

Frequently Asked Questions: American Sign Language (ASL) and English Learner (EL) Status

K-12 English Learner Education

Districts and charter schools have procedures in place to identify students who may be eligible for English learner status within 30 calendar days at the start of each school year. K-12 students are identified for English learner (EL) status through a two-step process. (1) A student's primary home language is identified from the Minnesota Language Survey, which parents or guardians complete during the enrollment process. (2) A student whose primary home language is **not** English, will then take the WIDA Screener English language proficiency assessment. Students who are not yet proficient in English in listening, speaking, reading or writing, based on the results of the WIDA Screener, will be identified for English learner status and regular English language development instruction from a licensed English as a Second Language/English Language Development (ESL/ELD) teacher. These standardized, statewide processes and criteria are described in more detail in guidance documents provided on the [Minnesota Department of Education \(MDE\) EL Education webpage](#).

The [Minnesota Learning English for Academic Proficiency and Success \(LEAPS\) Act](#) creates policy space to progressively support multilingual learners and their families by emphasizing multilingualism as an asset and raising the critical importance of engaging and including multilingual family and community voices in education program and policy development. It encourages local districts to use primary home language instruction and assessment to facilitate the continued development of the primary home language across all four language domains (listening, speaking, reading and writing). Students who demonstrate multilingualism can earn [bilingual and multilingual seals](#) in high school.

Beginning in school year 2019–20 and at the urging of parent/guardian and deaf community advocate and EL staff, MDE staff from Special Education, School Finance, and Student Access and Opportunity were convened at the request of then-Commissioner Mary Cathryn Ricker to examine the issue of inclusion of students with American Sign Language (ASL) as a home primary language in state English Learner identification, funding and programming. This became effective during the 2021–22 school year. When parents/guardians indicate on the Minnesota language survey that ASL or another language other than English is the child's primary home language, staff will then administer the WIDA English Language Proficiency Screener to determine if the child is eligible for English learner status and regular English language development instruction from a licensed ESL/ELD teacher.

Please note that students who only use ASL during the school day for instructional purpose, and whose home language is English, should not be screened for English learner status.

In Minnesota, students with English learner status spend an average of 4.6 years in K-12 ELD programs before reaching an [ACCESS](#) score at which they are no longer considered eligible for English learner status and ELD programming. Multilingual learners with disabilities who take the Minnesota Test of Academic Skills (MTAS) FAQ: American Sign Language and English Learner Status (April 2022)

will take the [Alternate ACCESS test](#) instead of the ACCESS test. Each child’s English language development trajectory is different. Some students have stronger oral and listening skills in English, while others may have stronger reading and writing skills in English. Qualifying for English learner status is not intended to cause parents/guardians worry or concern. These programs provide additional opportunities for children to learn English through content-based instructional programs and also signal to content teachers that linguistic supports may be helpful as children work toward meeting grade level academic standards. English learner status is temporary and parents/guardians have the option to annually opt out of ELD programming if they ever feel that it’s no longer appropriate for their child.

Special Education Evaluations in a Student’s Primary Language

Individuals with Disabilities Education Act (IDEA) [Sec. 300.304 Evaluation procedures](#) regulations require schools to evaluate students in their native language, which is further defined as the language that best shows what the child can do “academically, developmentally and functionally.”¹

Question 1: Does this new procedure allow for hearing students of Deaf parents/guardians to participate in EL services?

Answer 1: Yes, children whose home language is ASL may benefit from EL services. Students will be screened for EL status, and if eligible, can be formally included in ELD instruction, ACCESS testing, and state EL funding.

Question 2: What about students that come from a Bilingual family? Parents/guardians use English and ASL?

Answer 2: Please follow the statements on the Minnesota Language Survey (MNLS). For more information about the MNLS, visit [MDE English Learner Education](#). If parents/guardians indicate a language other than English on the MNLS, the child takes the World-Class Instructional Design and Assessment (WIDA) Screener to determine eligibility for [English learner status](#).

Question 3: Will the screener and Access test be updated for accessibility?

Answer 3: This is our first year with this and we are doing this on a case-by-case basis we will need your assistance to help us identify where we have gaps. The [Minnesota Assessment Procedures Manual](#) outlines accommodations available on the ACCESS and WIDA Screener.

Question 4: Why are we encouraging paper format for ACCESS and WIDA Screener?

Answer 4: For English learners who are deaf or hard-of-hearing, participation in paper-based testing is not required, but it is strongly recommended to be provided as an accommodation for several reasons, including the following: Ease of providing signed test directions and eliminating the need to force submission to the listening domain

Test administrators are not allowed to mix formats, so if paper-based testing is used for one portion of the assessment, it must be used for the full assessment.

¹ Evaluation Procedures, 34 CFR section 300.304(c)(1)(ii). [Sec. 300.304 Evaluation procedures - Individuals with Disabilities Education Act](#)

Question 5: Which Deaf and Hard of Hearing (DHH) staff should collaborate with EL staff in determining EL status (*see above for more information about this process*) and in informing ELD programming?

