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## Washington State Definition of English Language Learner ([WAC 392-160-005 – Definitions](#))

A student who meets the following two conditions is eligible for the Transitional Bilingual Instructional Program:

- The primary language of the student is other than English; and
- The student's English skills are sufficiently lacking or absent as to delay learning.

Washington State defines “primary language” as the language most often used by a student (not necessarily by parents, guardians, or others) for communication in the student's place of residence or the language that the student first learned.

## Federal Definition of English Language Learner ([ESEA Title VIII, Sec. 8101\(20\)](#))

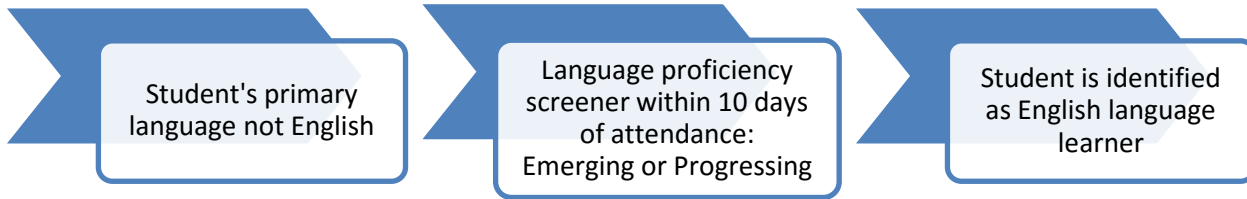
The term “limited English proficient”, when used with respect to an individual, means an individual:

- A. who is aged 3 through 21;
- B. who is enrolled or preparing to enroll in an elementary school or secondary school;
- C. (i) who was not born in the United States or whose native language is a language other than English;  
(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and  
(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or  
(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- D. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
  - (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
  - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
  - (iii) the opportunity to participate fully in society.



## Procedures for Identification of English Language Learners

Every district must have written procedures to identify English language learners.



- **Timeline**

Districts must determine the primary language and eligibility of each newly enrolled student no later than the tenth day of attendance. For entering kindergarten students, the state-approved language proficiency screener may be administered after May 1st of the spring prior to enrollment.

- **Home Language Survey**

All students who register with a school in Washington State must be asked to identify their primary language.

Districts may opt to:

- ✓ Use the [state-approved home language survey form](#) that can be downloaded from the OSPI Web site.  
– OR –
- ✓ Add the questions necessary to identify a student’s primary language from the state-approved home language survey to the district’s enrollment form. For identification purposes, the following questions are used to identify the student’s primary language:
  - What language did your child learn first?
  - What language does your child use the most at home?

If the response to either of these questions includes a language other than English, refer the student for testing with the state-approved language proficiency screener.

