TITLE: Guidelines for IEP Teams on the

Reclassification Procedures for English

Learners with Disabilities

NUMBER: BUL-6890.3

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ROUTING

All Schools

Local District Superintendents

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Special Education Service Center

Administrators and Staff Community of Schools

Administrators

School Site Administrators Local District English Learner

Program Coordinators

EL Designees TSP Advisors Teachers

DATE:

May 24, 2021

POLICY:

This bulletin provides guidelines for Individualized Education Program (IEP) teams to follow when recommending reclassification as Fluent English Proficient (RFEP) for an English Learner (EL) who has completed six or more years of English Language Development (ELD) services and is eligible for Special Education services. This bulletin provides IEP teams, including those for students on the alternate curriculum, with the process for reclassification of Potential Long Term English Learners (PLTEL) and Long Term English Learners (LTELs) that considers the impact of the student's disability on English Language Proficiency (ELP).

MAJOR CHANGES: This bulletin replaces BUL-6890.2 of the same title dated August 20, 2019 and incorporates the following changes:

- This policy now includes elementary students who have received and completed six (6) years of (ELD) services (from the date of initial identification) and do not meet one or more criteria as candidates to reclassify.
- Updated timeline of the reclassification process.
- Attachment A is updated to include a School Checklist.
- Attachment B is updated to include assessment measures to be included and clearly states the responsibilities of the EL representative and Special Education representative.
- Attachment C includes DIBELS data for Elementary reclassification.

BACKGROUND:

Reclassification is the process by which school districts determine if English Learners (ELs) have acquired sufficient proficiency in English to perform successfully in core academic subjects without (ELD) services. The reclassification

process and criteria are based upon guidelines approved by the California Department of Education (CDE) and the State Board of Education (SBE). California Education Code Section 313(f) identifies four required criteria for reclassification, but also allows for other measures to be included.

The four required criteria are:

- 1. Assessment of English language proficiency (using an objective assessment instrument, including but not limited to the state test of ELD)
- 2. Teacher evaluation (including but not limited to, a review of the student's curriculum mastery)
- 3. Parent opinion and consultation
- 4. Comparison of student performance in basic skills (compared against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age)

GUIDELINES: The following guidelines apply.

Students with disabilities (SWD), including those on the alternate curriculum, are to be provided the same opportunities to be reclassified as students without disabilities. Therefore, IEP teams may determine appropriate measures of ELP and performance in basic skills, and minimum levels of proficiency on these measures that would be equivalent to a native English-speaking peer with similar disabilities in the same grade level.

When students who have had the benefit of six or more years of ELD services do not meet the four criteria for reclassification as established by the school district, it is possible for the IEP team to consider reclassification based upon the process outlined in this bulletin which considers the impact of their disability on ELP.

Note: If the IEP team believes that a student still benefits from ELD services because they have not fully developed English language proficiency, reclassification may not be appropriate.

Applying the Reclassification Criteria for English Learners with an IEP IEP teams are authorized to follow the process outlined in this bulletin and complete the required forms included in this bulletin when English Learners with disabilities meet all of the following criteria:

- Student has completed six (6) full years in U.S. schools.
- Student has had the benefit and completed six (6) or more years of ELD services.
- Student is attending school regularly (Refer to Bul- 4926.2 for more information).
- Student has an active IEP and is eligible for special education services at the time this reclassification process is enacted. The IEP in which the reclassification is determined must be in at least *Pending* status.

Note: Reclassification may not take place during an initial IEP meeting. In addition, it is recommended that IEP teams wait at least 1 year following a student's initial IEP team meeting and implementation of special education services to consider reclassification, so as to ensure that the student has been provided full access to the ELD and ELA curriculum. All accommodations, services and supports provided to the student should be documented in Attachment B of this bulletin.

In accordance with federal and state laws, the IEP team may address the individual needs of each EL with a disability using multiple criteria in concert with the four reclassification criteria in EC Section 313(f). These four criteria are the minimum required components that Local Education Agencies (LEAs)/Districts must include in their local reclassification policy. Other criteria may be used to supplement the four required criteria to ensure the most appropriate decision is made for each student. However, at no time does the IEP team have the authority to omit any of the four required criteria or substitute them with alternate criteria. The IEP team may use this comprehensive approach to make decisions regarding program supports and reclassification that will allow the student to make maximum progress, given the student's capacities.

