

This document contains guidance on the identification and placement process for newly arrived multilingual learners (MLs) in your state. WIDA and the Maine Department of Education have worked together to provide this outline of policies, procedures, assessment options, test administrator training requirements, and criteria for placement in ML services. This document is updated each spring and throughout the year per SEA request.

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For questions related to WIDA's website, resources, or assessments, please contact the WIDA Client Services Center at help@wida.us or (866) 276-7735.

Initial Assessment and Identification

Questions/Topic	State-specific Guidance
Process Overview	<p>Multilingual learners (MLs) are identified through the Language Use Survey and administration of an English language proficiency screener.</p> <ul style="list-style-type: none"> • Welcome and immediately determine if an interpreter is needed. School offices or registration centers should have a language ID chart available at the desk for the family to refer to and indicate if they desire an interpreter to complete the registration paperwork. <u>This should be outlined in the School Administrative Unit's (SAU) Language Access Plan.</u> <ul style="list-style-type: none"> ○ The Maine DOE Language Identification Card is available here: Maine DOE Language Identification Card ○ Interpreted written notices of parents' rights to interpretation and translation services are available here: Notice of Parental Rights • The Language Use Survey (LUS), available in 26 languages in addition to English, must be a part of the registration packet (online or in person) and administered to every newly enrolled student, Pre-Kindergarten through grade 12. Translated Language Use Surveys can be found on the Maine DOE website: Translated Language Use Surveys Schools are required under federal civil rights laws to identify all students whose primary or home language is other than (or in addition to) English and who are not yet proficient in English. Because a student has a civil right to be identified and

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	<p>provided ESOL services, if eligible, parent/guardian consent is not required in the identification process. Parents/guardians may decline services, but schools are still obligated under civil rights law to meet the language-learning needs of all identified multilingual learners.</p> <ul style="list-style-type: none"> • If a student's Language Use Survey reflects a primary/home language other than English (meaning that any of the three questions is answered with a language other than or in addition to English), an English language proficiency screener must be administered. In order to ensure consistent and equitable identification practices, school staff may not make subjective decisions about which students will and will not be screened. <p>*Note that in Maine, students who have a primary/home language other than (or in addition to) English and are not yet proficient in English are referred to as <i>multilingual learners (MLs)</i>. Such students were formerly referred to as <i>English learners (ELs)</i>, which is still the federal language as included in the <i>Every Student Succeeds Act (2015)</i>. For more information about this switch to asset-based terminology for Maine's students who are MLs, please refer to this notice about the change in terminology: Honoring and Celebrating All Languages Spoken By Maine Students With the Shift to Multilingual Learners Terminology.</p> <p>The English language acquisition programs MLs participate in are referred to as English for Speakers of Other Languages (ESOL) programs.</p>
Timelines	<p>MLs enrolling at the start of the school year must be identified and parents/guardians notified within thirty calendar days. Students enrolling after the start of the school year must be identified within thirty calendar days, and parents/guardians must be notified within 30 days of the beginning of the school year, or within two weeks of their child's identification and placement in English language development (ELD) programming.</p>

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<p>Language Use Survey</p>	<p>All schools/districts are required to use the Language Use Survey provided by the Maine Department of Education. The Language Use Survey is administered to every student enrolling for the first time in a Maine school/district. No alterations are permitted. Districts administering the Language Use Survey through an online enrollment system must ensure that the complete Language Use Survey is provided, including the introductory letter to parents/guardians.</p> <p>Schools are required to provide translation/interpretation to families who desire it. The Maine Department of Education provides the Language Use Survey translated into 26 of the most commonly spoken languages in the state. The Language Use Survey and a decision tree includes next steps taken by the district depending on the answers provided by the parent/guardian, and can be found on the Maine DOE website.</p> <p>For more details, please refer to the Language Use Survey training video found on the Maine DOE website.</p>
<p>State Approved Assessments</p>	<p>PreK/Preschool: If any language other than or in addition to English is indicated on the Language Use Survey, PreK/Preschool students are required to be screened. Maine DOE recommends that schools use one of the following psychometrically designed English language proficiency screeners for students who have not entered kindergarten:</p> <ul style="list-style-type: none"> • Pre-LAS: More information about Pre-LAS • Pre-IPT Oral Test 3-5 (Ballard and Tighe): More information <p>It is the SAU's fiscal responsibility to ensure that a screener is purchased and that training occurs to ensure accuracy in proper identification.</p> <p>Kindergarten through 1st Semester 1st Grade students: WIDA Screener for Kindergarten</p> <p>2nd Semester 1st Grade through Grade 12: WIDA Screener Online</p>
<p>Students with Identified Disabilities</p>	<p>Consult with special education staff who are familiar with the child's IEP to determine if accommodations should be used for the WIDA K-12 screener. Students with disabilities are eligible for accommodations as described in the student's IEP.</p> <p>Resources</p> <ul style="list-style-type: none"> • WIDA Screener Online Accommodations Checklist • WIDA Screener Paper Accommodations Checklist • WIDA Screener: Blind/Visually Impaired and Deaf/Hard of Hearing Administration Guidance

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Paper Based Screener Costs

WIDA Screener Paper is available as an accommodation per the student's IEP or 504 Plan.

