COVID-19 Guidance for Identifying Students for Temporary English Learner Programming*

This guidance is only intended during the Distance Learning Period. When regular schooling resumes, potential ELs need to take an approved Minnesota ELP Screener.

Rationale

During the Distance Learning Period Minnesota's approved English language proficiency (ELP) screeners may not be administered remotely. Districts and charter schools must continue to identify the home language of all enrolling students using the Minnesota Language Survey (MNLS). The primary home language will then be reported in the Minnesota Automated Reporting Student System (MARSS). Additionally, this document is intended to provide guidance for using the MNLS along with a family interview to determine if temporary EL programming during the Distance Learning Period is in the best interest of a multilingual learner. This process should only be used when there is not sufficient documentation from a previous school to make continuing programming decisions within 14 calendar days of enrollment.

Purpose of this Document

This document is meant to provide clarity regarding expectations for district and charter school staff when identifying students for English learner (EL) programming while school closures and distance learning programs are in place in Minnesota to prevent the spread of the COVID-19. This temporary guidance is intended to inform staff in identifying students for temporary EL programming during enrollment in distance learning until an English Language Proficiency screener can be administered when regular school resumes. This guidance is also intended for staff to use in state-approved Voluntary Pre-Kindergarten and School Readiness Plus programs. It is intended for use by all staff who play a role in the identification of students for temporary EL programming. It is not intended to replace earlier guidance on identifying English learners or to replace existing guidance on student screening for English language proficiency. After the Distance Learning Period has ended, this guidance is no longer valid. At that time, all districts must return to the former standardized guidance for identification of English learners which includes identification and screening. Refer to the Commissioner's School Closure guidance, as a starting point on considerations for English learners during the current school closures. This guidance is subject to change. For updates, refer to the Minnesota Department of Education's COVID-19 page.

English Learners and Equity

It is important to remember that identifying students for EL programming is a matter of equity. States, districts and charter schools have clear obligations under civil rights laws to identify qualifying students for EL programming. Any student whose primary home language is not English and who has not yet reached proficiency in English has the right to participate in EL programming. Supports need to be in place throughout the school day to ensure access to academic content. See the School's Civil Rights Obligations that states and local education agencies have under Title VI of the Civil Rights Act and the Equal Educational Opportunities Act.

Process for identification of English Learners During the Distance Learning Period

In 2016, MDE worked with stakeholders to adopt standardized procedures under Minnesota's state plan. According to that process, English learner status is determined in two steps:

1. Students with a Minnesota Language Survey indicating a primary home language other than English proceed to step 2.
2. Qualifying students take an approved Minnesota English language proficiency (ELP) screener. Students who are not yet proficient in English based on the screener results, qualify for EL programming and EL status.

However, MDE has adapted the process for determining whether a student qualifies for English learner programming for use during the Distance Learning Period. Currently, Minnesota's approved English language proficiency (ELP) screeners cannot be remotely administered to measure a student's English language proficiency. Therefore, as soon as possible, but no later than 14 calendar days from enrollment, the district must determine if a newly enrolling student will benefit from temporary EL programming until EL status can be determined with a valid ELP screener. As always, districts should examine the student's assessment history, transcripts, and other information for evidence of enrollment in an English language program or current English language proficiency data. When staff have evidence of EL programming or evidence that a student has not yet met proficiency criteria on a state ELP assessment, this is a case of continuing EL eligibility and the student can be identified as "EL - Yes" in MARSS.

Identification Process for EL Programming During Distance Learning

The process outlined below is to be used when enrolling students into grades K-12, state approved Voluntary PreK, and School Readiness Plus programs during the Distance Learning Period.

Step One: During Minnesota's Distance Learning Period all newly enrolling families must still complete the Minnesota Language Survey (MNLS). If the student has a completed MNLS in the cumulative file provided by the sending districts, districts will use the results from that survey. If the primary home language has already been reported in MARSS by the previous district, there's no need to change it. If no primary language is reported, the family submits an MNLS, and the district reviews it to determine the child's primary home language. If one or more statements indicate that the primary home language may not be English, or if the primary home language cannot be determined by the completed MNLS, then proceed to step two. Students enrolling in a voluntary Pre-K program or a School Readiness Plus program will probably not have school documentation.

Step Two: Conduct a phone interview with the family to determine if the child would benefit from temporary English language programming. Make plans to work with language interpreters as needed.

