



#189-22

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #189-22**

DATE: August 26, 2022
TO: Division Superintendents
FROM: Jillian Balow, Superintendent of Public Instruction
SUBJECT: **Required Entrance Procedures and Criteria for Identifying Potential English Learners**

The purpose of this memorandum is to communicate standardized entrance procedures and criteria for English Learner (EL) identification as required under the *Every Student Succeeds Act of 2015* (ESSA).

Entrance Procedures

The *Elementary and Secondary Education Act* (ESEA), as amended by ESSA, requires state education agencies (SEAs) to create and implement “standardized, statewide entrance and exit procedures” for ELs, “including an assurance that all students who may be [ELs] are assessed for such status within 30 days of enrollment in a school in the State.” [ESEA section 3113(b)(2)]

Screening Identification

The [English Learner Toolkit](#) created by the U.S. Department of Education (USED) states that local education agencies (LEAs) must accurately identify EL students in a timely manner. The USED Office for Civil Rights in conjunction with the U.S. Department of Justice has approved

the following questions to demonstrate minimal compliance with the requirement to identify possible EL students in need of language assistance:

- What is the primary language used in the home, regardless of the language spoken by the student?
- What is the language most often spoken by the student?
- What is the language that the student first acquired?

These identifying questions must be included on registration documents or on a separate home language survey provided to *all* students enrolling in a Virginia public school. If a parent or guardian responds with any language other than English for one or more questions, then the student should progress to the language screening process. School divisions must develop a written protocol and implement consistent personnel training to ensure that incoming ELs are identified, screened, and placed in appropriate language instruction programs and services within 30 days of enrollment.

Screening Process

Designated division personnel should review registration and/or home language survey documents submitted to the school for educational information, language, and English Language Proficiency (ELP) assessment scores to determine the next step. If a current ACCESS for ELLS[®] score (within one year of testing) is provided, the score can be used to determine the student's EL status and the services to be provided. If a current ACCESS for ELLS[®] score is not provided, personnel who are certified to administer a WIDA screening assessment should screen the student with an approved WIDA screening tool within the first 30 days of school or within the first two weeks after enrollment if the student enrolls after the first 30 days of school. Beginning with the 2022-2023 school year, school divisions may select from the following WIDA screening tools:

- WIDA Screener - Paper or Online
- WIDA MODEL (Grades 1-12) - Paper or Online
- Kindergarten MODEL - Paper
- WIDA Screener for Kindergarten - Paper

Parent Notification

Within 30 days of identification, the school division must provide written notification to the parents of the identified EL, to include information about the student's EL status and the services to be provided. Notification should be provided to parents in their native language or a language they understand. Sample parent notification documents [are available on the Title III webpage](#) for school division use.

Entrance Criteria

The Department outlines the criteria below for EL identification.

Grade	Screening Assessment	Domains	Levels indicating Student is an EL
Rising Kindergarten (summer) through Kindergarten 1 st Semester	WIDA Screener for Kindergarten	Listening and Speaking	Oral Language Below 4.5
Kindergarten 2 nd Semester (and 1 st Semester of the first grade)	WIDA Screener for Kindergarten	Listening, Speaking, Reading, Writing	Overall Language Below 4.5
Kindergarten 1 st semester	WIDA MODEL	Listening and Speaking	Oral Language Level less than 5.0
Kindergarten 2 nd semester through Grade 12	WIDA MODEL	Listening, Speaking, Reading, and Writing	Overall less than 5.0
Grade 1 - 12	WIDA Screener (online and paper)	Listening, Speaking, Reading, and Writing	Overall less than 4.5

Students with Significant Cognitive Disabilities

On a case-by-case basis where appropriate documentation exists, students with disabilities may be provided with [WIDA-approved accommodations](#) on the WIDA Screener, WIDA Screener for Kindergarten, or WIDA MODEL. Currently, there is no alternate screening tool for students with significant cognitive disabilities. The Individualized Education Program team, in

collaboration with the EL specialist, should determine if the student should be administered a screening tool with WIDA-approved accommodations for EL identification.

For more information

If you have questions, please contact the student assessment staff at Student_Assessment@doe.virginia.gov or (804) 225-2102.

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