The WIDA Screener Paper is a purchased test and schools must contact the Maine Department of Education to request the WIDA Screener Paper.

Identification/Placement Criteria

Identification Criteria:

Grade	Screening Assessment	Minimum Score Required to be Non-ML
Pre-K	*English Language Proficiency (ELP) screener of the SAU’s choice	If using recommended screeners, MDOE suggests the following identification thresholds: Pre-LAS: Proficiency Level 4 (Proficient) or higher Pre IPT: Proficiency Level D (Early Advanced) or higher
K- First Semester	WIDA Screener for Kindergarten Listening & Speaking Domains only	Oral Language Proficiency Level 4.5
K- Second Semester 1- First Semester	WIDA Screener for Kindergarten	Overall Composite Proficiency Level 4.5
1 st grade Second Semester- 12 th grade	WIDA Screener Online	Overall Composite Proficiency Level 4.5

*Maine DOE recommends that schools use one of the following psychometrically designed English language proficiency screeners for students who have not entered kindergarten:

- **Pre-LAS** – More information about the Pre-LAS can be found here: <https://laslinks.com/prelas/>
- **Pre-IPT Oral Test 3-5** (Ballard and Tighe) - More information about the: <https://www.ballard-tighe.com/ipt/preipt/index.php>

Maine DOE encourages SAUs to review embedded accessibility features outlined in the PreK screener materials before screening a student with a known and/or suspected disability. Collaboration between the tester and ESOL/SPED staff prior to screening is recommended.

Maine Department of Education PreK Guidance

The Maine DOE recommends the [WIDA Early Years Guiding Principles of Language Development](#) as the foundation of Pre-K English Language Development programming.

Resources and professional learning specific to PreK Dual Language Learners can be found on WIDA’s website: [Teaching in PreK-3](#).

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Other Useful Resources or Information

If a student is not identified as an ML at the time of enrollment, post-enrollment identification is possible based on teacher observations, amended Language Use Survey information (see “School Use Only” section), and ELP screening.

If a student’s ML identification is in question, a [Request for Change in ML Identification](#) may be submitted to the Maine Department of Education by the student’s district superintendent.

Recently arrived MLs who were enrolled in a United States school for the first time have a one-time exemption from Maine’s ELA/Literacy assessment only, if they participated in the ACCESS for ELLs during the testing window or were administered a WIDA screener if enrolled after the ACCESS for ELLs testing window. There is no exemption from the mathematics or science assessment for MLs. See the [Maine Comprehensive Assessment System Guidelines](#) (Appendix B) for cutoff dates and other details.

MLs with learning disabilities are eligible for testing accommodations as described in their IEPs.

Reference *WIDA’s Accessibility and Accommodations* for resources and checklists to use during ESOL and Special Education collaboration: <https://wida.wisc.edu/assess/accessibility-accommodations>

See [Administrative Letter 27](#) for an overview of federal and Maine requirements for serving MLs.

Rights of Students who are Multilingual Learners to Education

The Civil Rights Act of 1964 remains the foundation of the legal rights of a student who is a Multilingual

Learner. [Lau v. Nichols](#) confirms that all students who are multilingual learners are entitled to meaningful access to the curriculum. If a parent refuses ESOL services this must be documented, but parental refusal does not release the school or SAU from its responsibility to provide meaningful education to students who are multilingual learners. If a student who is a multilingual learner cannot make academic progress without ESOL services, the student has a right to ESOL services, even if a parent refuses. Parental consent is not required to administer an English language proficiency screener or ACCESS for ELLs/Alternate ACCESS. Under State law SAUs are responsible for administering ACCESS for ELLs® to all students who are multilingual learners, regardless of parental consent (20-A M.R.S. §6209(1-A)).

Students who are Multilingual Learners and identified to receive Special Education funding

Students may qualify for and have legal entitlement to both ESOL and Special Education services. Appropriate screening is required to determine students’ eligibility for each type of service. Depending on a student’s learning disability, an Individual Education Plan (IEP), universal testing tools, or accommodations may be needed to measure English language proficiency. When evaluating a student who is a multilingual learner for learning disabilities, screening must be linguistically and culturally appropriate. It is advisable to measure a student’s skills in the student’s primary language to clarify whether

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challenges are due to a learning disability or English language development.

