

CHAPTER 3 IDENTIFICATION AND ASSESSMENT OF ENGLISH LANGUAGE LEARNERS

3.1 PURPOSE AND SCOPE

This chapter was developed to provide SELPA staff members with a concise, practical, and sequential approach to the identification, assessment, and programs for students with disabilities, who are English Learners (EL), also known as limited-English-proficient (LEP). When considering possible special education services, extreme care must be taken to avoid the over identification of students as disabled, as well as the exclusion of English learners who may have a disability. With this in mind, two specific challenges are presented to educators:

1. To utilize appropriate assessment and determination of services in the least restrictive environment
2. To incorporate language and culture into a special education curriculum

If these challenges are to be met, a team of bilingual and special educators shall be formed to enhance the awareness, knowledge, understanding, and dedication of each discipline. It is only with this combined effort that these challenges can be met.

This section describes identification and programming for all students who are English language learners. Exceptions for EL students with an Individualized Education Plan (IEP) are noted and underlined.

3.2 GOALS FOR THE ENGLISH LEARNER (EL)

The major goals for English learners are to develop fluency in English and proficiency in the district's core curriculum as rapidly and effectively as possible in established English-language classrooms or in an alternative course of study with curriculum designed for such students. English learners who acquire a good working knowledge of English during a temporary transition period and meet the district's transfer criteria are then transferred into English mainstream classrooms.

English learners are redesignated fluent English proficient after meeting district criteria established to ensure that its students have overcome language barriers, have recouped any academic deficits incurred in other areas of the curriculum, and can demonstrate English-language proficiency comparable to that of the school district's average native English-language speaker.

3.3 PROCEDURES FOR IDENTIFICATION OF ENGLISH LEARNERS

A home language survey (HLS) is used to determine primary language and is to be on file for each student in the district, including migrant, special education, and continuation school enrollees.

Parents complete the Home Language Survey at the time of registration. If a language other than English appears on any line of the form, the procedures are as follows:

- The K-2 grade student must be evaluated with an English oral language test – California English Language Development Test (CELDT).

- Students in grades 3-8 must be evaluated with an CELDT English oral language test, a reading comprehension test and a writing assessment.
- If K-2 grade students score below the fluent level on the CELDT oral assessment they are designated EL and must be assessed in their primary language.
- If 3-8 grade students score lower than early advanced on the English oral language assessment or below grade equivalency in reading or writing they are designated EL and must be assessed in their primary language.

3.4 PROCEDURES FOR DETERMINING PROFICIENCY

Each student, whose home language is other than English as determined on the HLS, is assessed within 30 school days of initial enrollment in English comprehension, speaking, reading, and writing. If alternative assessments are necessary to identify special education students, the following state authorized tests for comprehension and reading is determined by the IEP Team are:

State authorized tests for comprehension and speaking are the following:

- BINL (K-8)
- Woodcock-Munoz Language Survey (Pre-12)
- California English Language Development Test (CELDT)
- Alternate Language Proficiency Instrument (ALPI)

No other instrument may be used without a state-approved waiver.

Note: Alternate assessments may be used for students with low incidence and severe disabilities.

3.5 INSTRUCTIONAL PROGRAMS FOR ENGLISH LEARNERS

Each English learner receives a program of instruction in English language development in order to develop proficiency in English as rapidly as possible.

Each student has a goal to meet the district's content and performance standards for their respective grade levels in the core curriculum areas.

3.6 PARENTAL EXCEPTION WAIVERS

All English learners shall be placed in English Language classrooms unless a parental exception waiver has been granted for an alternative program.

Note: The IEP team determines placement of each special education student, regardless of language proficiency.

3.7 STRUCTURED ENGLISH IMMERSION PROGRAMS

English learners with less than reasonable fluency in English will be placed in a structured English immersion for a period not normally to exceed one year. If they have not achieved a

reasonable level of English at the end of the transition period, they may be re-enrolled unless the parent objects.

Structured English immersion means an English-language acquisition process for young children in whom nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.