For additional guidance on the steps to follow during the IEP team reclassification process, see Attachment A: *Checklist*.

<u>Criterion 1: Assessment of English Language Proficiency (ELP) Using an Objective Assessment Instrument</u>

The IEP team will enter the most recent Summative ELPAC results in Part A of Attachment C (must be the most recent results and must be within 12 months prior to the IEP meeting) as the primary evidence that a student has met the criteria demonstrating English language proficiency. The IEP team will complete Part B, considering if the student meets the ELPAC Overall performance level criteria. The IEP Team will check 'Yes' for students who receive an ELPAC Overall Performance Level of 4. If the student does not receive an ELPAC Overall Performance Level of 4, the IEP Team will check 'No'. An alternate assessment may then be used if the student cannot be assessed using the ELPAC. Although the alternate assessment tests the student's ELP in accordance with the student's IEP, the alternate assessment results are not comparable to ELPAC results, but they can be used for reclassification consideration, as outlined in this policy bulletin. Performance on the alternate assessment measure should demonstrate performance that would be equivalent to an English proficient peer with similar disabilities. For students on the alternate curriculum, use the available Alternate Assessment (e.g. VCCALPS or Alternate ELPAC).

Criterion 2: Teacher Evaluation of Student Academic Performance

For Part A, the IEP team will enter grades from the most recent reporting period as the primary measure for Criterion 2.

For Part B, the IEP team will determine if the student earned an overall grade of 3 for English Language Arts (elementary) or a 'C' or better in either their grade-level English or LTEL course (secondary). The IEP Team will check 'Yes' for students who did meet this performance indicator and 'No' for those who do not meet this performance indicator. If a student does not have a grade of 3/'C' or better, the IEP team may use the alternate measure of the student's IEP report of progress and achievement for ELA/ELD domains (reading, writing, listening/receptive language, speaking/expressive language). The IEP team must review the extent to which the student is mastering the ELA/ELD goal as evidenced by the teacher's progress mark of substantial progress (50-99% of goal met).

The IEP team can also consider achievement towards grade-level expectations, curriculum-based measures, formative assessments, and student work samples, and compare the student's progress to native English-speaking peers with similar disabilities in the same grade level.

Criterion 3: Parent/Guardian Opinion and Consultation

The parent/guardian must participate in the IEP team meeting where the student's progress toward the criteria for reclassification is discussed. It is preferable for the parent/legal guardian to participate in person, but via phone or web conference can be used when necessary (in which case the form can be sent home for signature). The IEP team should obtain parent/guardian opinion throughout the discussion and document it in the ELD Present Level of Performance (PLP) section by adding a subsection titled "Parent Input". If the District and parent/guardian determine that the student has demonstrated an appropriate level of English Language Proficiency commensurate with their abilities and no longer needs ELD services, the student will be recommended for reclassification. If the District and parent/guardian cannot reach agreement on the reclassification recommendation, then the student will continue receiving ELD services and instruction.

Criterion 4: Comparison of Performance in Basic Skills

For Part A, the IEP team will enter the most recent Basic Skills Assessment information (must be within 12 months prior to the IEP meeting). All ELs with disabilities on the general education curriculum will participate in either the DIBELS (elementary) or Reading Inventory (RI) (secondary) as the assessment of basic skills in English. Accommodations listed on a student's IEP will be available to the student for the Basic Skills Assessment (e.g., DIBELS or RI).

For Part B, the IEP team will check 'Yes' for students who achieve Benchmark or above on the DIBELS Composite score OR Basic or above on the RI assessment. In lieu of the DIBELS/Reading Inventory score, teams may consider the ELA Smarter Balanced Assessment of "Standard Met" or above to meet Criterion 3 for reclassification.

The team will check 'No' for those who do not meet one of these performance indicators. If the student does not meet the cut scores of either of these two

assessments or does not take these assessments because they are on the alternate curriculum, the IEP team may use alternate measures (including CAA scores, Unique assessments, SANDI/Brigance, etc) of determining that the student has demonstrated an appropriate level of performance in ELA Basic Skills that is commensurate with their abilities when compared to native speakers of English with similar disabilities. See BUL-5619.9: Reclassification of English Learners, for additional information on possible reclassification criteria.

