English Learners with disabilities

Division of English Language Learning
Agenda

• ELs and English language development
• The intersection between language and disability
• Legal requirements for serving ELs with disabilities
English Learners
and
English language development

Division of English Language Learning
Who is an English learner (EL)?

“Any student in preschool, kindergarten or any of grades 1 through 12, whose home language background is a language other than English and whose proficiency in speaking, reading, writing, or understanding English is not yet sufficient to provide the student with:

a) the ability to meet the State's proficient level of achievement on State assessments;

b) the ability to successfully achieve in classrooms where the language of instruction is English; or

c) the opportunity to participate fully in the school setting.”

(23 IAC 228.10)
Who is an English learner (EL)?

- ELs are a diverse group
- Over 70 percent of ELs are US-born
- Literate in L1 vs. Students with Interrupted Formal Education (SIFE)
- Refugees and Asylees: Victims of trauma
- Socio-economic differences
Who is an English learner (EL)?

ELs have in common the need to acquire:

A) English language proficiency

B) Academic content
ELs in Illinois (SY 2011-2012)

- Cook County (not CPS): 25%
- CPS: 34%
- Kane County: 10%
- DuPage County: 8%
- Lake County: 8%
- Will County: 4%
- Other: 11%
Factors Affecting Second Language Acquisition

- Age
- Motivation
- Degree of L1 proficiency
- Attitude toward target community
- Tolerance for errors
- Amount of exposure
- Attitude of target community
- Linguistic models

ELs with disabilities
<table>
<thead>
<tr>
<th>Stage</th>
<th>Characteristics</th>
<th>Approx. Time Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Preproduction</td>
<td>The student</td>
<td>0–6 months</td>
</tr>
<tr>
<td></td>
<td>Has minimal comprehension.</td>
<td></td>
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<tr>
<td></td>
<td>Does not verbalize.</td>
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<tr>
<td></td>
<td>Nods &quot;Yes&quot; and &quot;No.&quot;</td>
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<tr>
<td></td>
<td>Draws and points.</td>
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<tr>
<td>2. Early Production</td>
<td>The student</td>
<td>6 months–1 year</td>
</tr>
<tr>
<td></td>
<td>Has limited comprehension</td>
<td></td>
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<td></td>
<td>Produces one- or two-word responses.</td>
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<tr>
<td></td>
<td>Uses key words and familiar phrases.</td>
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<tr>
<td></td>
<td>Uses present-tense verbs.</td>
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</tr>
<tr>
<td>3. Speech Emergence</td>
<td>The student</td>
<td>1–3 years</td>
</tr>
<tr>
<td></td>
<td>Has good comprehension.</td>
<td></td>
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<tr>
<td></td>
<td>Can produce simple sentences.</td>
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<tr>
<td></td>
<td>Makes grammar and pronunciation errors.</td>
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<tr>
<td></td>
<td>Frequently misunderstands jokes.</td>
<td></td>
</tr>
<tr>
<td>4. Intermediate Fluency</td>
<td>The student</td>
<td>3–5 years</td>
</tr>
<tr>
<td></td>
<td>Has excellent comprehension.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Makes few grammatical errors.</td>
<td></td>
</tr>
<tr>
<td>5. Advanced Fluency</td>
<td>The student has a near-native level of speech.</td>
<td>5–7 years</td>
</tr>
</tbody>
</table>
### WIDA Performance Definitions: Listening and Reading

At each grade, toward the end of a given level of English language proficiency, and with instructional support, English language learners will process...

