Department’s guidelines. Maria will be screened with WIDA K Screener to determine whether she is an English learner or not.  |
| Paula is starting school this year. She is also a fan of Dora the Explorer. So, she knows the meaning of *el pájaro*, *las estrellas*, *el árbol*, and *la luna*. When Paula’s mother enrolls her in school, she adds Spanish on the LS as a second language her daughter speaks because she is proud that she has learned these words.  | The school will not screen Paula’s English language proficiency. Paula is a native English speaker and learned a few words in Spanish as a world language. |

## Addressing the Misidentification of Students as English Learners

Question four of the U.S. Department of Education’s Non-Regulatory Guidance Addendum addresses removing a student’s EL designation if the student was erroneously identified. The full question and answer are as follows:

 “***May a (Local Educational Agency) (LEA) remove a student’s EL designation if that student was erroneously identified as an EL, even if the student does not score proficient on the annual ELP assessment?***

*An erroneously identified EL is a student who was identified as an EL but should not have been because the student does not in fact meet the definition of “English learner” in ESEA section 8101(20). The erroneous identification may have occurred as part of the initial identification process, e.g., due to a parent’s inaccurate completion of the home language survey, administration of an EL screening assessment without providing for appropriate accommodations for a student with disabilities, inaccurate scoring on the annual ELP assessment, or other reasons.*

*In instances where a student is erroneously identified as an EL, the LEA should determine how to proceed based on the individual circumstances. For example, if the LEA discovers that appropriate accommodations on the* *EL screening assessment were not provided to a student with a disability, the logical step would be to re-test the student with appropriate accommodations. If the results of the screener assessment show that the student is not an EL, the EL designation would be removed.*

*Erroneous identification may also occur when a parent misunderstands the home language survey and indicates that languages other than English are spoken at home because there is occasional use of a language other than English, even though English is the dominant language used at home and the student does not speak or understand any language other than English. In that case, the LEA could remove the EL designation since the student should not have been identified as an EL in the first place.*

*These are rare exceptions to the general rule that, after a student is identified as an EL, the LEA may not remove the EL designation before that student scores proficient on the assessment of the four language domains, even if the student’s parents object to the EL designation (although parents have the right to decline services).”*

The first step in preventing the misidentification of students as ELs is ensuring parents/guardians understand the purpose of the LS. It is also crucial for districts to have procedures in place to interpret LS responses, including next steps that should be taken if responses are unclear or contradictory. However, in case an erroneous identification has still occurred, **districts should complete the following steps to address the misidentification of students as English Learners:**

|  |  |
| --- | --- |
| **Scenario** | **Action Step** |
| The student has a disability, but the district did not administer an English language proficiency screener with appropriate accommodations. | Re-test the student with appropriate accommodations. If the results of the screener assessment show that the student is not an EL, the EL designation will be removed. |
| The parent misunderstood the purpose of the home language survey and indicated that languages other than English are spoken at home. Interview with the parent clarified that there is only occasional use of a language other than English, but English is the dominant language used at home and the student does not speak or understand any language other than English. | **Step 1:** Collect the evidence below and review as a team with the student’s teachers to determine whether the student was misidentified:* A written request by the parent to the district to have the student’s EL designation removed including an explanation of the error on the previously completed language survey;
* The student’s academic progress, including scores on benchmark assessments; and any previous EL screener or ACCESS assessments.

**Step 2:** The team of teachers, including the student’s ESL teacher, consider the evidence above and document their decision by using the [District Verification of Misidentification of the Student as an English Learner Form](#_District_Verification_of).**Step3:** Change the student’s EL code (DOE025)**Step 4:** File the completed and signed District Verification of Misidentification of the Student as an English Learner form in the student’s cumulative folder. |

## District Verification of Misidentification of the Student as an English Learner Form

**This form is not to be used when making exit decisions but is simply intended to be used when a student may have been misclassified as an English learner.**

|  |  |  |
| --- | --- | --- |
| District: | Student Name: | SASID #: |
| School: | Grade: | Date:  |
| Attending Teachers (Please add a line for each teacher present) |  |  |
| Name: |  |  |
| Content Area: |  |  |

Review the student’s records and consult with the student’s teachers who are not attending this meeting. Then answer the questions below and elaborate in the notes for each question. Attach any available evidence such as WIDA score reports.

|  |
| --- |
| What is the evidence that no language barrier is affecting this student’s success? |
|  |
| What do the student’s scores on benchmark assessments tell us with respect to a possible language barrier? |
|  |
| What do the student’s teachers, including the EL teacher, report about the student’s progress and what input do they provide? |
|  |
| What does the student’s score on the WIDA screener and/or subsequent ACCESS testing tell us? |
|  |
| What kind of impact will removing the student’s EL designation have on the student’s education? |
|  |
| What is the evidence that the student was misidentified as an EL? Describe and list all evidence considered. |

**Decision:**

\_\_\_\_\_\_\_\_The student was correctly identified as an English Learner.

\_\_\_\_\_\_\_\_The student was misidentified as an English Learner.

**Signatures**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Superintendent** | **Principal** | **ELE Director** | **Teachers** | **Parent** |
|  |  |  |  |  |

1. For more information on state educational agency (SEA) and school district obligations to ELs, the Department strongly encourages school officials and interested others to review the joint U.S. Department of Education (USDOE) and U.S. Department of Justice (USDOJ) EL policy document entitled Dear Colleague Letter, English Learner Students and Limited English Proficient Parents (01/7/2015) (referred to as “Dear Colleague letter” hereafter) at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf. In preparing this document, the Department has drawn from the Dear Colleague letter for discussion of federal law and policy. [↑](#footnote-ref-2)
2. G. L. c. 71A; 603 CMR 14.00. [↑](#footnote-ref-3)
3. The term 'parents' in this document refers inclusively to both parents and legal guardians. [↑](#footnote-ref-4)
4. Every Student Succeeds Act, 20 U.S.C. § 6311(b)(2)(G); 20 U.S.C. § 6312(e)(3)(A)(2015). [↑](#footnote-ref-5)