English learners who have been granted parental exception waivers are offered an alternative program.

Note: The IEP team determines placement of each special education student, regardless of language proficiency. No provision of an IEP requires a parental exception waiver under this rule.

3.8 IDENTIFICATION AND REFERRAL OF ENGLISH LEARNERS SUSPECTED OF HAVING A DISABILITY

Procedures for Identification and referral for special education services for all students are described in Chapter 1. Please refer to that chapter for complete information. Special consideration for EL students is included in the following sections.

3.9 SPECIAL CONSIDERATIONS FOR EL STUDENTS PRIOR TO REFERRAL

Unless the student has a severe disability, including but not limited to severe vision and hearing impairments, severe physical impairment, severe mental retardation, autism, or severe health impairment, the student should be allowed sufficient time to acquire English proficiency and receive appropriate academic instruction in reading and math.

It is critical to differentiate between a student who is not achieving in the classroom because English is not his/her primary language and a pupil who is not achieving due to a disabling condition.

Following are some relevant sections of state and federal law that are particularly important in determining eligibility for special education services:

Education Code (EC) 56303: “A pupil shall be referred for special education services only after the resources of the regular education program have been considered, and when appropriate, utilized”

California Code of Regulations (CCR), Title 5 3023(b) “The normal process of second language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a handicapping condition”

Federal Code of Regulations (CFR) a 300.534: “A child may not be determined to be eligible...if (i) the determinant factor for that eligible determination is...1) lack of instruction in reading or math, or 2) limited English proficiency...and (ii) the child does not otherwise meet the eligibility criteria under 300.7”

3.10 STUDENT INTERVENTION TEAM (SIT) (AR 603.16)

The Student Intervention Team is designed to offer immediate assistance and suggestions for teachers, parents and support staff for an individual student who is not making progress or exhibiting various types of problems in the classroom and/or school. Through effective

utilization of this team, many identification errors can be avoided. The Student Intervention Team serves as a group of professionals and parents, who will discuss pupil strengths and problems and possible interventions.

3.10. A Team Members

Members of the team may include the following:

- At least one regular education teacher
- Bilingual personnel
- Principal or administrator
- Parent
- Special Education teacher
- School Psychologist
- School Nurse
- Counselor or specialists
- Speech/Language specialists
- Interpreters (as needed)
- Pupil (as appropriate)
- Others

3.10. B Student Intervention Team Responsibilities

Referrals for special education assessment are processed through the Student Intervention Team. The team will review the student's strengths, concerns, prior interventions and modifications that have been considered, and/or utilized. The results of the interventions will be documented. A plan will be developed, listing additional interventions, and the individuals responsible for implementing them with a follow-up date to review the pupil's progress.

3.11 ASSESSMENT PROCEDURES FOR ENGLISH LEARNERS

After interventions have been tried and programmatic changes have occurred, some students, who have been referred to the SIT will need a special education assessment.

Special assessment requirements for students whose primary language is other than English are included in this section.

3.11. A Psycho-Educational Assessments

Assessment requirements important to English learners include the following:

1. Assessments with pupils of limited English proficiency shall be administered in the child's native language or mode of communication, unless clearly not feasible to do so (*EC 56320, EC 56001*)
2. Assessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity may have been affected. (*CCR, Title 5: 3023*)
3. Materials are selected and administered so as not to be racially, culturally or sexually discriminatory (*EC 56320, EC 56001*).
4. A variety of assessment tools and strategies will be used to gather relevant functional and developmental information, including information provided by the parent (*EC 56320*).
5. No single procedure is used as the sole criterion for determining an appropriate educational program for an individual child (*EC 56320, EC 56001*).

The assessment team may include, but is not limited to:

1. School psychologist
2. Language and speech specialist
3. Regular education teacher(s)
4. Special education teacher
5. School nurse
6. Bilingual specialist
7. Principal/vice principal/counselor
8. Parent

3.11. B Other Procedures for Gathering Information

It is necessary to review existing procedures and their applicability for appropriate identification and instructional planning. Appropriate standardized tests are often not available in all languages. A broader variety of methods are necessary to obtain the information needed to determine if the referred EL pupil is, in fact, an individual with a disability.