The following outlines the process to be followed by IEP teams:

I. Preparatory Activities

Prior to initiating the reclassification process as outlined in this bulletin, IEP teams shall conduct a review of records to determine overall progress towards reclassification. The review should include specific instructional strategies used, targeted interventions implemented, formal and informal assessments, and any accommodations and/or modifications provided during instruction in ELD.

II. Documentation of Intervention

The IEP team should complete Attachment B, Records Review, to review student progress. Data entered should be student-specific, current and should document those instructional interventions that have been provided to the student prior to recommending the student for reclassification. Attachment B can also be found in Welligent, in the Communications Center under "Downloads". Instructional interventions should reflect the student's individual needs, implementation of the goals and objectives stated in the IEP, as well as formal and informal assessment data.

If upon completion of Attachment B, *Records Review*, the team concludes that there have been insufficient opportunities for implementation of the Tier 1 instruction and interventions, the team should formulate a plan to further support the student's ELD instruction using the data gathered. The team may reconvene at a later date to consider reclassification.

After completion of this review, if the IEP team concludes that the student's lack of progress towards reclassification is not due to a lack of access to intensive, individualized ELD instruction and that the student's proficiency in English may be impacted by their disability, the IEP team should proceed to Complete Attachment C, IEP Team Worksheet to Determine Reclassification of English Learners with IEPs. Attachment C can also be found in Welligent in the Communications Center section under Downloads. All members of the IEP team should participate in completing Attachment C.

III. IEP Meeting

Participants

When a student's IEP team meeting is to include a consideration of reclassification, the following participants <u>must</u> be in attendance and signatures are required on IEP Sec. R: Names and Signatures- Page 11 (Page 11), just as it is for all IEPs:

- Parent/guardian, or student if over 18 and not conserved (attendance via phone or web conferencing is permissible for parent only)
- Student, if appropriate
- EL representative this may include, but are not limited to EL Designees, Targeted Student Population (TSP) Advisors, or EL Counselors. At continuation schools only, a teacher with a CLAD or BCLAD may serve as the EL representative but cannot serve in another role. The EL representative who attends the IEP meeting must be the same person who signs Attachment C.
- Special education teacher
- General education teacher
- School administrator (may not be an administrative designee)

Note: Each participant may only serve in one role during the IEP team meeting.

Required Documentation

- IEP **must be** in Active or Pending status (not In Process or Recessed)
- ELD Present Level of Performance (PLP) addresses all four language domains (listening, speaking, reading, and writing.)
- ELD Goal page should include a statement in the text section regarding reclassification rather than a goal. Ex. "Student has reclassified per BUL-6890.3: Guidelines for IEP Teams on the Reclassification Procedures for Secondary Long-Term English Learners with Disabilities."
- Parent Participation must be indicated on Sec. Q: Parent Participation and Consent- Page 10 (Page 10). Note: Parent/Guardian participation via phone or web conference is acceptable, but should be marked as "parent/student has participated in the IEP meeting" in the upper left box on Page 10 of the IEP.
- FAPE 2, Part 4 (Additional Discussion) must include a statement regarding reclassification and the IEP team's determination. Ex. "A discussion was held regarding reclassification and the IEP team determined that the student no longer needs ELD services and can reclassify. See Attachment C in IEP Management section."
- Page 11, meeting sign-in, must reflect EL Representative's participation in the IEP meeting.
- Upload scanned copy of Attachment B and signed Attachment C in the *Attached Documents* section of the IEP Management screen in Welligent. Title the file: '*Reclass by IEP Attachments*'.

IV. Completing Attachment C: IEP Team Worksheet to Determine Reclassification of Els with IEPs

After it has been determined that a student may be fluent English proficient compared with peers who are native speakers of English with similar disabilities, the IEP team shall meet to discuss the completion of Attachment C: *IEP Team Worksheet to Determine Reclassification of English Learners with IEPs*. Prior to the IEP team meeting, the IEP case manager shall gather and have available all of the following demographic information:

- Name, date of birth, student ID, school, location code, grade, IEP case manager
- Years in EL Program
- Performance on English language proficiency assessments (ELPAC, alternate assessment (i.e., VCCALPS or alternate ELPAC)
- Most recent ELA/English or LTEL course grades
- Performance on Basic Skills assessments (DIBELS, RI, SBA)

Attachment C is available as a fillable PDF in Welligent in the Communications Center under "Downloads" for ease of completion. School sites will need to have a copy of Adobe Acrobat Reader installed on computers to access the fillable file (Adobe Acrobat Reader is available for free download at https://get.adobe.com/reader/).