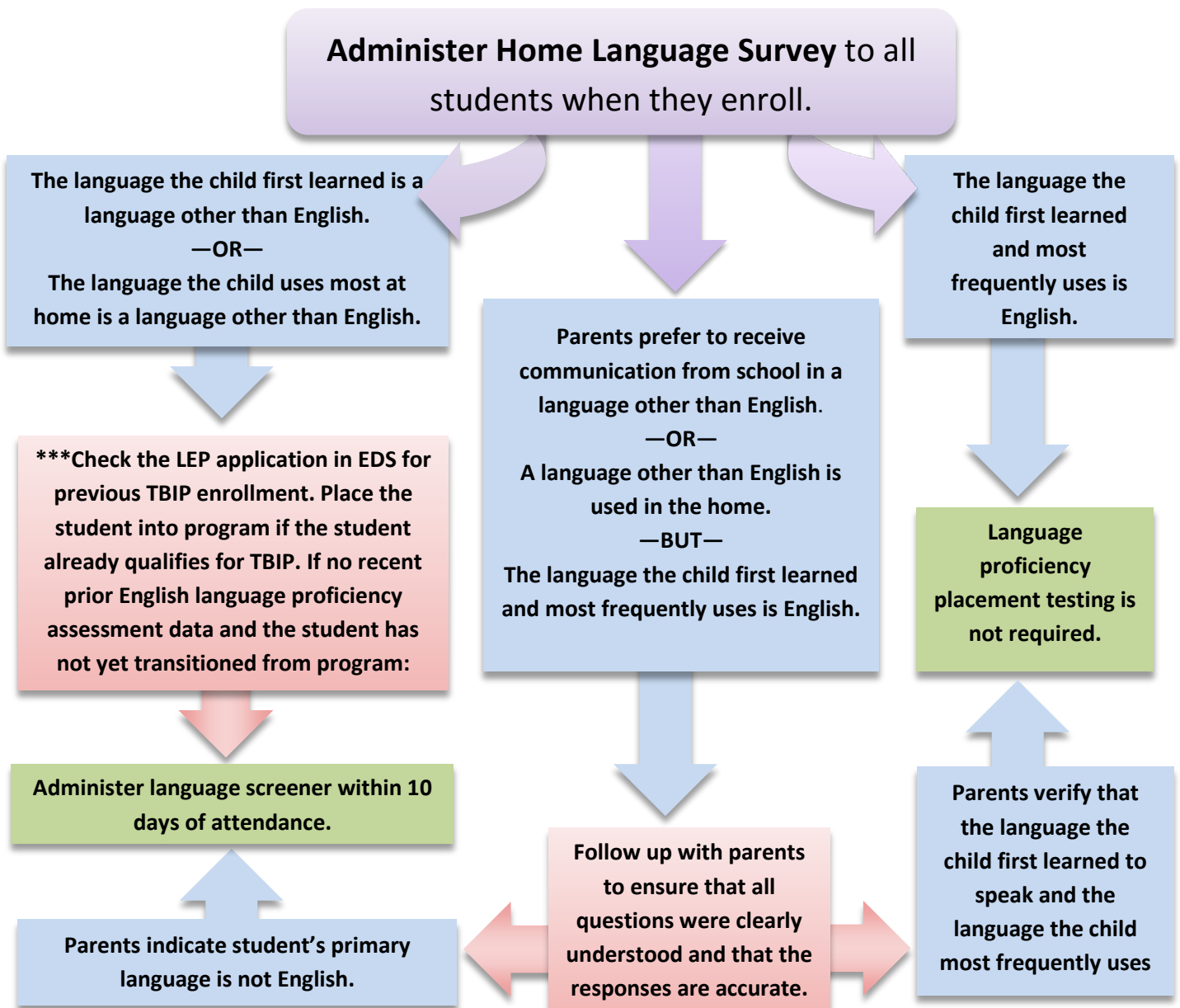
The Home Language Survey (HLS) must be verified and signed by the student’s parent(s) or guardian(s); an emancipated youth may complete the HLS.

If the parent indicates that the child first learned another language and English simultaneously or currently uses both English and another language, administer the state-approved language proficiency screener.

If a language other than English is indicated in the responses to any other question on the Home Language Survey or enrollment forms, but the student’s primary language is identified as English, follow up with parents/guardians to ensure that the questions were accurately answered.



## Home Language Survey Flow Chart



- **Language Proficiency Screener**

Students whose primary language is a language other than English must be assessed by the tenth day of attendance with the [state-approved language proficiency screener](#). Look up in-state transfer students' program history in the [Limited English Proficient \(LEP\) Application](#) in the Education Data System (EDS) before administering the screener. Students who score at the Emerging or Progressing level qualify for TBIP services. Students who score at the Proficient level do not qualify for ELL services. All screener results must be reported (unless a student is tested in error and does not receive services). TBIP screener and enrollment data is reported in [File J of CEDARS](#).



The screener is only for students who have been identified as potential ELLs based on the Home Language Survey and for [Native American](#) students who have been determined to be academically at risk. Districts may not administer the state language proficiency screener to students who are not potential ELLs.