<table>
<thead>
<tr>
<th>Discourse Level</th>
<th>Sentence Level</th>
<th>Word/Phrase Level</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Linguistic Complexity</strong></td>
<td><strong>Language Forms and Conventions</strong></td>
<td><strong>Vocabulary Usage</strong></td>
</tr>
<tr>
<td><strong>Level 6 - Reaching</strong></td>
<td>Language that meets all criteria through Level 5 - Bridging</td>
<td>Technical and abstract content-area language, including content-specific collocations</td>
</tr>
<tr>
<td><strong>Level 5 - Bridging</strong></td>
<td>Rich descriptive discourse with complex sentences</td>
<td>Compound, complex grammatical constructions (e.g., multiple phrases and clauses)</td>
</tr>
<tr>
<td></td>
<td>Cohesive and organized related ideas</td>
<td>A broad range of sentence patterns characteristic of particular content areas</td>
</tr>
<tr>
<td><strong>Level 4 - Expanding</strong></td>
<td>Connected discourse with a variety of sentences</td>
<td>A variety of complex grammatical constructions</td>
</tr>
<tr>
<td></td>
<td>Expanded related ideas</td>
<td>Sentence patterns characteristic of particular content areas</td>
</tr>
<tr>
<td><strong>Level 3 - Developing</strong></td>
<td>Discourse with a series of extended sentences</td>
<td>Compound and some complex (e.g., noun phrase, verb phrase, prepositional phrase) grammatical constructions</td>
</tr>
<tr>
<td></td>
<td>Related ideas</td>
<td>Sentence patterns across content areas</td>
</tr>
<tr>
<td><strong>Level 2 - Emerging</strong></td>
<td>Multiple related simple sentences</td>
<td>Repetitive phrasal and sentence patterns across content areas</td>
</tr>
<tr>
<td></td>
<td>An idea with details</td>
<td>General content words and expressions, including cognates</td>
</tr>
<tr>
<td><strong>Level 1 - Entering</strong></td>
<td>Single statements or questions</td>
<td>Simple grammatical constructions (e.g., commands, Wh- questions, declaratives)</td>
</tr>
<tr>
<td></td>
<td>An idea within words, phrases, or chunks of language</td>
<td>Common social and instructional forms and patterns</td>
</tr>
</tbody>
</table>

Available from: http://www.wida.us/standards/eld.aspx
### WIDA Performance Definitions: Speaking and Writing

At each grade, toward the end of a given level of English language proficiency, and with instructional support, English language learners will produce:

<table>
<thead>
<tr>
<th>Discourse Level</th>
<th>Sentence Level</th>
<th>Word/Phrase Level</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Linguistic Complexity</strong></td>
<td><strong>Language Forms and Conventions</strong></td>
<td><strong>Vocabulary Usage</strong></td>
</tr>
<tr>
<td><strong>Level 6 - Reaching</strong></td>
<td>Language that meets all criteria through Level 5, Bridging</td>
<td>Technical and abstract content-area language, including content-specific collocations</td>
</tr>
<tr>
<td><strong>Level 5 Bridging</strong></td>
<td>Multiple, complex sentences</td>
<td>Words and expressions with shades of meaning across content areas</td>
</tr>
<tr>
<td></td>
<td>Organized, cohesive, and coherent expression of ideas</td>
<td>Specific and some technical content-area language</td>
</tr>
<tr>
<td><strong>Level 4 Expanding</strong></td>
<td>Short, expanded, and some complex sentences</td>
<td>Words and expressions with expressive meaning through use of collocations and idioms across content areas</td>
</tr>
<tr>
<td></td>
<td>Organized expression of ideas with emerging cohesion</td>
<td>Specific content language, including cognates and expressions</td>
</tr>
<tr>
<td><strong>Level 3 Developing</strong></td>
<td>Short and some expanded sentences with emerging complexity</td>
<td>Words or expressions with multiple meanings used across content areas</td>
</tr>
<tr>
<td></td>
<td>Expanded expression of one idea or emerging expression of multiple related ideas</td>
<td>General content words and expressions</td>
</tr>
<tr>
<td><strong>Level 2 Emerging</strong></td>
<td>Phrases or short sentences</td>
<td>Social and instructional words and expressions across content areas</td>
</tr>
<tr>
<td></td>
<td>Emerging expression of ideas</td>
<td>General content-related words</td>
</tr>
<tr>
<td><strong>Level 1 Entering</strong></td>
<td>Words; phrases, or chunks of language</td>
<td>Everyday social and instructional words and expressions</td>
</tr>
<tr>
<td></td>
<td>Single words used to represent ideas</td>
<td></td>
</tr>
</tbody>
</table>

...within sociocultural contexts for language use.