Attachment C may be drafted prior to the IEP meeting, but must be reviewed and completed at the IEP meeting to allow for discussion and parent or guardian input (student input if student is over 18 and not conserved).

V. Submission of Attachments B and C and Timelines (4 to 6 weeks)

The submission of reclassification documents to the Local District EL Programs Coordinator must be done in a timely fashion, immediately after the IEP is completed, so that reclassification can be processed before the end of the academic year. Please note that students cannot reclassify if they are not currently in-seat (e.g. over the summer), so it is important to have reclassification documents completed and dated prior to the end of the academic year.

- Ensure that the parent/guardian or student signature is obtained (page 2 of the worksheet.) If the parent, guardian, or student refuses to sign the form, the student will not be recommended for reclassification, and will continue to receive ELD services. Note: The parent may disagree with the IEP and still sign the worksheet to start the reclassification process.
- Provide the name of the supporting EL representative in Attachment C.
- Upload scanned copy of signed Attachment C in the Attached Documents section of the IEP Management screen in Welligent.
- Submit a copy of Attachment B and signed Attachment C either via One Drive or via school mail to the Local District EL Programs Coordinator within 5 days of the IEP meeting.
- File original Attachment B and Attachment C in student's blue Master Plan folder in their cumulative record.

Note: Once documents have been processed by the Office of Data and Accountability, reclassification letters and labels will be generated by the Multilingual Multicultural Education Department and distributed to school sites.

Upon receiving the IEP reclassification documentation, the LD EL Programs Coordinator will collaborate with Special Education Local District staff to review the IEP reclassification documentation for accuracy and completeness within 2 weeks.

Then the LD EL Programs Coordinator will:

- Add student's information to the reclassification spreadsheet.
- Send the spreadsheet to the Multilingual and Multicultural Education
 Department (MMED) and the State Reporting Services Branch within 1
 week.

The process will take approximately four to six weeks from the date the LD EL Programs Coordinator receives the completed IEP documentation from the school site to the time MMED processes the reclassification. MMED processes reclassification within 1 week of receiving the student's information. Note: In the event that the IEP documentation is incomplete and/or the supporting documents are not attached, the documentation will be returned to the school site via school mail for resolution. There may be instances where an amendment IEP is necessary to revise documentation to reclassify, including Attachment C. In such instances, the revised documents will need to be resubmitted to the LD EL Programs Coordinator within 60 days of original submission.

Once the reclassification process has begun it is important to complete the process, even if the student has left the school or District.

Upon notification that the student has been reclassified, the EL Designee will complete the following steps in a timely manner:

- Generate and print the *Notification of Reclassification* letter and label in MiSiS.
- Have the Principal sign the *Notification of Reclassification* letter.
- Copy the letter and send it to the parent/guardian for signature to acknowledge the change in language classification to RFEP.
- File the signed letter permanently in the blue Master Plan folder located in the student's cumulative record.
- File an additional copy of the *Notification of Reclassification* letter permanently in a separate file at the school site.
- Upload the signed *Notification of Reclassification* letter into Welligent in the *Attached Document* section of the IEP which includes the record of the reclassification discussion.
- Affix the reclassification label to the appropriate section of the cumulative record.
- Enter the parent notification date (the date the notification was sent to the parent/guardian) into the Mass Notification Entry screen in MiSiS.

VI. Monitoring EL Students with Disabilities

Throughout the academic year, schools must monitor the linguistic and academic progress of all ELs, which includes the progress ELs are making toward reclassification utilizing the processes and procedures delineated REF-070901: Monitoring ELs' Progress, ETK-12, dated June 28, 2019, and BUL 6730.1: A Multi-Tier System of Support Framework for the Student Support and Progress Team, dated July 13, 2017.

