

Accountability Reporting: English Learner Misidentification Appeals Process



1. Before initiating the misidentification appeals process outlined below, the district must first verify that the student is eligible for removal of EL status without the demonstration of English language proficiency.

If the EL misidentification occurred in a previous school year, the district should note the six generally accepted justifications for removing a student's EL status after the year in which the EL misidentification was made:

- The student is a native English speaker who was placed in a home environment where the presence of a language other than English led to initial EL misidentification.
- The student demonstrated proficiency on the WIDA ACCESS but was not appropriately coded to former English learner status in the subsequent year(s) (this situation assumes that the student did not re-assess with the ACCESS assessment after their initial demonstration of English language proficiency).
- The student was misidentified in the first of two or more enrollments in a previous school year, and the initial district neglected to correct the issue prior to the close of the school year (this assumes that documentation is available demonstrating that the current-year misidentification procedure was correctly completed in the initial year of misidentification).
- The student was identified as an English learner, transferred to another state, met the requirements of English language proficiency in that state, and has returned to a district in Oklahoma.
- The student was initially identified as an EL and/or participated in the Screener and/or ACCESS assessment due to a clerical or procedural error in a previous year, either in the student's current or former district.
- The student was initially identified as an EL due to a response of ASL (or another form of sign) on the submitted HLS (assuming no other language other than English was also present).

Note that there is no scenario that should be considered "absolute" in justifying the removal of EL status, and the six scenarios detailed above are simply those considered most appropriate for appeal. As such, a district should discuss the specific circumstances of **any** potential EL misidentification with OELP staff prior to gathering documentation and submitting an appeal. Please contact the Office of English Language Proficiency at (405) 522-5073 or by email at oelp@sde.ok.gov for additional guidance.

2. If the student is deemed eligible for appeal after discussing the student's unique situation with OELP staff, the district must draft a narrative on district letterhead that includes a description of the situation and circumstances that resulted in the current misidentification. The district narrative must also include the following item(s), as appropriate and applicable to the specific circumstances of the student misidentification:
 - A statement from the student's parent(s) or guardian(s) that the student is a native English speaker.
 - A brief explanation as to why the Home Language Survey (HLS) indicated a language

other than English.

- Why the scenario that led to a language other than English being recorded on the HLS was a temporary situation and/or was otherwise inappropriate for the use in accurately identifying potential English learners for placement.
- What the district team feels led to the student's identification if the student did not demonstrate proficiency when administered the WIDA Screener.
- What supplemental literacy and/or linguistic supports the district is providing the student to address those disparities that led to the student's EL identification.
- A description of the breakdown or oversight in the implementation of local processes or procedures that led to the incorrect identification.

Upon discussing the circumstances of misidentification with district staff, the OELP will provide guidance regarding those points above that must be addressed in the district narrative. When complete, the narrative must be physically signed and dated by appropriate district staff and the parent(s) or guardian(s) of the student (if appropriate to the situation).

3. Depending on the circumstances of the misidentification, the district may be required to gather appropriate, pertinent documentation to support the narrative outlined in Step #2. This documentation could include (but is not limited to) the following items and must be relevant to the specific circumstances of the student's misidentification:

- Former "English-only" HLS(s)
- Student IEP
- Custody order or foster care placement documentation
- Medical documentation
- Local assessment results documenting low-level literacy or English proficiency
- Student grades documenting low-level literacy or English proficiency
- Teacher recommendations
- Out-of-state proficiency scores
- Any additional documentation deemed relevant and appropriate to the situation

4. If the incorrect identification was the result of a lapse in expected implementation of state policy regarding (1) the student's initial EL identification, (2) required parental notification, (3) provision of EL services and supports, (4) participation in annual WIDA ACCESS assessment, or (5) correct coding of the student in the local student information system, the **erring district** must complete an [EL Corrective Action Plan \(CAP\)](#) to be submitted in addition to the documentation noted above. If a CAP is required from a student's former district, the OELP will work collaboratively with both districts to ensure a completed CAP is made available for appeal submission.

5. Complete the [English Learner Misidentification Appeal Form](#).

6. Compile digital copies of any applicable documents and submit through the Conflict Reporting function located in the Accountability Reporting Application (process as follows).