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ELs with disabilities
Serving ELLs in Illinois Schools

Home Language Survey for all children new to the district to find out about languages spoken in the home

English proficiency screening for children with language backgrounds other than English to find child’s proficiency in English

Program placement and delivery of services based on screening results to offer language support services

Annual English language proficiency assessment (ACCESS for ELLs®) to determine placement for following year
Home Language Survey

If the answer to either question is “yes”,

The student has a language background other than English

The district must screen the student’s English proficiency*

*With some exceptions
## Screening Instrument/Procedures

<table>
<thead>
<tr>
<th>Stage</th>
<th>Instruments/Procedures</th>
</tr>
</thead>
</table>
| Preschool | • District determined procedure that meets specifications in 228.10  
  • Pre-IPT used in many districts |
| Kindergarten-1st semester of 1st grade | • MODEL™ (Measure of Developing English Language) |
| 2nd semester 1st grade-12th grade | • W-APT™ (WIDA ACCESS Placement Test) |
# English Lang. Proficiency Screening

<table>
<thead>
<tr>
<th>Screener Used</th>
<th>Grade Level</th>
<th>Domains Tested</th>
<th>Cut Score for English Language Proficiency Screening as of 1/1/14</th>
</tr>
</thead>
<tbody>
<tr>
<td>MODEL</td>
<td>K (1st sem.)</td>
<td>X X</td>
<td>Oral Composite 5.0</td>
</tr>
<tr>
<td>MODEL</td>
<td>K (2nd sem.) - 1st grade (1st sem.)</td>
<td>X X X X</td>
<td>Literacy 4.2 AND Overall Composite 5.0</td>
</tr>
<tr>
<td>W-APT</td>
<td>1st (2nd sem.) - 12th grade</td>
<td>X X X X</td>
<td>Literacy 4.2 AND Overall Composite 5.0</td>
</tr>
</tbody>
</table>
TBE/TPI Programs

**TBE**
20 or more ELs of the same language group in school*

**Includes:**
Instruction in core content areas in home language, English & ESL
Full-time or Part-time

**TPI**
19 or fewer ELs of the same language group in school*

**Includes:**
A locally determined program, usually ESL, and home language support as needed

*Preschool calculated separately from grades K-12
Annual ACCESS for ELLs® Assessment

English Proficiency Exit Criteria

• Every child identified as an EL must take the annual proficiency test, including EL students not in the TBE/TPI program.

• Students are English proficient when their ACCESS for ELLs® scores are at least: 4.2 Reading AND 4.2 Writing AND 5.0 Overall composite level
Legal framework for English Learners (including ELs with disabilities) in Illinois

Division of English Language Learning
Equal Education Opportunity Act
1974

• Defines denial of equal educational opportunity as “failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by students in an instructional program”

• Our bottom line: ELs must be able to participate effectively in all programs and content areas.
The Law of Serving ELs

• **Equal Educational Opportunities Act (EEOA),** Section 1703(f) a school district must provide services that will enable limited English proficient students to “**overcome barriers that impede equal participation by these students in the district’s instructional programs**” (see 20 USC 1703)

• **Elementary and Secondary Education Act – Title III** - 'English Language Acquisition, Language Enhancement, and Academic Achievement Act'.
  “Sec. 3102 (1) to help ensure that children who are limited English proficient, including immigrant children and youth, **attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards** as all children are expected to meet”

• **Illinois School Code Article 14C – Transitional Bilingual Education**
  “105 ILCS 5/14C-1 ... Therefore, pursuant to the policy of this State to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, it is the purpose of this Act to provide for the establishment of transitional bilingual education programs in the public schools, to provide supplemental financial assistance to help local school districts meet the extra costs of such programs, and to allow this State to directly or indirectly provide technical assistance and professional development to support transitional bilingual education programs statewide.”

• **Illinois Administrative Code Title 23 Part 228 – Transitional Bilingual Education**
  – Identification of Eligible Students
  – Data Collection
  – Program Options & Placement
  – Assessment
  – Personnel Qualifications and Professional Development
  – Program Evaluation

**Serving ELs with Disabilities:**
• IDEA
• 23 Illinois Administrative Code Part 226: Special Education
What is specific for English Learners with disabilities?
The intersection of language and disability

- A child is not eligible for special education services if low functioning or severe discrepancy is due to:
  - Lack of instruction in reading or math
  - Limited English proficiency

(IDEA 34 CFR 300.306(b)(1))
The intersection of language, knowledge and disability
A Walk Through the Process for ELs with disabilities

• Prior Notice

• Before the Evaluation

• Determination of Eligibility

• The IEP for ELs with disabilities (Special Considerations)

• Language Assessments for ELs with disabilities
Concerns for Identification of English Learners with disabilities

Over-identification:
• Diana v. California Board of Education (1970)
• Inappropriate assessment – language difference

Under-identification:
• Over-Sensitivity to misclassification
• ELs with learning disabilities are left behind
Prior Notice (IDEA 300.503(c))

- Written notice must be given to the parents or guardians of a child with a disability within a reasonable time before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the child, or the provision of services to the child.