Following is a brief overview of four assessment procedures.

1. Norm-referenced Tests: The norm-referenced test measures an individual's performance in relation to others on the same instrument. Key words often associated with this type of testing include: reliability, validity, and

standardization. When using this type of test, it is critically important that the pupil being tested comes from a background (e.g., language, socioeconomic status) similar to that of the pupils on which the norms were derived is questionable. This often is the case with EL pupils.

2. Criterion-Referenced Tests: The criterion referenced test breaks down an area and measures what a pupil can do on each task in that area. No comparison of one pupil's performance with the performance of the group can be made. This type of testing gives yes/no answers to instructional questions (e.g. Can the pupil tell time by the ½ hour?) With this information, curricular suggestions can be made leading to specific goals and objectives.
3. Systematic Observation: This alternative assessment encourages the direct study of the referred pupil in a wide variety of settings. In systematic observation, one selects a specific behavior to observe, selects an appropriate measuring technique, depicts what is seen in the observation, and makes interpretations. Since the pupil is in his/her natural environment, it is possible to obtain a better picture of what the pupil is actually doing while using his/her own peer group as a backdrop. However, the presence of an observer may alter the environment and thus affect the validity of the behavior observed.
4. Structured Interview: This alternative assessment technique provides for a broad range of information collection. It is designed to incorporate the expectations and concerns of all those who are associated with the referral. Additional, interview based assessments allows for the funneling of information and expectations into the formal assessment system.

Summary: Intelligence, processing, and achievement testing will begin with information interchange and hypothesis testing. Instruments, such as the Spanish Brigance, will provide grade approximations for achievement that should be cross validated with observations.

3.11. C Additional Assessment Guidelines

Following are additional guidelines to consider when assessing a student with limited English proficiency:

- Assess language dominance at time of referral or evaluation by regular education personnel.
- Whenever possible use two language dominance tests to establish functioning information.
- Assess in student's dominant language whenever possible.
- Assess using non-language measures (e.g., performance).
- Use a trained interpreter whenever needed.
- Assess achievement in both primary language and English.

- Do not accept scores on translations of tests as valid; use other, non-biased or non-test based measures to support the scores. (Document!)
- Assess adaptive behavior, mindful of different cultural norms.
- When considering the presence of a language disability, consider whether primary language is deficient when compared to peers and school population. Is language generally depressed (common in low socioeconomic populations) or are there significant peaks and valleys? Is there evidence of a true language disability?

3.12 ELIGIBILITY CRITERIA AND PROGRAM OPTIONS

3.12. A Determining Eligibility

Specific eligibility criteria to determine if a child has a disability are described in Chapter 9.

Please refer to that chapter for specific criteria for each disability.

The thirteen federal categories of disability include the following:

- Autism
- Deaf-Blindness
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Mental Retardation
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired
- Specific Learning Disability
- Speech and Language
- Traumatic Brain Injury
- Visual Impairment

For a student to be determined to have a Specific Learning Disability all of the following criteria must exist.

(EC 56337)

1. A severe discrepancy exists between the intellectual ability and achievements in one or more of the following academic areas:
 - Oral expression

- Listening comprehension
 - Written expression
 - Basic reading skills
 - Reading comprehension
 - Mathematics calculation
 - Mathematics reasoning
2. The discrepancy is due to a disorder in one or more of the basic psychological processes and is not the result of environmental, cultural, or economic disadvantages.
 3. The discrepancy cannot be corrected through other regular or categorical services offered within the regular instructional program.

Alternative means of assessment may be used to determine the discrepancy when standardized tests are considered to be invalid; however, the same standard of severe discrepancy used with English speaking pupils must be used with EL pupils.

3.1.2. B Program Options

All students in need of special education and related services, including students identified as English learners (EL), are to be served under the requirements of current state and federal law.