Submitting the English Learner Misidentification Form and Applicable Documentation in the Accountability Reporting Application

1. Verify appropriate access to the Accountability Reporting application in the Single Sign-on

system. Once access has been granted, locate and open the application by clicking on the report title:



- After agreeing to FERPA requirements, the system will open to the district home screen. Identify and click on the “Conflicts” tab:



- The application will open the Conflict Reporting tab and display all district conflicts currently identified by the application. Locate the STN of the student for whom the district wishes to file an English Learner Misidentification Appeal in the “STN” column:

Year 2021

Records 1 to 11 of 11

	Conflict Type	Full Code	STN	Reason
Resolve Conflict	ELL			Student Marked as ELL = "No" but was previously marked ELL = "Yes" and/or took ELP Assessment without exit.
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Resolve Conflict	ELL			Student Marked as ELL = "No" but was previously marked ELL = "Yes" and/or took ELP Assessment without exit.
Resolve Conflict	ELL			Student Marked as ELL = "No" but was previously marked ELL = "Yes" and/or took ELP Assessment without exit.

- Identify and click the **Resolve Conflict** link to the left of the student’s STN.
- A **Conflict Record Detail** screen will appear from the right. Verify the student’s demographic information, scroll to the bottom of that screen, and click on **Submit Data Conflict Resolution**.

CONFLICT RESOLUTION

- Change student status to EL in the local SIS and ensure student participation in the ACCESS or ACCESS ALT assessment.
- OR**
- Submit evidence that the current identification is correct

[Submit Data Conflict Resolution](#)

- Provide a brief narrative describing the issue in the **Conflict Resolution** field:

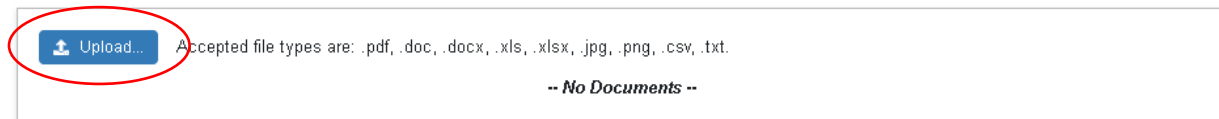
CONFLICT RESOLUTION

Type conflict resolution here...

 Please type in a conflict resolution before saving (minimum 20 characters)

- Upload the completed English Learner Misidentification Appeal Form, district narrative, supporting documents, and EL Corrective Action Plan (if required by the situation).

SUPPORTING DOCUMENTS



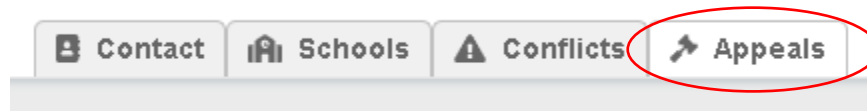
Accepted file types are: .pdf, .doc, .docx, .xls, .xlsx, .jpg, .png, .csv, .txt.

-- No Documents --

- Verify required documentation has been uploaded, scroll to the top, and click **Save** (Do not click **Save and Close** at this time).
- Take a screen shot and/or record the **Student School DCR ID** number.

STUDENT SCHOOL DCR ID : **XXXXX**

- Send an email to oelp@sde.ok.gov stating that a DCR has been submitted for review. Please ensure the email includes the requested screenshot and/or the associated DCR identification number.
- Retain a digital copy of all submitted documents and record of the DCR identification number in a secure file at the district level. If and when the appeal has been approved, the documentation should be added to the student's cumulative file.
- The status of a submitted appeal may be monitored through the Accountability Reporting Application Conflict Reporting function by clicking on the **Appeals** tab and then clicking on the DCR identification number.



Note that all appeals related to a previous year EL misidentification will be reviewed on a case-by-case basis and that submission of an appeal and supporting documentation should not be interpreted as automatic approval. Only if and when criteria are met, and the appeal approved by the OELP, may the student be assigned a corrected language status. In the event an appeal is approved, the associated student Conflict Report may remain populated on the district Conflict Report tab until or beyond the close of the academic year.