Family Interview Protocol (to be documented in the child's cumulative file)

1. Confirm the child's primary home language. Do this by verifying that your interpretation of the completed Minnesota Language Survey is correct.
2. If the student uses a language other than English at home, discuss the potential benefits of EL programming and supports for their child. After this discussion, determine with the family if it is in the student's best interest, to temporarily enroll in temporary English language programming (English language development instruction and supports) for their child during the Distance Learning Period.
3. Make sure the family understands that the child will take an English language proficiency screener when regular schooling resumes (after the Distance Learning Period) to determine official EL status.
4. Let the family know that they have the right to opt out of EL programming at any time and also the right to reenroll in their child in the program at any time.

Depending upon the capacity of the district, schools might appoint a staff person who is responsible for working with parents or guardians on understanding the purpose of the MNLS, resolving errors on the MNLS, including discrepant or omitted data, and explaining the English language development program.

Next Steps for Districts and Charter Schools

Use the information from the MNLS and the family interview to report the student's home language in MARSS. During the Distance Learning Period, indicate the student's EL status in MARSS as "EL – No."

Family Interview Indicates a Need for Temporary EL Programming

In the cumulative file, make a note that the family interview identified a need for temporary EL programming and that this child must take an approved Minnesota English language proficiency screener when regular schooling resumes.

Family Interview Indicates that Temporary EL Programming is not required at this Time

In the cumulative file, make a note that the family is not interested in temporary EL programming during the Distance Learning Period. However, this child will take an approved Minnesota English language proficiency screener when regular schooling resumes.

Resumption of Regular Schooling

When regular school resumes, any student identified with a language other than English during the Distance Learning Period will take an approved Minnesota English language proficiency screener. If the student qualifies for English learning programming, the MARSS FY 2020 should be edited to "EL – Yes." If the student participated in EL programming during the Distance Learning Period then a start date should be added in MARSS. Once the changes have been made, the MARSS Coordinator will submit the updated MARSS report to MDE based on MARSS submission timelines.

Decision Table for Determining a Need for EL Programming

The process outlined below is to be used when enrolling students into grades K-12, state-approved Voluntary Prekindergarten, and School Readiness Plus programs during the Distance Learning Period.

Question: Are student* records of EL programming/ELP assessments available within 14 days from enrollment?

Yes The student is transferring from a Minnesota school.	Yes The student is transferring from another state or territory.	Yes The student is from another country.	No Student records are not available within the 14-day window for EL identification.
Use the MARSS EL eligibility report or the Student Assessment History report to view the student's EL status. Use this information to report continuing EL status in MARSS and inform EL programming	Use ELP assessment records or evidence of participation in EL programming (from the state or territory) to determine continuing EL status.	Confirm the primary home language by using the MNLS and review the student's records to inform student placement decisions.	Make every effort to contact the previous school to make the determination of the need for EL programming. If records are not available within the 14-day identification window, have the student complete the MNLS following the process outlined in this document.
If the reports or school transcripts indicate EL programming or if the student does not have a qualifying exit score, the student remains in EL programming.	Use the completed MNLS to determine primary home language. If evidence of EL programming exists, the student remains in EL programming. The student is reported as "EL-Yes" in MARSS. If the student has a proficient score on an ELP assessment from another state, document it in the student's cumulative file and the student will be reported as "EL - No" in MARSS.	Use the completed MNLS to determine primary home language. If records indicate a primary home language that is not English, conduct a family interview as outlined in the process above. The student receives temporary EL programming and is reported in MARSS as "EL - No" until EL status can be confirmed by administering the ELP Screener. When regular school resumes, an approved Minnesota ELP screener must be administered to verify EL status.	Use the completed MNLS to determine primary home language. If records indicate a primary home language that is not English, conduct a family interview as outlined in the process above. The student receives temporary EL programming and is reported in MARSS as "EL - No" until EL status can be confirmed by administering the ELP Screener. When regular school resumes, an approved Minnesota ELP screener must be administered to verify EL status.

*If enrolling student is 18 years of age or older, see the section "Enrolling students that are 18 years or older".

Determining Continuing EL Eligibility

There are four different types of enrolling students: (1) students coming from a Minnesota district or charter school; (2) students transferring from another state or territory; (3) students arriving from another country; and, (4) any other students, including Voluntary PreK, School Readiness Plus and kindergartners.

