

TITLE: Reclassification Procedures for Emergent Bilinguals with Disabilities

NUMBER: BUL-6890.4

ISSUER: Anthony Aguilar
Chief of Special Education, Equity, and Specialized Programs

Lydia Acosta Stephens
Executive Director
Multilingual Multicultural Education Department

Dr. Maribel Luna
Senior Director
Division of Special Education

ROUTING

All Schools
Region Superintendents
Administrators of Instruction
Community of Schools
Administrators
Special Education Service Center
Administrators and Staff
School Site Administrators
Region Multilingual
Multicultural Academic
Language Coordinators
EL Designees
TSP Advisors
Teachers

DATE: May 8, 2023

POLICY: This bulletin provides the guidelines and the process for Individualized Education Program (IEP) teams to follow when making the recommendation to be reclassified as Fluent English Proficient (RFEP) for an Emergent Bilingual (EB), formerly known as English Learner (EL), who has completed four or more years of English Language Development (ELD) services and is eligible for Special Education services. This policy is inclusive of students on the alternate curriculum and considers the impact of the student's disability on English Language Proficiency (ELP).

MAJOR CHANGES: This bulletin replaces BUL-6890.3 of the same title dated May 24, 2021, and incorporates the following changes:

- Includes elementary students who are in the 4th grade or above and have received and completed four (4) years of (ELD) services.
- Provides updated timeline of reclassification processing.
- Replaces Ventura County Comprehensive Alternate Language Proficiency Survey (VCCALPS) with the Alternate ELPAC.
- The "12-month" time frame for a valid ELPAC score has been removed and now needs to be a score from spring of the previous or current school year.
- Documentation guidance for IEP Reclassification procedures is now in Attachment D.

GUIDELINES

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 ELP assessment.
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.

I. Guidelines for the Reclassification of Students with Disabilities

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

When students in 4th grade or above who have completed their fourth year of EL instruction and do not meet the four criteria for reclassification as established by the school district, it is recommended for the IEP team to consider reclassification based upon the process outlined in this bulletin. In this process, the IEP team considers how the student's disability might impact the student's ELP.

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

When considering the reclassification eligibility for Emergent Bilinguals with disabilities, IEP teams are authorized to follow the guidelines outlined in this bulletin when Emergent Bilinguals with disabilities meet all the following criteria:

- Student has completed four (4) full years of U.S. schooling.
- Student is in the 4th grade or above.
- Student has had the benefit of and completed four (4) or more years of ELD services.

Student has an active IEP and is eligible for special education services at the time the reclassification process is initiated. The IEP in which the reclassification is determined must be in at least *Pending* status.

Reclassification may not take place during an initial IEP meeting. Additionally, it is recommended that IEP teams wait at least 1 year to consider reclassification after a student's initial IEP team meeting and implementation of special education services. This is 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 EB 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 Districts must include in their local reclassification policy. Other criteria may be used to supplement the four required criteria to ensure an informed 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 alternative criteria. The IEP team may use this comprehensive approach to make decisions regarding program supports and reclassification.

The following criterion should be considered by IEP teams in filling out Attachment C. For additional guidance on the steps to follow during the IEP team reclassification process, see Attachment A, *The School Checklist* and Attachment D, *Reclassification Documentation Process*.

Criterion 1: Assessment of English Language Proficiency (ELP)

Did the student attain an overall Summative ELPAC 4 or overall Summative Alternate ELPAC 3? If not, reclassification may still be possible using the process outlined in Attachment C.

Note: If the IEP team's recommendation for reclassification has not been processed prior to the close of the ELPAC testing window, students must take the Summative ELPAC or Summative Alternate ELPAC. Once the recommendation for reclassification is processed, the EL Designee is then responsible for completing a Security and Test Administration Incident Reporting System (STAIRS) report to delete that ELPAC score in the state score file.

Criterion 2: Teacher Evaluation of Student Academic Performance

Did the student attain an overall grade of 3 for English Language Arts (elementary) or a 'C' or better in either their grade-level English or ELD course (secondary). If not, the IEP team may use the alternate measure of a student's IEP report of progress and achievement. The IEP team must review the extent to which the student is mastering their IEP's ELA/ELD goal(s) as evidenced by their progress mark.

