



## Ohio Administrative Code

### Rule 3301-13-11 Identification, instruction, assessment, and reclassification of English learners.

Effective: November 8, 2024

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(A) The following definitions are used in this rule:

(1) "English learner accommodations" means adjustments to the testing conditions, test format, or test administration that provide equitable access during assessments for students who are English learners. Such accommodations result in a valid assessment and do not interfere with the validity or reliability of a student's test score.

(2) "Participating school" means:

(a) A local, exempted village, city or joint vocational school district as defined in Chapter 3311. of the Revised Code;

(b) A community school as defined in Chapter 3314. of the Revised Code;

(c) A science, technology, engineering, arts and mathematics school, or STEM school, as defined in Chapter 3326. of the Revised Code;

(d) The state school for the deaf;

(e) The state school for the blind; and

(f) Any educational service center or other public educational entity that administers the assessments prescribed under section 3301.0711 of the Revised Code.

(B) Each participating school will adopt policies and procedures regarding the identification, instruction, assessment, and reclassification of English learners in accordance with this rule.

(C) Each participating school will identify students in grades kindergarten through twelve as English



learners using Ohio's standardized procedures for the identification of students who are English learners, which include Ohio's language usage survey questions and the Ohio English language proficiency screener.

(D) Each participating school will develop and implement an English language instruction educational program that prescribes the specific educational approach the participating school will provide to every English learner and is tailored to meet the needs of the participating school's particular English language learner student population. Each participating school's adopted policies and procedures for the instruction of English learners will provide for the adoption of a written English language instruction educational program handbook that addresses the key components that the participating school will provide to every English learner under the program. The program will include at least the following:

(1) Planned instruction by qualified teachers to provide language assistance services and personnel to implement the chosen English language instruction educational program effectively;

(2) Adaptations and modifications in content instruction by all teachers based on the student's English language proficiency level, the English language proficiency standards, and Ohio's Learning Standards;

(3) A protocol for the identification, instruction, and assessment of English learners with disabilities as defined in Chapter 3323. of the Revised Code and rules 3301-13-03, 3301-13-09, and 3301-13-10 of the Administrative Code, and English learners identified as gifted pursuant to Chapter 3324. of the Revised Code and rule 3301-15-15 of the Administrative Code; and

(4) Appropriate accommodations for English learners for assessments administered in accordance with division (C)(3) of section 3301.0711 of the Revised Code.

(E) Each participating school will annually administer the Ohio English language proficiency assessment to each English learner in accordance with the procedures approved by the department of education and workforce in order to assess that student's progress in learning English and to determine whether the student continues to meet the eligibility criteria for an English learner. The department will adopt procedures for the administration of the Ohio English language proficiency



assessment to English learners.

(F) Each participating school will adopt a policy and establish procedures regarding the participation of English learners in the state tests as provided under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code. Any English learner who takes a state test may be provided English learner accommodations.

(G) The department will adopt guidance for accommodations for English learners on state tests. At a minimum, the English learner accommodations will meet the following criteria:

(1) The accommodation does not change the content or structure of a test;

(2) The accommodation does not change what type of knowledge or skill that a test is intended to measure; and

(3) The accommodation does not change or enhance a student's response as to what type of knowledge or skill is intended to be assessed, but it facilitates how the response is provided or accessed.

(H) Each participating school will reclassify students in grades kindergarten through twelve who were previously identified as English learners using Ohio's standardized procedures for the reclassification of students who are no longer identified as English learners, which consist of the Ohio English language proficiency assessment. A student is no longer classified as an English learner when the student has attained the composite overall performance level of proficient on the Ohio English language proficiency assessment.

(I) When a student is no longer classified as an English learner, the following actions will occur:

(1) The student's record in the educational management information system will be changed to show exit from English learner status;

(2) The student will participate in state testing without English learner accommodations; and



(3) Participating schools will monitor and provide appropriate support for former English learners for at least two years following the exit date.

(a) In no case will retesting of a student's English language proficiency be precluded.

(b) If the results of the retesting qualify the student as an English learner, the participating school will re-enter the student into English learner status and offer English language development services.

(4) Participating schools will notify parents and guardians of English learners of the reidentification to English learner status.

(J) For purposes of accountability, the department will follow the process and calculation outlined in its state plan submitted under the Elementary and Secondary Education Act of 1965, 20 U.S.C. 6311 to 6339, as approved by the United States department of education, when using test results of any English learner.