English Learners with Disabilities
Adhering to Regulations and Developing IEPs

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Illinois State Board of Education
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Agenda

- Opening and Introductions
- Evaluation of ELs
- IEPs for ELs
- Resources and References
ISBE: Vision, Mission, and Goals

VISION

- Illinois is a state of **whole**, healthy children nested in **whole**, healthy systems supporting communities wherein all people are socially and economically secure.

MISSION

- Provide leadership and resources to achieve excellence across all Illinois districts by engaging legislators, school administrators, teachers, students, parents, families, and other stakeholders in formulating and advocating for policies that enhance education, empower districts, and ensure equitable outcomes for all students.
ISBE: Vision, Mission, and Goals

GOALS

Every child in each public school system in the State of Illinois deserves to attend a system wherein...

- All kindergartners are assessed for readiness.
- Ninety percent or more of third-grade students are reading at or above grade level.
- Ninety percent or more of fifth-grade students meet or exceed expectations in mathematics.
- Ninety percent or more of ninth-grade students are on track to graduate with their cohort.
- Ninety percent or more of students graduate from high school ready for college and career.
- All students are supported by highly prepared and effective teachers and school leaders.
- Every school offers a safe and healthy learning environment for all students.
The Whole Child

A child within an ecology of multiple and interconnected parts nested in overlapping systems.
EL Screening and Designation

- Districts must determine the child’s:

  - Home Language Survey (HLS)
  - Screening for ELP (dependent on HLS results)
  - EL Designation (dependent on screening results)

Use this information in evaluation and IEP development + implementation
Before the Evaluation

- Districts must determine the child’s:

  - Primary language
  - Cultural identification
  - Mode of communication

If non-English-speaking background, assess English proficiency

Use information in disability evaluation and IEP development + implementation
Special Education Eligibility for ELs

- When an EL student struggles academically, LEA must implement MTSS procedures. ELs should also receive consistent language accommodations.

- LEA must not identify or determine that an EL student is a student with a disability solely because of that student’s limited English proficiency.

- Under federal and state laws, LEA must provide EL students with disabilities with both the language assistance and the special education services.

Source: English Learners and the Special Education Process
Assessments

- No single assessment should be used to determine eligibility.

- The use of nonverbal measures of cognitive ability may carry less bias for ELs, but nonverbal instruments may still contain culturally loaded tasks.

- LEAs should expect evaluations for ELs to take longer and be more complex than those of other students. However, LEAs must still adhere to all special education timelines defined by 226.220(b); 226.110(d); 226.110(j) and other state regulations that apply.

Source: English Learners and the Special Education Process
Other Data Sources

- The IEP team should obtain information about how the child performs in comparison to peers without disabilities representing the familial culture.

- Parents' input regarding the early and current development of the EL child’s first language is critical.
  - Example: Alberta Language and Development Questionnaire

Source: English Learners and the Special Education Process
Disability Rate for ELs

Caveats about this map:
- Snapshot data
- EL status is temporary and continually changing
- Be aware of within state and across state differences in identification approaches

SLD Identification Rate for Els with IEPs

IEPs for English Learners
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.

(34 CFR 300.22)
Included in IEPs for an EL Student

- Statement about the languages or modes of communication in which special education and related services will be provided.
- The language needs of the child must be considered, in particular the student’s **English language proficiency**.
- The child is entitled to **both special education services and language development services**.
- Special education services may be provided in a **language other than English**.
IEP for EL - Compliance

- **Ethnicity ≠ Race**: Proceed with caution.
- **Language should be consistent with HLS. More than one language can be listed.**
- **Is parent limited English proficient? List language or languages spoken at home.**
- **PROVIDE** Procedural Safeguards in parent’s native language.

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**Whole Child** • **Whole School** • **Whole Community**
IEP for EL – Compliance

Bilingual Specialist must participate in an IEP meeting for EL. Bilingual Specialist is defined by Section 226.800 (f) of the Illinois Administrative Code.

If a parent is limited English proficient interpreter MUST participate in an IEP meeting.

<table>
<thead>
<tr>
<th>ELIGIBILITY REVIEW</th>
<th>IEP</th>
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<th>IEP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Parent</td>
<td></td>
<td>School Social Worker</td>
</tr>
<tr>
<td></td>
<td>Parent</td>
<td></td>
<td>Speech-Language Pathologist</td>
</tr>
<tr>
<td></td>
<td>Student</td>
<td></td>
<td>Bilingual Specialist</td>
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<td></td>
<td>LEA Representative</td>
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<td>Interpreter</td>
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<td></td>
<td>General Education Teacher</td>
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<td>School Nurse</td>
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<td></td>
<td>Special Education Teacher</td>
<td></td>
<td>Other (specify)</td>
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<tr>
<td></td>
<td>School Psychologist</td>
<td></td>
<td>Other (specify)</td>
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</tbody>
</table>

If the parent(s) did not attend the IEP meeting, document the attempts to contact the parent(s) prior to the IEP meeting.
Provision of Interpreters - Compliance

- The IDEA requires a district to "take whatever action is necessary" to ensure that the parent understands IEP team discussions and proceedings. 34 CFR 300.322(e)

- Although the IDEA does not require a district to translate IEP documents into a parent's native language, OSEP has stated that districts may benefit from providing written translations. *Letter to Boswell, 49 IDELR 196* (OSEP 2007). Districts should be aware that the failure to provide written translations can in some instances amount to a denial of FAPE. *See, e.g., Oakland Unified Sch. Dist., 66 IDELR 175* (SEA CA 2015) (finding that a California district excluded a sixth-grader's mother from the IEP process by failing to translate evaluations and IEP documents into Spanish).
Evaluation must include performance in both English and student’s native language. It should include English proficiency data (ACCESS or Alternate ACCESS).
Evaluation of ELs must:

- Include linguistically and culturally appropriate assessments.
- Be administered in student’s native/home language.
- Be conducted by a bilingual evaluator and/or include participation from a bilingual specialist.
- Consider nonstandard assessment (when applicable).
- Provide information on EL’s communicative status.
Eligibility Determination - Compliance

If limited English proficiency is identified as a DETERMINANT FACTOR, student is NOT ELIGIBLE for special education services under IDEA.
SLD Evaluation - Compliance

Include information of EL status and/or change of status.
If limited English proficiency is identified as a **DETERMINANT FACTOR**, student is **NOT ELIGIBLE** for special education services under IDEA.
Report of Performance- Compliance

EL student must be compared to his peers = students who speak the same language, represent the same culture and age group, and have been exposed to English language for approximately the same time.

<table>
<thead>
<tr>
<th>REPORT OF PERFORMANCE (READING, WRITING, MATH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insert a data chart that displays the student's performance in reading, writing, and/or math relative to his/her peer group. Data charts may be provided for other areas, as well.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORT OF PERFORMANCE (INSERT DATA CHART)</th>
</tr>
</thead>
</table>

Whole Child  •  Whole School  •  Whole Community
## PLAAFP - Compliance

### Present Levels of Academic Achievement and Functional Performance

<table>
<thead>
<tr>
<th>Student Name:</th>
<th>Date of Meeting:</th>
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</thead>
</table>

Complete for Initial IEPs and annual reviews.

When completing this page, include all areas from the following list that are impacted by the student's disability: academic performance, social/emotional status, independent functioning, vocational, motor skills, and speech and language/communication. This may include strengths/weaknesses identified in the most recent evaluation.

#### Student's Strengths

<table>
<thead>
<tr>
<th>Parental Educational Concerns/Input</th>
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Include parents’ comments, even “Parents have no concerns” when this is what they are saying.

<table>
<thead>
<tr>
<th>Student's Present Level of Academic Achievement (Include strengths and areas needing improvement)</th>
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</table>

Include ACCESS (Alternate ACCESS) score and student’s performance in native language.

<table>
<thead>
<tr>
<th>Student's Present Levels of Functional Performance (Include strengths and areas needing improvement)</th>
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</table>
Secondary Transition - Compliance

Include TBE/TPI programs and/or ESL instruction when applicable.
For example:
*Math – EL support*
*Social Studies - TBE*
Select “Yes” under limited English proficiency – language needs.

List accommodations related to linguistic and cultural (when applicable) needs.

Provide information on language and/or linguistic support that will be used with special education and related services.
Assessment - Compliance

Select “Yes” under English learner and select appropriate box for ACCESS.

List accommodations related to language for each type of assessment.

<table>
<thead>
<tr>
<th>Assessment Type</th>
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<tbody>
<tr>
<td>Classroom-Based Assessments</td>
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<tr>
<td>District-Based Assessments</td>
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<tr>
<td>SAT Assessment</td>
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<tr>
<td>School Assessment</td>
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<tr>
<td>Physical Fitness Assessment (e.g., Brockport)</td>
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</tbody>
</table>
List classes and minutes followed by EL information, for example “Math 225 mpw with EL support”.

**TBE/TPI Programs, Sheltered English, or ESL Instruction are not special education services or related services.**
Other Considerations

- An IEP document may include an ELA goal or a native language goal (for example, to improve vocabulary in Spanish.)

- If EL’s disability is not related to language, writing an ELA goal or a native language goal because the student is EL would be wrong. Not speaking English IS NOT a disability.

- Cultural differences and/or cultural norms should be listed when applicable.

- Address all other areas that may be related to student’s second language acquisition and/or acculturation (for example, impact on behavior) when members of the IEP team agree that these factors affect student’s education or school performance.

Source: National Center for Learning Disabilities

This presentation refers only to the specific sections of the IEP document related to an English learner. All other sections of the IEP must be addressed/filled out by student’s case manager or/and other qualified personnel.
RESOURCES

Guidance to help local educational leaders meet their obligations to English learners (ELs)

Complete EL Toolkit
https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html

Chapter 6: ELs with Disabilities
https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf
CCSSO English Learners with Disabilities Guide

References

IDEA, Part B, 34 CFR

- §300.503 Prior notice by the public agency; content of notice.
  - (c) *Notice in understandable language.* (1) The notice required under paragraph (a) of this section must be—
  - (ii) 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.

- §300.322 Parent participation.
  - (e) Use of interpreters or other action, as appropriate. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

23 Illinois Administrative Code 226

- Section 226.210 IEP Team
  - The IEP Team shall include a qualified bilingual specialist or bilingual teacher.

- Section 226.130 Additional Procedures for Students Suspected of Having a Specific Learning Disability
  - “...each district shall implement the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure”

- Section 226.140 Modes of Communication and Cultural Identification
  - “Before a child is given an evaluation, the local school district shall ensure compliance... by determining the primary language of the child’s home, general cultural identification, and mode of communication”

- Section 226.150 Evaluation to be Nondiscriminatory
  - Each evaluation shall be conducted so as to ensure that it is nondiscriminatory with respect to language, culture, race, and gender
References


Thank you!

For questions or comments please contact:
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