- This written notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language does not have a written form, steps must be taken to ensure that the parents understand the content of the notice, by oral translation or other means.

- This applies to parent consent for services, too (IDEA 300.300(b)(1)).
Section 226.140:

a) Determination of the child’s language use pattern and general cultural identification shall be made by determining the languages spoken in the child’s home and the languages used most comfortably and frequently by the child.
Before the evaluation (cont.)

b) If the child has a non-English-speaking background, a determination shall be made of his or her proficiency in English. This determination shall be conducted in accordance with the provisions of 23 Ill. Adm. Code 228 (Bilingual Education), which specifies the assessment procedures and eligibility criteria for bilingual education programs (see 23 Ill. Adm. Code 228.15).
c) Determination of the child’s mode of communication shall be made by assessing the extent to which the child uses verbal expressive language and the use he or she makes of other modes of communication (e.g., gestures, signing, unstructured sounds) as a substitute for verbal expressive language.
Before the evaluation (cont.)

d) The child’s language use pattern, proficiency in English, mode of communication, and general cultural identification shall be noted in the child’s temporary student record, and this information shall be used in the evaluation and in the development and implementation of the individualized education program.
Evaluation

Tests and other evaluation materials used to assess a child under Part B of IDEA:

- are selected and administered so as not to be discriminatory on a racial or cultural basis; and

- are provided and administered in the child’s native language or other mode of communication, unless it is clearly not feasible to do so.

(IDEA 300.5329(a) and Section 226.150)
Evaluation (cont.)

Even in situations where it is clearly not feasible to provide and administer tests in the child’s native language or mode of communication for a child with limited English proficiency, the public agency must still obtain and consider accurate and reliable information that will enable the agency to make an informed decision as to:

• whether the child has a disability,
• the effects of the disability on the child’s educational needs.
Gather all relevant data, which may include:

a. State assessment data.
b. ACCESS for ELLs® and other language proficiency tests, including assessment of L1, if feasible.
c. Local district-wide assessment data and other authentic assessments, such as portfolios, teacher-made assessments using rubrics, grades, etc.
e. Progress monitoring data collected in regular intervals for individual or groups of students.
f. Educational gaps
g. Length of time in district and or country
h. Family dynamics and cultural characteristics
Determination of Eligibility

a) The child should be evaluated by qualified bilingual specialists.

b) If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, the district shall use an individual who possesses the professional credentials required under Section 226.840 of this Part to complete the specific components of the evaluation. This qualified specialist shall be assisted by a certificated school district employee or other individual who has demonstrated competencies in the language of the child.

(34 CFR 300.304(c) and Section 226.150)
c) If documented efforts to locate and secure the services of a qualified bilingual specialist or a qualified specialist assisted by another individual as provided in subsection (b) of this Section are unsuccessful, the district shall conduct assessment procedures which do not depend upon language. Any special education resulting from such alternative procedures shall be reviewed annually until the student’s proficiency is determined no longer to be limited pursuant to 23 Ill. Adm. Code 228 (Transitional Bilingual Education; see Section 228.15).

d) Tests given to a child whose primary language is other than English shall be relevant, to the maximum extent possible, to his or her culture. (34 CFR 300.304(c) and Section 226.150)
The IEP for EL students

34 CFR 300.22: An IEP shall be considered “linguistically and culturally appropriate” if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student’s education.
The IEP for EL students

The IEP Team shall include a qualified bilingual specialist or bilingual teacher, if the presence of such a person is needed to assist the other participants in understanding the child’s language or cultural factors as they relate to the child’s instructional needs. If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, the district shall instead meet the requirements set forth in Section 226.150(b) of this Part. (Section 226.210)
The IEP for EL students