The Principal, EL Designee, teacher, and SPED administrator monitor the progress of EL students towards meeting the progress expectations by comparing their progress to the progress expectations specified in the 2018 Master Plan for English Learners and Standard English Learners and in REF-070901: Monitoring English Learners' Progress, ETK-12, dated June 28, 2019. It is critical that schools employ a variety of measures to identify, target, support, and monitor EL students' progress towards reclassification.

The monitoring of EL students with disabilities takes place as part of an IEP meeting. EL designees at the school site should sit in as a consultant to ensure that students receive appropriate designated ELD and integrated ELD services both for their disability and for their language needs. For additional guidance on monitoring ELs refer to the above-referenced REF-070901 and BUL 6730.1.

Failure to implement the District's policy and notification procedures in this area could subject the school to complaints under the District's Uniform Complaint Procedures and/or findings of non-compliance by the District, State, or Title III reviewers/auditors.

AUTHORITY:

This is a policy of the Los Angeles Unified School District in alignment with the guidelines outlined by the California Department of Education.

RELATED RESOURCES:

- BUL-5619.9: "Reclassification of English Learners," September 30, 2020
- BUL-048496.0: "Annual Alternate Assessment of the English Language Proficiency Levels of Students with Disabilities on the Alternate Curriculum," April 9, 2018
- REF-070901: "Monitoring English Learners' Progress, ETK-12," June 28, 2019
- BUL 6730.1: "A Multi-Tier System of Support Framework for the Student Support and Progress Team," July 13, 2017.
- BUL-4926.2: "Attendance Manual: Policy and Procedures for Elementary, Secondary and Option Schools," March 1, 2013
- BUL-5159.10: "Uniform Complaint Procedures (UCP)," July 01, 2020

ATTACHMENTS:

Attachment A – School Checklist

Attachment B – Records Review

Attachment C – IEP Team Worksheet to Determine Reclassification of ELs

ASSISTANCE:

For assistance or further information please contact Lela Rondeau, Coordinator, K-12 Instruction, lela.rondeau@lausd.net or (213) 241-8133.

BUL-6890.3

ATTACHMENT A

SCHOOL CHECKLIST

ELD Representative Checklist:	Special Education Representative Checklist:		
Attachment B is complete		Attachment B is completed and uploaded	
Attachment C student demographic information is		Attachment C uploaded	
complete and accurate		FAPE 2 Part 4 has a reclassification statement and	
The IEP Date is listed on page 1		IEP team's determination (e.g. "A discussion was	
IEP Determination signatures are evident		held regarding reclassification and the IEP team	
Attachment C is complete		determined that the student no longer needs ELD	
Notes:		services and can reclassify. See Attachment C in	
		IEP Management section.")	
		ELD Goal page includes a reclassification	
		statement in the text section, rather than a goal	
		(e.g. "Student has reclassified per BUL-6890.3:	
		Guidelines for IEP Teams on the Reclassification	
		Procedures for Secondary Long-Term English	
		Learners with Disabilities.")	
		Notes:	

ATTACHMENT B

RECORDS REVIEW

Student Name	_ Student ID		
Name(s) of EL Representative(s) completing this section:	Name(s) of SPED Representative(s) completing this section:		
ELD course student is currently taking:	Student's primary eligibility:		
ELD curriculum used:	How does the disability impact the student's language acquisition? (be specific):		
Instructional strategies used in ELD class:	Most recent ELD goal:		
Observations on overall student performance in ELD class:	Instructional accommodations and/or modifications used in ELD class:		
ASSESSMENTS/MEASURE USED	ASSESSMENTS/MEASURE USED		
ELPAC:	Alternate Assessment (VCCALPS or Alternate ELPAC):		
DIBELS/Reading Inventory:	KTEA-3 Reading Composite:		
SBA ELA:	WJ-IV Broad Reading:		
ELA/ELD/LTEL Course Grade:	Other measure:		
Other measure:	Other measure:		

Note: Submit completed document with Attachment C to the Local District EL Programs Coordinator and file a copy in blue Master Plan folder.