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. 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.

Criterion 4: Comparison of Performance in Basic Skills

Did the student meet the grade level skills criteria using the acceptable assessments? Basic Skills Assessment information must be within 12 months prior to the IEP meeting. Examples of acceptable assessments include District wide progress monitoring tools. Students on the alternate curriculum who do not use standard progress monitoring tools may use measures including CAA scores, Unique Learning System assessments, or results from the Student Annual Needs Determination Inventory (SANDI), etc.

II. Submission of Attachments B and C and Timelines

The submission of reclassification documents to the Region Multilingual Multicultural Academic Language (MMAL) staff must be done in a timely fashion following the determination. It is expected that all documents be sent within five (5) days of the meeting. For detailed guidance see Attachment D.

Note: Once the reclassification recommendation has been made, the process must be completed, even if the student has left the school or District.

III. Monitoring EB Students with Disabilities

The Principal, EL Designee, teachers and Special Education teams must monitor the linguistic and academic progress of EBs, throughout the academic year, utilizing the processes and procedures delineated REF-070901.2; *ETK-12 English Learners Academic Progress Monitoring and Supports*, dated October 24, 2022. EL designees at the school site should participate as consultants to ensure that students receive appropriate designated and integrated ELD services. It is critical that schools employ a variety of measures to identify, target, support, and monitor EB students'

progress during the IEP and SSPT meetings. For additional guidance on monitoring EBs refer to the above-referenced REF-070901.2 and BUL 6730.1; *A Multi-Tiered System of Support Framework for the Student Support and Progress Team*.

Failure to implement the District's policy 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-5619.11: Reclassification of English Learners, June 20, 2022.*](#)
- [*REF-070901.2: ETK-12 English Learners Academic Progress Monitoring and Supports, October 24, 2022.*](#)
- [*BUL 6730.1: A Multi-Tiered 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-5159.11: Uniform Complaint Procedures \(UCP\), January 25, 2021*](#)
- [California Practitioners' Guide for Educating English Learners with Disabilities](#)

ATTACHMENTS:

Attachment A - School Checklist
Attachment B - Records Review
Attachment C - IEP Team Worksheet to Determine Reclassification of EBs
Attachment D - Documentation Process

ASSISTANCE:

For assistance or further information please contact your Regional Special Education Support Provider or the Special Education Instruction Department at 213-241-8051, Regional Multilingual Multicultural Academic Language staff or the Multilingual Multicultural Education Department at (213) 241-5582.

SCHOOL CHECKLIST

ELD Representative Checklist:	Special Education Representative Checklist:
<div style="margin-bottom: 10px;"><input type="checkbox"/> Attachment B is complete</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Attachment C student demographic information is complete and accurate</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> The IEP Date is listed on page 1</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> IEP Determination signatures are evident</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Attachment C is complete</div> <div><input type="checkbox"/> Notes:</div>	<div style="margin-bottom: 10px;"><input type="checkbox"/> Attachment B is completed and uploaded</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Attachment C uploaded</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> FAPE 2 Part 4 has a reclassification statement and IEP team's determination (e.g. <i>"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."</i>)</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> ELD Goal page includes a reclassification statement in the text section, rather than a goal (e.g. <i>"Student has reclassified per BUL-6890.4: Reclassification Procedures for Emergent Bilinguals with Disabilities."</i>)</div> <div><input type="checkbox"/> Notes:</div>

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/MEASURES USED

Summative ELPAC or Summative Alternate ELPAC:	WJ-IV Broad Reading:
Basic Skills:	ELA/ELD Course Grade:
SBA ELA or CAA ELA:	Other measure:
Other measure:	Other measure:

Note: Submit completed document with Attachment C to the Region Multilingual Multicultural Academic Language staff and file a copy in the cumulative folder.