Students who are multilingual learners should not be placed in a special education program unless their exceptionality is well-documented, and appropriate procedures for special education services have been followed. Multilingual learner status is not a disability and is not covered by the Individuals with Disabilities Education Act (IDEA) or [Maine Unified Special Education Regulations](#) (MUSER). The Maine DOE ESOL and Special Services teams have collaborated to develop a guidance manual on [Identifying and Serving Multilingual Learners with Disabilities](#). We are hopeful that it will serve as a useful resource as school teams work together to make determinations about a student's status and program of services.

For students who are multilingual learners with IEPs, the United States Department of Education has provided the following [guidance](#):

“IEP or Section 504 teams should include participants who have knowledge of the student’s language needs and training in special education and related services, and professionals with training in second language acquisition and ESOL services. Participants should have the knowledge to recommend an educational program or plan that provides the student with appropriate services and/or supports based on the student’s disability and English language acquisition needs. Participants should also understand cultural differences that may exist.”

Students who are multilingual learners with learning disabilities are eligible for exit from ESOL services when they demonstrate English language proficiency by achieving an overall composite proficiency level of 4.5 on ACCESS for ELLs.

With the Spring 2024 administration of the Alternate ACCESS and subsequent standard setting in July 2024, Maine DOE is currently in the process of working with concordance data to establish new exit criteria for multilingual learners with the most significant cognitive disabilities. More information will be shared in Fall 2024, following the release of Alternate ACCESS reports on September 13, 2024.

Test Administrator Training and Certification

Question/Topic	State-specific Guidance
Test Administrator Qualifications	Maine does not require an ESOL endorsement to administer screening assessments; however, to accurately assess the competencies of the potential multilingual learner, it is <i>recommended</i> that an ESOL 660 certified educator be the test administrator.
Test Administrator Training Requirements	<p>The test administrators <i>must pass</i> WIDA certification requirements for the assessments they are responsible for administering.</p> <p><u>WIDA Screener Online</u></p> <p>To be certified to administer WIDA Screener, all test administrators <i>must annually complete</i> the following course for the tests they will be administering:</p> <ul style="list-style-type: none"> • WIDA Screener Online: Administration <p>To be certified to score WIDA Screener, Maine <i>recommends returning test administrators</i> revisit the scoring training courses included below annually, especially for those who may be screening limited numbers of students each year. New test administrators <i>must complete</i> these courses for the grade level tests and domains they will be scoring:</p> <ul style="list-style-type: none"> • Speaking for Grades 1-5: Scoring ACCESS Paper and WIDA Screener • Speaking for Grades 6-12: Scoring ACCESS Paper and WIDA Screener • Writing for Grades 1-5: Scoring WIDA Screener • Writing for Grades 6-12: Scoring WIDA Screener <p><u>WIDA Screener for Kindergarten</u></p> <p>To be certified to administer the WIDA Screener for Kindergarten, Maine <i>recommends returning test administrators</i> revisit the scoring training course. New test administrators <i>must complete</i> the training course for Kindergarten.</p> <ul style="list-style-type: none"> • WIDA Screener for Kindergarten: Administration and Scoring training course and pass both certification quizzes. <p>New for 2024-25: WIDA Screener training courses are available via the WIDA Secure Portal beginning July 1, 2024.</p>

Test Administrator Training and Certification

Website Permissions**WIDA Secure Portal** (portal.wida.us)

Test administrators can contact their ESOL administrator, District Assessment Coordinator or the WIDA Client Services Center for access to training materials.

For access to WIDA's self-paced eLearning courses, educators can contact their ESOL administrator, District Assessment Coordinator or the WIDA Client Services Center for access.

WIDA AMS (DRC) (wida-ams.us)

Educator Scoring for WIDA Screener: Test administrators should contact their District Assessment Coordinator.