Continuing students from a Minnesota District

For enrollment of continuing students from a Minnesota district during the Distance Learning Period, school and district staff will have 14 calendar days to make continuing EL eligibility determinations for enrollment in EL programming. For continuing students from a Minnesota district, there are two reports to examine the student's EL status: MARSS or Student Assessment History. Upon official enrollment of a new student:

1. The MARSS coordinator can confirm EL status by running the MARSS EL eligibility report. After running the report, the new district can see the student's EL status as entered by the former district. A Minnesota student that is proficient in English will be identified as "EL-No" on the MARSS report. A student who requires additional EL programming will be identified as "EL-YES" on the MARSS report.
2. The District Assessment Coordinator (DAC) can use the Student Assessment History Report in MDE Secure Reports to look up a student's ACCESS testing history in Minnesota using that student's MARSS number. A Minnesota student with documentation of a proficient score on any state English Language Proficiency (ELP) assessment within the last five years should be identified as "EL-No" in MARSS. If the student has a qualifying ACCESS score, the student should be reported as "EL-Yes" in MARSS and placed into English language programming.

Students transferring from another state or territory

If the enrolling student is coming from another state or territory, confirm the primary home language using the Minnesota Language Survey and enter that information in MARSS. Then, use ELP assessment records or evidence of participation in EL programming to determine continuing EL programming. If a student is not proficient, the student is eligible to receive continued EL programming ("EL-Yes" in MARSS). If the student was determined proficient in another state using that state's proficiency criteria, the student should be considered proficient and will not be classified as an English learner ("EL-No" in MARSS).

Make every effort to contact the previous school to make the determination of the need for EL programming. If records are not available within the 14-day identification window, have the student's family complete the MNLS following the adjusted process for identification of English learners outlined in this document.

If the primary home language is not English (or is not clear) a family interview should be conducted using the protocol outlined in this document. If the family interview identifies a need for temporary EL programming the student will be temporarily enrolled in EL programming.

EL staff must ensure that the child takes the WIDA Screener when regular school resumes.

Important Note about [MARSS Reporting](#)

The student will be reported in MARSS as "EL - No" until EL status can be confirmed by administering the WIDA Screener. EL staff will need to ensure that an approved Minnesota ELP screener is administered to verify continuing EL status when regular school resumes.

When regular school resumes, any student identified with a language other than English during the Distance Learning Period will take an approved Minnesota ELP screener. If the student qualifies for English learning programming, the MARSS FY 2020 should be edited to "EL – Yes." If the student participated in EL programming during the Distance Learning Period then a start date should be added in MARSS. Once the changes have been made, the MARSS Coordinator will submit the updated MARSS report to MDE based on MARSS submission timelines.

Students transferring from another county

If the enrolling student is coming from another country, determine the home language by using the MNLS and review the student's records to inform student placement decisions. Work closely with the school counselor to assist in the final determination for credits and the need for EL programming at the secondary level.

If the primary home language is not English (or is not clear) a family interview should be conducted using the protocol outlined in this document. If the family interview identifies a need for temporary EL programming the student will be temporarily enrolled in EL programming.

Important Note about MARSS Reporting

The student will be reported in MARSS as "EL - No" until EL status can be confirmed by administering the WIDA Screener. EL staff will need to ensure that an approved Minnesota ELP screener is administered to verify continuing EL status when regular school resumes.

When regular school resumes, any student identified with a language other than English during the Distance Learning Period will take an approved Minnesota ELP screener. If the student qualifies for English learning programming, the MARSS FY 2020 should be edited to "EL – Yes." If the student participated in EL programming during the Distance Learning Period then a start date should be added in MARSS. Once the changes have been made, the MARSS Coordinator will submit the updated MARSS report to MDE based on MARSS submission timelines.

Students who do not fit the above criteria

During the enrollment process, students and families should be asked to provide school or assessment records, as available. If the student or family does not have school records available, every effort should be made to obtain the records from the other school, which may include contacting a school outside of the United States. If no transcripts and assessment records are available within 14 calendar days, district and school staff should use further procedures outlined below to determine English learner classification.

All enrolling students must have a completed MNLS in their cumulative folder. If an enrolling student does not have an MNLS, their parent should complete the Minnesota Language Survey (MNLS). For information on the administration of the MNLS, see MDE's English Learner Education page on English Learner Identification.

If the primary home language is not English (or is not clear) a family interview should be conducted using the protocol outlined in this document. If the family interview identifies a need for temporary EL programming, the student will be temporarily identified for EL status and temporarily enrolled in EL programming.

Important Note about MARSS Reporting

The student will be reported in MARSS as "EL - No" until EL status can be confirmed by administering the ELP Screener. EL staff will need to ensure that an approved Minnesota ELP screener is administered to verify continuing EL status when regular school resumes.

When regular school resumes, any student identified with a language other than English during the Distance Learning Period will take an approved Minnesota ELP screener. If the student qualifies for English learning programming, the MARSS FY 2020 should be edited to "EL – Yes." If the student participated in EL programming during the Distance Learning Period then a start date should be added in MARSS. Once the changes have been made, the MARSS Coordinator will submit the updated MARSS report to MDE based on MARSS submission timelines.