IEP TEAM WORKSHEET TO DETERMINE RECLASSIFICATION OF EBs WITH IEPs

Student Name: _____ Student ID#: _____
 School: _____ Location Code: _____
 Date of IEP Meeting: _____ Grade: _____ Years in EL Program*: _____
 Current Master Plan Program: _____ IEP Case Manager: _____

*must have completed 4 years of ELD instruction to qualify

Consideration of the four criteria for reclassification [EC 313(F)]:

Criterion 1: Assessment of English Language Proficiency Using an Objective Assessment Instrument

A. Current School Year Data (must be the most recent results - spring of the previous or current year)

Assessment Date: _____ Choose Assessment Provided: ☐ ELPAC or ☐ Alternate ELPAC

Overall ELPAC/ Alternate ELPAC Performance Level: _____

Alt. Curriculum check 'No' below and complete determination

B. Did the student meet ELPAC Overall performance level of 4, or Alternate Summative ELPAC level 3 (check applicable boxes below)?

☐ **Yes**

(If yes, proceed to Criterion 2)

☐ **No** (If no, complete the determination below)

☐ The IEP has determined the student has demonstrated an appropriate level of English Language 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 or more):

- ☐ Analysis of growth in ELD areas (listening, speaking, reading and/or writing) from one year to the next per student's IEP. (Present Level of Performance and Goal/Objectives Achievement).
- ☐ Comparison of student's formative assessment data with that of native English-speaking peers with similar disabilities in the same grade level.

Criterion 2: Teacher Evaluation of Student Academic Performance

A. Grades (must be the most recent results and must be within 12 months prior to the IEP meeting)

Last Reporting Period: _____ English/ELA Course Grade*: _____ LTEL Course Grade: _____

Alternate Curriculum ELD A/B Course Grade**: _____

**Note: Students must earn a 3 (elementary)/ C or better (secondary) in grade-level English or LTEL course.*

***Note: Alternate Curriculum passing grade will not meet Criterion 2; check "No" below and continue to Part B.*

B. Did the student attain overall grade of 3 for English Language Arts (elementary) or a 'C' or better in either their grade-level English or ELD course (secondary)?

☐ **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 academic performance 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.



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)

- ☐ Basic Skills: _____ Basic Skills Score/Level: _____ (*DIBELS may be used for 5th grade only*)
☐ SBA ELA Date: _____ SBA Score/Level: _____
☐ CAA Date: _____ CAA Score/Level: _____ Other Alternate Assessment: _____
(Alternate curriculum only, use most recent CAA test data and/or basic skills assessment for alternate curriculum being used 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 four 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

Parent/Guardian/18+ Student Name	Signature
School Team	Name
IEP Case Manager	
EB Representative*	
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 the Regional Multilingual Multicultural Academic Language staff.

Note: Please ensure that all needed boxes are checked, prior to upload and submittal.

Definition of terms:

ELPAC: English Language Proficiency Assessments for California

Alternate ELPAC: Alternate English Language Proficiency Assessments for California

SBA: Smarter Balanced Assessment

CAA: California Alternate Assessment



Guidance for IEP Teams

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. This can also be found in Welligent, in the Communications Center under "Downloads". Upon completion of Attachment B, if the team concludes 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 and may reconvene at a later date to consider reclassification. If the 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.

III. IEP Meeting

Participants

When a student's IEP meeting is to include a consideration of reclassification, the following participants must be in attendance and signatures are required on IEP Section R: Names and Signatures (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
- EB Representative- this may include but is not limited to EL Designees, Targeted Student Population (TSP) Advisors, or EB Counselors. At continuation schools only, a teacher with the CLAD or BCLAD may serve as the EB 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 admin designee)

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

Required Documentation:

- The 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 6890.4: Reclassification Procedures for Emergent Bilinguals 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 and 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.
- Page 11, meeting sign in, must reflect EB Representative's participation in the IEP meeting as well as all other required participants.
- Upload scanned copy of Attachment B and signed Attachment C in the *Attached Documents* section of the IEP Management screen in Welligent with file titled *Reclassification by IEP Attachments*.

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

Attachment C is available as a fillable PDF in Welligent in the Communications Center under "Downloads" for ease of completion. 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/guardian and/or student input if they are over 18. Ensure that the parent/guardian or student signature is obtained on page 2 of the worksheet. Note: the parent may disagree with the IEP and still sign the worksheet to start the reclassification process.