Answer 5: There are two teaching licenses available for teachers working with students who are deaf/hard of hearing in Minnesota. One is the Deaf/Hard of Hearing license where the teacher has skills both in sign language and oral language. The other is the Auditory/Oral license where the teacher does not have sign language skills and is limited to working only with students with a hearing difference who use oral language. Educational teams will need to include a DHH teacher who has sign language skills to assist with ASL discussions for students who are being considered for EL status. The DHH teacher and the EL teacher will need to work collaboratively to determine needs for these students. In 2019, there were 373 teachers who held a DHH license and 72 who held an Aural/Oral license.

If the Student has an Individualized Education Program (IEP) or Section 504 Plan, the IEP/504 team should also be consulted regarding necessary supplementary aids and services or program modifications or supports for school personnel, as required by [IDEA 34 CFR 300.320\(a\)\(4\)](#). There must be a teacher licensed in the area of the student's disability on the individualized education program (IEP) team, as required by [Minnesota Rules, part 3525.2350](#).

Question 6: What is the interpreter's role in the assessment?

Answer 6: An interpreter can sign test logistics, directions, and practice items into ASL or another signed system. **Translation of actual test items is not allowed.**

Question 7: Can you be more specific on the listening and speaking components? What is allowed and what is not?

Answer 7: Students who cannot complete the listening and speaking tests on the WIDA Screener should participate in the reading and writing portions of this ELP test. [Deaf Students and English Learner Services – National Deaf Center](#) and [Title III Non-Regulatory Guidance Under the Every Student Succeeds Act \(ESSA\)](#). The In-Person Human Reader accommodation might be appropriate during the Listening Test for students who use speech reading as part of their communication system. Manually coded English supports, such as cued speech or finger spelling (Rochester Method) are allowed. Any other manually coded supports listed in the Accessibility and Accommodations Supplement may be provided **if used by the student in instruction**.

Question 8: If the student is eligible for EL status what happens next?

Answer 8: The school then has some flexibility in deciding how to provide EL programming. The school will need to provide some form of direct ELD instruction if the student is reported in MARSS as EL eligible. A rigorous, asset-based approach, with a licensed ESL teacher providing content-based language instruction in all four domains, with high expectations, and direct links to grade level content area language expectations, should be very helpful for eligible students.

Question 9: What are some ASL resources I could use to evaluate students in their native language?

Answer 9:

[Visual Communication and Sign Language \(VCSL\) Checklist](#)

The VCSL Checklist is a standardized comprehensive checklist used to assist in tracking young children's sign language development from birth to five.

The Kendall Conversational Proficiency levels (P-Levels)

This assessment focuses mainly on the student’s expressive competency in conversational situations. The P-Level assessment can be found in the toolkit *Starting with Assessment: A Developmental Approach to Deaf Children's Literacy*.

[The American Sign Language Assessment Instrument \(ASLAI\)](#)

This assessment is designed to track the yearly progression of ASL and English print literacy over time for students in Pre-K through grade 12, ages 4–21. The ASLAI consists of 11 receptive tasks: five related to vocabulary, three pertaining to syntax, and two reasoning and comprehension tasks

[ASL Assessment Toolkits](#)

Gallaudet University's Science of Learning Center on Visual Language and Visual Learning (VL2) provides several ASL assessment tools on its website.

[American Sign Language Curriculum, Instruction, and Assessment \(ASL CIA\)](#)

This resource provides teaching materials for three focused areas: curriculum, instruction, and assessment. The site fosters an environment of sharing and providing educational ASL resources for students who are DHH from early childhood through grade 12. There is a small yearly fee to subscribe.

Question 10: What are some other resources that could help me?

Answer 10:

[American Sign Language and English language learners: New linguistic research supports the need for policy changes](#)

[Multilingual Learners who are Deaf/Hard of Hearing](#)

[American Sign Language/English Bilingual and Early Childhood Education](#)

[Deaf Students and English Learner Services](#)

[Position Statement on ASL and English Bilingual Education – National Association of the Deaf](#)

[MDE English Learner Education Page](#) (Standardized Identification and Exit Procedures in Minnesota’s ESSA Plan)

Question 11: How can districts and charter schools get started to find out if they have students whose home language is ASL?

Answer 11: English language development staff will partner with MARSS/Ed-Fi staff to view district data for students who report ASL as their home language. Staff should then confirm that these students have a [Minnesota Language Survey \(MNLS\)](#) on file in each student’s cumulative folder, and that parents/guardians indicated “ASL” for one or more of the four survey items. Keep in mind that a student whose home language is **not** ASL, who is learning ASL in school, should **not** be screened for potential English learner status. During school enrollment, all families complete the MNLS. Any student whose home language is a language other than English (including ASL) will take the [WIDA Screener](#) to determine eligibility for English learner status and ELD instruction. The student’s EL status should be reported in MARSS/Ed-Fi shortly after identification.

A program placement (EL parent/guardian notification letter) with notification of their child's identification and placement will be provided to parents/guardians shortly after identification.

Contacts

Contact mde.el@state.mn.us for assistance with questions about EL identification and service.

Contact [Mary Cashman-Bakken](#) with questions about working with students who use ASL.

Contact MARSS@state.mn.us with questions regarding MARSS reporting.