Enrolling students that are 18 years or older

During the enrollment process, the student and if possible, their parent or guardian should be asked to provide school or assessment records. If the student or family does not have school records available, every effort should be made to obtain the records from the other school, which may include contacting a school outside of the United States. If no transcripts and assessment records are available within 14 calendar days, district and school staff should use further procedures outlined below to determine English learner classification.

All enrolling students must have a completed MNLS in their cumulative folder. If an enrolling student does not have a record indicating their home language, a Minnesota Language Survey needs to be completed. For information on the administration of the MNLS, see MDE's English Learner Education page on English Learner Identification.

If the primary home language is not English (or is not clear) a family interview including the student should be conducted using the protocol outlined in this document. If the family interview identifies a current need for EL programming, the student will temporarily receive EL programming and support. Work closely with the school counselor to assist in scheduling and transcript review as needed.

Important Note about MARSS Reporting

The student will be reported in MARSS as "EL - No" until EL status can be confirmed by administering the WIDA screener. EL staff will need to ensure that an approved Minnesota ELP screener is administered to determine EL status when regular school resumes.

When regular school resumes, any student identified with a language other than English during the Distance Learning Period will take an approved Minnesota ELP screener. If the student qualifies for English learning programming, the MARSS FY 2020 should be edited to "EL – Yes." If the student participated in EL programming during the Distance Learning Period then a start date should be added in MARSS. Once the changes have been made, the MARSS Coordinator will submit the updated MARSS report to MDE based on MARSS submission timelines.

Prescreening of Incoming Kindergarteners from Pre-Kindergarten settings

During the Distance Learning Period, districts should not conduct any ELP screening, including the pre-screening of young children for EL identification for Kindergarten. Students currently enrolled in Pre-K settings should be screened using a Minnesota approved screener when regular school resumes. During the Distance Learning Period Minnesota's approved ELP screeners may not be administered remotely.

Parent Notification of EL Status

Within 14 calendar days of enrollment, parents or guardians must be notified when a student is enrolled in EL programming. When districts initially enroll a student in an EL program, they should utilize the English Learner Program Placement letter located on the TransACT.com website. To register for the website, contact TransACT.com. *Note: TransACT's Every Student Succeeds Act (ESSA) documents are provided free of charge to all Minnesota districts. All TransACT documents and translations can be reproduced on district letterhead.*

The parent notification letter must be sent home in a language accessible to the parent and guardian. The notification informs the parents or guardians that the student has been enrolled in an EL program. Additionally, the letter informs the parents or guardians that they have the right to visit the program, to request a conference to understand the program and to withdraw the child. The district should include additional information about the description of the purpose, method and content of the program. The Minnesota Department of Education recommends that all letters are sent home in English as well as the preferred language of communication, as indicated by the parent.

Parent Rights

A parent or guardian has the right to withdraw the student from the EL program at any time by providing written notice of this intent. Email or text messages are acceptable modes for parents or guardian to provide such written notice to opt out of EL programming during the Distance Learning Period. The parent or guardian may re-enroll the child in the program at any time. The student continues to have EL status in MARSS and will continue to take the annual ACCESS test. The opt-out procedure is an annual process.

Communicating with Students and Families

Districts and charter schools should be proactive in communicating specifically with multilingual communities. It is not sufficient to send out a generic email or robo-call without following up to ensure families received the message and it was understood. In addition, districts and charter schools must send out information to families

in their preferred language(s) and have clear outreach strategies that include connecting with multilingual/multicultural families and community organizations through bilingual staff, community elders, and planned calling trees. Refer to the Commissioner's guidance for more information about communication.

MARSS local report to verify EL status of students.

The MARSS Coordinator needs to edit their MARSS A and B files. Once that is done they will need to go to the MARSS WES local reports and select the MARSS_24 List of Students report. Once they have the report, the MARSS Coordinator will need to export the report into Excel (data-only). After the report is exported, they can get into the Excel file and sort the data by the EL flag, then by the EL start date. This allows districts to verify the EL data. The statewide report EL-Eligibility would be another report they can verify after the Minnesota Department of Education runs end of year MARSS statewide edits.

District Reporting Using the Student Support Data Collection

District reporting for the Student Support Data Collection (SSDC) should continue during the Distance Learning Period with the regular collection dates still being in place unless otherwise announced.