ELL Program Requirements – Services & Support

Question/Topic	State-specific Guidance
<p>ELL Services or Program Requirements</p>	<p>The Maine DOE has provided Service Provision and Staffing Guidance, which includes minimum recommended service times and require the English language support program for a student who is a multilingual learner to be provided or overseen by a Maine ESOL-endorsed teacher (endorsement 660). (See 34 Code of Federal Regulations C.F.R. Section 100.3 (b)(ii)). <i>For English for Speakers of Other Languages (ESOL) services and program requirements, contact your SAU’s identified Multilingual Director/Coordinator now found in NEO’s Primary Contact list.</i></p> <p>All students who are multilingual learners must be provided with English language support services that enable them to meaningfully access the curriculum to meet grade-level standards. English language development and content area knowledge are to be acquired simultaneously, rather than consecutively. In other words, English language proficiency is not a prerequisite to participate in mainstream classes. If students who are multilingual learners receive services that remove them from content area classes (such as a newcomer program or pull-out services), any academic deficits that result must be remedied so the student remains on track with his/her non-ML peers academically.</p> <p>Schools are required to provide multilingual learners (MLs) with an effective language support program that:</p> <ul style="list-style-type: none"> • is evidence-based; • is regularly evaluated and modified as needed; • enables MLs to meaningfully access grade-level curricula while acquiring English; • is designed and implemented by qualified, 660 ESOL-endorsed staff; • does not unnecessarily separate MLs from their non-ML peers; • does not place MLs in a facility below the standard provided to their non-ML peers; and • does not provide MLs with educational materials below the standard provided to their non-ML peers. <p>The foundation of Maine’s ESOL programs is the WIDA English Language Development Standards. The Framework provides a clear and coherent structure to guide the development of curriculum, instruction, and assessment of content-driven language learning. This updated, comprehensive edition is centered in equity and fosters the assets, contributions, and potential of multilingual learners. Visit the Teaching with Standards page on the WIDA website to download the 2020 Edition, learn about professional learning opportunities, and access resources.</p> <p>The Maine DOE recently received clarification from the United States Department of Education Office for Civil</p>

ELL Program Requirements – Services & Support

Rights (OCR) regarding the provision of English language acquisition services to students who are multilingual learners (MLs). We recognize that the guidance we have received may have financial and programmatic implications for School Administrative Units (SAUs), and encourage SAUs to carefully review existing Lau Plans, and revise accordingly. See the [Lau Plan Template and Guidance](#) for assistance.

The following key clarifications were provided by OCR:

The “consultation model” of services is not considered to be based on sound educational theory and should not be used.

Through the “consultation model,” students who are MLs receive no direct services from a teacher qualified in English for speakers of other languages (ESOL). Instead, students spend the entirety of their academic day in the mainstream with teachers without ESOL qualifications, and an ESOL-endorsed teacher (or other professional learning provider) gives some training to the mainstream teachers through consultation. OCR advises that this service model may violate students’ civil rights, given that it provides neither sufficient, evidence-based services nor appropriately qualified staff to implement the ESOL program.

MLs in English language proficiency levels one and two (as measured by [WIDA](#) assessments) should receive at least two periods of ESOL per day, and MLs above proficiency level two should receive at least one period of ESOL per day.

OCR recommends that schools adopt this minimum guideline for services for students who are MLs. A period is defined as the usual amount of time dedicated to any other content area, such as math or English language arts (ELA). In the case of block scheduling, a student who is an ML may have ESOL services every other day, similar to other content areas.

Note that ELA or other content area periods may serve as ESOL periods for students in level 4.0 or higher only if the teacher is ESOL-endorsed and/or the course is co-taught with an ESOL-endorsed teacher. Co-teaching is a structured system of co-planning, co-instruction, co-assessment, and reflection; co-teaching is not synonymous with push-in services.

ELL Program Requirements – Services & Support

	<p>Ed Techs, tutors, or other educators cannot provide the core ESOL services required by civil rights law, even under supervision of an ESOL-endorsed teacher.</p> <p>As stated in the DOE/DOJ Dear Colleague Letter from January 7, 2015, Ed Techs may provide <i>supplemental</i> services only, which go above and beyond the core services that are provided by an ESOL-endorsed teacher. Additionally, the Letter states that “Paraprofessionals, aides, or tutors may not take the place of qualified teachers and may be used only as an interim measure while the school district hires, trains, or otherwise secures enough qualified teachers to serve its EL students.”</p>
<p>Declining Services</p>	<p>A parent/guardian may decline ESOL services for their student. However, schools are still obligated by federal law to ensure that all students have meaningful access to the curriculum. Therefore, if an ML’s level of English proficiency denies them meaningful access to the curriculum, appropriate supports must be provided. If parents/guardians wish to refuse services, alternative service options should be offered. See Administrative Letter 27 for further details about a parent or guardian’s right to refuse services.</p> <p>You can find a Sample Parent/Guardian Form to Decline ESOL Services located on the Maine DOE website.</p> <p><i>Maine does not have an opt-out policy for any state or federally required assessments. All students are required to participate in these assessments. All students currently identified as MLs are required to participate in ACCESS annually.</i></p>