### Screener Flow Chart





## Transfer Students

Transfer students may complete a new home language survey as part of the enrollment packet. If there is a discrepancy between the new home language survey and the home language survey completed at the sending district, program eligibility determinations should be made based on the home language survey that indicates a language other than English.

Look for the student in the [LEP Application](#) in the EDS system to determine whether the student has already been identified as an English language learner in Washington if:

- ✓ the student's primary language is indicated as a language other than English.
- OR –
- ✓ there is any indication in the student's enrollment forms or cumulative file that the student may have been identified as an English language learner in Washington in the past.

Use the Possible Eligible, Not Reported List in the [LEP Application](#) to identify potential English learners who were not identified through this process.

No screener is necessary for a student who has been served through the Transitional Bilingual Instructional Program within the last twelve months in Washington and has not exited on the state annual language proficiency assessment. Students who currently have a language proficiency level of emerging or progressing should be placed directly into the TBIP program.

Students who score at the proficient level on the state annual language proficiency assessment are eligible for follow-up academic support in the TBIP program as "[exited TBIP students](#)" for two years after transitioning.

## In-state Transfer Students

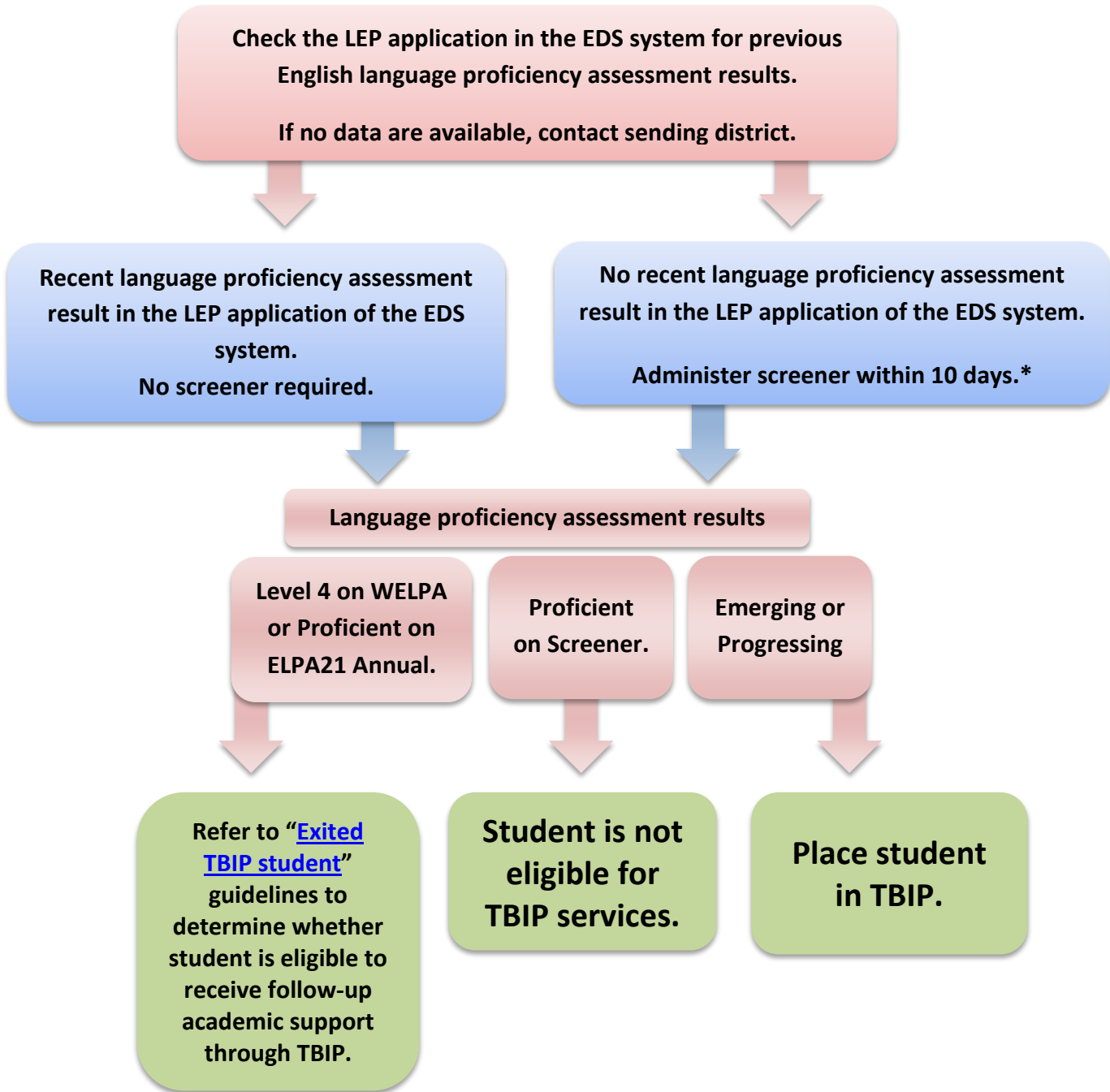
- If no results are found for the student in the [LEP Application of EDS](#), contact the sending district to determine if the student completed the screener, and information was simply not yet uploaded to CEDARS.
- If the sending district does not respond in a timely manner, administer the state language proficiency screener.
- If the student's original screener becomes available after retesting, base program eligibility on the results of the first screener and report the results of the original screener to CEDARS.
- If a TBIP-eligible student has not been tested/has not received a score on the **two most recent annual language proficiency assessments**, the district must administer a new state language proficiency screener to determine the student's current language proficiency level and continued program eligibility.