Immigrant Grant Identification and Reporting

Identification of newly enrolled immigrant students who have been in US schools for three years or less continues as usual. Designated District SSDC Coordinators are asked to finalize data reporting for this data element by June 1, 2020. See the following websites and guidance documents for more information:

Websites:

1.   MDE Immigrant Children and Youth Grant
2.   MDE Student Support Data Collection

Guidance Documents:

1.   Title III Immigrant Children and Youth Program
2.   Student Support Data Collection (SSDC) User Guide

Recently Arrived English Learners (RAEL) Identification

An RAEL is a K-12 student who has been identified as an English learner in Minnesota who has been enrolled in a school in one of the 50 states in the United States or the District of Columbia for less than 12 months at the time of testing. Aside from a rare circumstance, a student can only be identified as an RAEL one time.

Reporting

The required reporting procedures are outlined in the Recently Arrived English Learners guidance on the Minnesota Department of Education's (MDE) English Learner Education webpage. RAEL identification is reported in the Student Support Data Collection (SSDC) system and the information for reporting purposes will be collected by MDE on June 1, 2020.

Students with Limited or Interrupted Formal Education (SLIFE) Reporting

The reporting procedures need to be followed and are outlined in the Students with Limited or Interrupted Formal Education (SLIFE) Identification Guidance on the Minnesota Department of Education's (MDE) SLIFE webpage. Special attention should be made to the 2019 changed definition of SLIFE (see below). In all cases, SLIFE must be English learners and have two years less schooling than their peers. In most cases, elementary and middle school students will be included in SLIFE reporting. Sample student and parent interview questions can be found on the MDE's SLIFE webpage. If schools are uncertain how to ascertain if younger students have two years less schooling than their peers, a family interview could be conducted and responses recorded in the

student's cumulative file. Remember that SLIFE are reported in the Student Support Data Collection (SSDC) system, and the information for reporting purposes will be collected by MDE on June 1, 2020.

Current Definition of SLIFE:

Statute 124D.59 Subdivision 2(a): English learner; interrupted formal education

Consistent with subdivision 2, an English learner includes an English learner with an interrupted formal education who meets three of the following five requirements:

1. comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;
2. enters school in the United States after grade 6;
3. has at least two years less schooling than the English learner's peers;
4. functions at least two years below expected grade level in reading and mathematics; and
5. may be preliterate in the English learner's native language.

Serving Students Identified as SLIFE

The education of students is very important, especially as schools are moving to distance learning. Many SLIFE in Minnesota have a critical need for English language development as well as academic content support. Special attention should be paid to students who need more support to complete academic work whether because of technology needs or academic needs to complete the work and meet content standards for school. Educators should be advised that many SLIFE also have needs for school breakfast and lunch and may have a more difficult time accessing the information due to language access needs. It is important that educators work to reach out to SLIFE and their families to ensure students have the same access and information as all students.

There are several websites and apps that can be used to supplement language learning, but none of those should be used in place of academic language learning from a licensed teacher. Teachers are encouraged to use videos or technology as long as all students have equal access. Schools can also utilize interpreters or translation services for communication with families. Schools are encouraged to be flexible and supportive especially to students with more challenges during this difficult time.

Active-Duty Parent Identification

Districts must submit information about which students have had a parent on active duty in the U.S. military (excluding the National Guard) in the past year. All districts are expected to report active duty parent (ADP) status for students in tested grades annually by June 1. Section 1111(h)(1)(C)(ii) of the Every Student Succeeds Act (ESSA) requires that student achievement on state assessments be disaggregated by "status as a student with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title)." Section 101(a)(4) of title 10 of the United States Code defines the Armed Forces as, "the Army, Navy, Air Force, Marine Corps, and Coast Guard." Section 101(d) of Title 10 of the United States Code defines "active duty" as "full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in

the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty."

Reporting

Since there is an annual reporting requirement, a student's status as a child with an ADP can change from year to year. To satisfy this requirement, MDE is asking districts to report students' ADP status through the SSDC each year. A student should be included in ADP status if one or more parents has been on active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard – excluding National Guard duty – between the end of the previous school year and the beginning of the current year's accountability window. If a student's parent was on active duty during the summer, that student should still be included as having an ADP.

The required reporting procedures are outlined in the Active Duty Military Parent section in the Student Support Data Collection (SSDC) User Guide on MDE's Student Support Data Collection page. ADP identification is reported in the Student Support Data Collection (SSDC) system and the information for reporting purposes will be collected by MDE on June 1 each year.

For questions about EL programming, please contact MDE.EL@state.mn.us.

Refer to the MDE COVID-19 Updates webpage for updated guidance.