COLORADO
Department of Education

Part-Time Homeschool Multilingual Learner Students

Introduction

It is well established that Colorado Local Education Agencies (LEAs), including Districts, schools and BOCES must meet educational and civil rights obligations under state and federal laws (EEOA, ELPA, Title VI - Lau v. Nichols, ESEA/ESSA). These laws protect students' rights to access and participate fully in public education programs. Across the state, some districts, BOCES, and schools also provide part-time instruction to homeschool students, including Multilingual Learners (MLs) participating in homeschool. Some MLs who participate in homeschool education also participate part-time in public school education or enrichment programs through the school, districts, or BOCES. In considering public instruction for any multilingual learner, including homeschool students participating in public instruction part-time, these laws must be taken into account.

The Colorado Department of Education (CDE) has received questions pertaining to the requirements that apply to part-time homeschooled MLs. The guidance that follows clarifies the LEAs' and public enrichment centers' obligations in identifying a students' language proficiency, providing meaningful access to public school program(s) and grade level content/curriculum for students identified as MLs, ACCESS for ELLs assessment information, as well as, Colorado Standardized Redesignation Procedures, including students who participate in homeschool education.

Enrollment

Body Districts, schools, and charter schools must ensure that all students who enroll, including part-time homeschool students, complete a Home Language Survey (HLS), a tool to identify languages used and spoken by the student and their family. The use of a language other than English does not signify that the student requires academic and linguistic support. If response(s) on the HLS indicates the use of a language other than English by the student or another person in the home, further investigation must be conducted to determine the student's English language proficiency.

Public enrichment centers must work with their district/school to administer HLS to all enrolling part-time homeschool students.

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English Language Proficiency Screener Assessments: WIDA Screener for Grades 1-12 and WIDA Screener for Kindergarten

Students, including part-time homeschool students, who enroll in a Colorado school district with a language other than English indicated on the Home Language Survey (HLS) should be assessed on the WIDA Screener or WIDA Screener Kindergarten to determine their English Language Proficiency (ELP) level. Accurate identification of MLs ensures that students who require English Language Development (ELD) instruction and linguistic support can meaningfully engage in content and enrichment programs. This identification enables them to receive the necessary instructional support to access grade-level content and develop academic English.

The results from the Screener for Kindergarten and WIDA Screener for Grades 1-12 along with a Body of Evidence (BOE) indicate if the student is a ML or not. Based on these data, each student should be coded in the CDE Data Pipeline as Non-English Proficient (NEP), Limited English Proficient (LEP) or Primary Home Language Other Than English (PHLOTE).

Part-time homeschool students are not exempt from Colorado's Standardized Identification guidance. Districts are required to follow the same procedures to use Screener scores and a BOE when making ELP level decisions.

Public enrichment centers must work with their district/school to administer a WIDA Screener to all enrolling part-time homeschool students when the home language survey indicates a need to assess the English Language Proficiency of the student.

Please reference Screener for Kindergarten Guidance and WIDA Screener for Grades 1 -12 Guidance for more information about English language proficiency Screener assessments.

Parent/Family Notification and Parental Rights

When a student is identified as Non English Proficient (NEP) or Limited English Proficient (LEP), based on the Screener assessments in conjunction with a body of evidence, the Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA, 2015) requires districts, schools, and charter schools to notify families of identified ML students in writing, in a language and format families can understand. This notification must be sent no later than 30 days after the beginning of the school year (CDE defines the Student October Count date as the beginning of school year) and must include specific information detailed in statute.

Parents have the legal right to opt their child out of ELD instruction, programs, or particular services for their child. However, parents cannot opt-out of ML designation or the annual summative ELP assessment designed for students with a language proficiency designation of NEP or LEP.

Please reference Parent Notification Requirements and Multilingual Learner Identification for more information about parent/family notifications.

English Language Development (ELD) Program Placement

When a student is identified as a multilingual learner, the LEA is required to provide targeted, explicit English Language Development (ELD) instruction until the student attains Fluent English Proficiency (FEP) and can transition successfully to grade-level content classrooms with minimal and appropriate ELD support. ELD instruction and linguistic scaffolds in the classroom or enrichment program will ensure MLs can meaningfully engage in content and enrichment programs. Parents have the legal right to opt their child out of ELD

instruction, programs, or particular services for their child. However, parents cannot opt-out of ML designation or the annual summative ELP assessment designed for students with a language proficiency designation of NEP or LEP.

The LEA in which the student is enrolled must ensure the student is receiving ELD instruction through the homeschool, district/BOCES, or enrichment program. ELD instruction offered through the district at a school should be reasonably accessible for the student to attend. ELD instruction and Language Instruction Educational Programs (LIEPs) offered to part-time homeschooled students must meet all the state and federal requirements as other public schools in Colorado.

Please reference Language Instruction Educational Programs for more information about program placement.

Annual English Language Proficiency (ELP) Assessment: ACCESS for ELLs and Alternate ACCESS

State and Federal laws require that students participating in public school education programs, including Part-time Homeschool students annually take the state English Language Proficiency (ELP) assessment, WIDA ACCESS (Kindergarten ACCESS, Alternate ACCESS and ACCESS for ELLs).

For the 2024-2025 school year, students enrolled in part-time public school homeschool programs may opt into testing for the 2025 administration of WIDA ACCESS. All homeschool program students will be loaded into WIDA Assessment Management System (AMS) through the PreID file upload. If the eligible student(s) do not participate in WIDA ACCESS, the District Assessment Coordinator (DAC) must contact Heather Villalobos Pavia in the Assessment Office to correct the PreID file.

Beginning in 2025-2026 all students enrolled in part-time public school homeschool programs and identified as ML and coded as NEP or LEP are required to participate in WIDA ACCESS. When a part-time homeschooled student is identified as NEP or LEP and participating in a public school program, districts and schools should communicate information about WIDA ACCESS, including the district or school assessment window and any expectations of families and students during the window.

Accountability

The purpose of Colorado's performance frameworks is to describe the impact of school and district instruction on student performance and the purpose of federal accountability is to identify public schools for support and improvement, therefore students receiving full- or part-time home-based instruction are excluded from all state and federal accountability calculations. This applies for all Achievement, Growth and Postsecondary & Workforce Readiness measures, school and district framework ratings and federal identifications.

Colorado Standardized Redesignation Procedures

For homeschool students identified as multilingual learners and participating in public education courses in a public school, public charter school or public enrichment center, the participating school/organization must follow Colorado Standardized Redesignation Procedures in order for the student(s) to be exited from ML identification. This includes:

- Achieving the state cut points on the annual WIDA ACCESS assessments and
- Collecting two pieces of local data that demonstrate:
    - success in reading through English Language Arts (ELA), science, social studies, and/or math as comparable to English proficient peers AND

- success in writing through English Language Arts (ELA), science, social studies, and/or math as comparable to English proficient peers.

The public school, public charter school or public enrichment center must work with district/school and families of students to develop a standardized process for gathering reading and writing evidence for students enrolled in these programs. When the district has confirmed that the student meets their local redesignation criteria, based on the Colorado Standardized Redesignation Procedures, they can redesignate the student and move them to Fluent English Proficient Monitor 1 (FEP M1) in the subsequent Student October Count Data Collection.

Districts must ensure that homeschool students identified as multilingual learners and participating in public education courses in a public school, public charter school or public enrichment centers are monitored the same way as all FEP M1/M2 students.

Please reference the Colorado Standardized Redesignation guidance for more information about redesignation procedures.

Questions

For questions related to Homeschool Education, please contact:
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