In addition to the requirements of 34 CFR 300.320. In IL, each IEP should include:

“A statement as to the languages or modes of communication in which special education and related services will be provided, if other than or in addition to English.” 226.230 (a)(3)
The IEP for EL students – Special factors

• The language needs of the child must be considered, in particular the proficiency level of the student.
• The child is entitled to both special education services and English language development services.
• The special education related services may be provided in a language other than English.
• Ensure parents meaningfully participate in the IEP meeting by providing interpreters.
Determination of Placement

“The determination of placement shall conform to the requirements of 34 CFR 300.114 through 300.116, 300.327, and 300.501(c), and the IEP Team shall take into consideration the student’s eligibility for other educational programs and services such as bilingual education, career and technical education, gifted education, and federal Title I programs. The placement determination shall be reviewed at least annually or any time the IEP is revised.”
What are federal requirements for including ELs with disabilities in the annual State English Language Proficiency (ELP) assessment?

... all ELs with disabilities must participate in the annual State ELP assessment with or without appropriate accommodations or by taking an alternate assessment, if necessary, consistent with their IEPs.
What are the ways that ELs with disabilities can participate in the annual State ELP assessment?

1. In the regular State ELP assessment without accommodations (in the same way as ELs without disabilities take the assessment);
2. In the regular State ELP assessment through the use of one or more appropriate accommodations as indicated in the student’s IEP; or
3. In an alternate assessment aligned to State ELP standards, if the IEP Team determines that the student cannot participate in the regular State ELP assessment, with or without appropriate accommodations.
How can states ensure that all ELs with disabilities are included in assessments?

States must develop guidelines for the provision of appropriate accommodations, for each assessment, that do not invalidate test scores, and guidelines for the participation of children with disabilities in alternate assessments who cannot take the regular assessment, even with accommodations.
What is the responsibility of the IEP Team in determining how ELs with disabilities participate in the annual State ELP assessment?

Make decisions about the content of a student’s IEP, including whether a student must take the ELP assessment, with or without appropriate accommodations, or an alternate assessment in lieu of the regular ELP assessment.
How can an IEP Team determine whether an EL with a disability should receive accommodations in order to take the annual State ELP assessment?

- Review student’s language needs and approved accommodations
- Include any accommodations in IEP
- Ensure that the student is familiar with the accommodations to be used, that the student is using similar accommodations in classroom instruction, and that the student could benefit from similar accommodations on the ELP assessment
How can an IEP Team determine whether an EL with a disability should take an alternate assessment instead of the regular ELP assessment?

- Case by case basis in light of particular needs of student (see Alternate ACCESS for ELLs Participation Guidance)
- Include in IEP
  - Why the child cannot participate in the regular ELP assessment; and
  - Why the particular alternate assessment selected is appropriate for the child
An IEP Team cannot determine that a particular EL with a disability should not participate in the annual State ELP assessment.
Annual Language Assessment for ELs with Disabilities

The No Child Left Behind Act (NCLB; 2001) requires that all students identified as ELs be assessed annually for English language proficiency, including students who receive special education services.

ISBE ACCESS for ELLs® English Proficiency Assessment
http://www.isbe.net/bilingual/htmls/access.htm

ACCESS for ELLs® Accommodations for ELs with Disabilities
http://www.wida.us/assessment/ACCESS/

The Alternate ACCESS for ELLs is an assessment of English language proficiency (ELP) for students in grades 1 - 12 who are classified as English learners (ELs) and have significant cognitive disabilities that prevent their meaningful participation in the ACCESS for ELLs® assessment.

Final Considerations

• Special Education services do not replace language services.
• Do we have a clear pre-referral process in place?
• Who is the gatekeeper within the ELL program who is contacted for every pre-referral?
• To what extent does everyone understand language development?
• Is the ELL exhibiting atypical performance?
• To whom is the ELL being compared?
• What data should I look at for the peer comparison?
• What role does Response-To-Intervention (RTI) play in the pre-referral process?
• To what extent are parents involved?
• To what extent are district ELL/Special Ed trends being scrutinized?
• Are the services being provided cohesive and coherent, meeting the multiple needs of the child?
Questions

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