## Out-of-State Transfer Students

- If the student has not been enrolled in a Washington State public school for the past 12 months, the student must take the screener to determine eligibility.
- Students who transfer from out-of-state and who meet the identification criteria on the home language survey must be tested on the screener, regardless of whether the student has already been identified as an English learner in another state.
- If a student who previously exited from the TBIP program returns to Washington after having lived outside the United States in a non-English-speaking country for twelve or more months, the district can administer the screener to determine if there has been a loss of English language proficiency. The student can re-qualify for TBIP services based on the new screener results.



## Process for Determining Eligibility of In-State Transfer Students



\*If initial screener results become available after a new screener is administered, use the results of first assessment. Maintain both assessments in student cumulative file.



**Foreign Exchange Students**

Districts are required to follow the same ELL identification procedures for all students, including foreign exchange students.

Districts may claim TBIP-eligible J-1 foreign exchange students for state and federal funding. Foreign exchange students on an F-1 visa pay tuition as a condition of their visa, and, therefore, cannot be claimed for state funding.

**Sign Language as a Primary Language**

A student cannot be considered an English language learner for the purpose of qualifying for Title III based solely on a reliance on signing for communication (e.g. American Sign Language) due to the student’s or parent’s deafness or hearing impairment. However, a student who relies on signing for communication can qualify for Title III services if the student’s home language is a language other than English.

A student who uses American Sign Language for communication at home because of a family member’s hearing impairment may be tested to determine TBIP eligibility. Districts should consult with the family prior to testing as such students can only be identified as English Language Learners under the state definition and not the federal definition. In this case, testing for TBIP eligibility is not required by the state, but it is an option if the parents and district determine that it is in the student’s best interest.

Student	Home Language	Eligible for TBIP?	Eligible for Title III?
American Sign Language (student has hearing impairment)	English	No	Only Native American students who qualify based on the <a href="#">state procedures</a> .
American Sign Language (student has hearing impairment)	Not English	Yes, based on state language proficiency screener results.	Yes, based on state language proficiency screener results.
American Sign Language (student does not have hearing impairment but uses ASL for communication at home)	American Sign Language	Yes. The district may test with parent permission to determine TBIP eligibility but is not federally required to do so.	Only Native American students who qualify based on the <a href="#">state procedures</a> . American Sign Language is not considered a language other than English for the purposes of the federal definition of an English Language Learner.

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