ATTACHMENT C

IEP TEAM WORKSHEET TO DETERMINE RECLASSIFICATION OF ELs WITH IEPs

Student Name:	Student ID#:								
School:	Location Code:								
Date of IEP M	eeting: Grade: Years in EL Program:								
Current Master	r Plan Program: <u>LTEL</u> IEP Case Manager:								
	Consideration of the four criteria for reclassification (EC 313(F)):								
Criterion 1: Assessment of English Language Proficiency Using an Objective Assessment Instrument									
	Chool Year Data (must be the most recent results and must be within 12 months prior to the IEP meeting)								
	ate: Choose Assessment Provided: ELPAC or Alternate Assessment								
Overall ELPAC	Performance Level: Alternate Assessment Results: Alt. Curriculum check 'No" below and complete determination								
B. Did the stu	dent meet ELPAC Overall performance level of 4 (check applicable boxes below)?								
☐ Yes (If yes, proceed to Criterion 2)	The IEP has determined the student has demonstrated an appropriate level of English Language If yes, Proficiency commensurate with their abilities when compared to English proficient students with similar disabilities; therefore, proficiency was determined using other indicators as follows (check one								
Criterion 2:	Teacher Evaluation of Student Academic Performance								
	nust be the most recent results and must be within 12 months prior to the IEP meeting)								
	Period: English/ELA Course grade*: LTEL Course grade*:								
Alt. Curr. ELD	A/B Course grade**:								
*Note: Students must earn a 3 (elementary)/ C or better (secondary) in grade-level English <u>or</u> LTEL course. **Note: Alternate Curriculum passing grade will not meet Criterion 2; check "No" below and continue to Part B.									
B. Did the student meet academic performance indicators set by the District (check applicable boxes below)?									
☐ Yes (If yes, proceed to Criterion 3)	 No (If no, complete the determination below) □ The IEP team has determined the student has demonstrated an appropriate level of <u>academic performance</u> commensurate with their abilities when compared to English proficient students with similar disabilities in the same grade level; therefore, proficiency was determined using other indicators as follows (check one or more): □ Progress towards meeting ELA/ELD goals as determined in the student's IEP. □ Progress on curriculum-based measures or formative assessments. □ Student artifacts/work samples. 								



ATTACHMENT C

Criterion 3: Parent/Guardian Opinion and Consultation (Check one box only.) ☐ The parent/guardian participated in this discussion. ☐ Student is 18+ years old, has educational rights and participated in this discussion. Parent/Student comments (if applicable):										
Criterion 4: Comparison of Performance in Basic Skills A. Assessment: (Complete all that apply below. At least one row below must be fully complete. Must be the most recent results and must be within 12 months prior to the IEP meeting) DIBELS/RI Date: DIBELS/RI Score/Level: DIBELS/RI Score/Level: CAA Date: CAA Score/Level: (Alternate curriculum only, use most recent CAA test data, check "No" below + continue to Part B.) B. Student met academic performance indicators set by District (check applicable boxes below)?										
☐ Yes (If yes, proceed to final section)		No (If no, complete the determination below) The IEP team has determined the student has received ELD services for more than six years and has demonstrated an appropriate level of performance in ELA basic skills commensurate with their abilities when compared to native English-speaking peers with similar disabilities in the same grade level.								
IEP Team Determination (This section can only be completed at the IEP meeting.) □ The members of the IEP team have determined that the student is proficient in English based upon review of reclassification criteria and other data sources. The student demonstrates skills commensurate with their abilities when compared to native English-speaking peers with similar disabilities in the same grade level. Parent/Guardian/18+ Student Name Signature										
School Team		Name		Signature						
IEP Case Manag				<u> </u>						
EL Representati	ve*									
Administrator										
*Must have provided input for this discussion at the IEP meeting.										
☐ I certify that the completed attachments B and C have been uploaded into Welligent and the appropriate reclassification statement has been added to FAPE Part 2 and the ELD Goal.										

Upload completed Attachment B and signed Attachment C into the Welligent Scanned Documents section. Submit completed Attachment B and Attachment C to Local District EL Programs Coordinator.

Definition of terms:

ELPAC: English Language Proficiency Assessments for California
Alternate ELPAC: Alternate English Language Proficiency Assessments for California
VCCALPS: Ventura County Comprehensive Alternate Language Proficiency Survey
SBA: Smarter Balanced Assessment
CAA: California Alternate Assessment