Districts need to strive to have offered sufficient and appropriate resources to ensure that each English learner with a disability has the same educational and linguistic opportunities in the least restrictive environment. A full continuum of program options will be available to each special education student. To the maximum extent appropriate, children with disabilities are educated with children who are not disabled.

A full continuum of program options included, but is not limited to, the following:

1. Regular education program with specially designed modifications.
2. Regular education classroom with resource specialist and/or designated instruction and services (DIS).
3. Regular education classroom with services from a special day class teacher and supports and/or designated instruction and services.
4. Special Classes and Centers.
5. Nonpublic, nonsectarian school services.
6. State special schools.

Students may receive primary language support and/or language development services in any of the above program options, when determined appropriate by the IEP team. It should be clear in the IEP where student receives ELD.

3.13 IEP DEVELOPMENT FOR ENGLISH LEARNERS WITH DISABILITIES

The Individualized Education Program (IEP) teams should strive to ensure that:

- (a) IEPs include linguistically appropriate goals and objectives, including when necessary use of the student's primary language;
- (b) necessary documentation and translation services are provided to parents as needed; and
- (c) teachers providing the students the district's core curriculum are appropriately certified or in training.

Other requirements include:

- Qualified teachers (e.g. Bilingual/Cross-cultural Language & Academic Development Certificate [BCLAD/CLAD/SDAIE] or teachers in training), support staff and training to meet the cultural and linguistic needs of the students.
- Sufficient and appropriate basic and supplemental resources to ensure access to the district's core curriculum.
- Translation of required parent notifications/documents, including IEP parent rights to inform and involve parents of EL students, and translation services as required by state and federal laws.
- Opportunities for parents to become members of the district and/or school advisory committees.

3.13. A Linguistically Appropriate Goals, Objectives and Programs

CR, Title 5, Section 3001 (s): *“Linguistically appropriate goals, objectives, and programs means those activities which lead to the development of English language proficiency; and those instructional systems which lead to the language development of English language proficiency; and those instructional systems which lead to the language development needs of English language learner. For individuals whose primary language is other than English, and whose potential for learning a second language, as determined by the individualized education program team, is severely limited, the IEP team may determine that instruction may be provided through an alternative program pursuant to a waiver under Education Code Section 311(c), including a program provided in the individual's primary language. The IEP team must periodically, but not less than annually, reconsider the individual's ability to receive instruction in the English language.”*

3.13. B IEP Consideration for English Learners

Linguistically appropriate goals and objectives have the following characteristics:

- They are appropriate for the cognitive level of the student.

- They are appropriate for the linguistic level of the student.
- They match the developmental level of the student's primary (L1) or secondary (L2) language.
- They match the student's general education transition criteria and re-designation policy (i.e., from LEP to FEP).

3.13. C Additional Linguistic and Cultural Considerations

- Culturally appropriate goals and objectives have the following characteristics:
- They access the student's prior knowledge and experiences.
- They incorporate culturally relevant materials and experiences.
- They affirm the student's cultural heritage.

General Rubric

- The following rubric needs to be followed in order to ensure that any given goal or objective meets the definition of being linguistically appropriate as specified above:
- It states specifically in what language (Spanish, Vietnamese, Tagalog, etc.) the particular goal and objectives will be accomplished.
- It is appropriate to the student's level of linguistic development and proficiency in that language.
- It is consistent with the known developmental structure of that language.
- It provides cultural relevance in the curricular framework.
- Determine the desired outcome (goal) and the timeline for achieving the goal.
- Determine what interim steps are necessary for the student to achieve that goal (objectives) and the timelines for measuring progress.
- Be sure goal/objectives are observable, measurable, specific, and realistic.
- Determine who should be involved in working toward the goal/objectives (persons responsible).
- Determine the methods of measurements.

3.13. D Sample Linguistically and Culturally Appropriate IEP Goals and Objectives

GOAL: To increase comprehension of the English language.

OBJECTIVE: By _____ (date) when shown visual stimuli (e.g., pictures, regalia) _____ (student) will respond *nonverbally* (e.g., point, nod, shake your head, clap hands, act out) to preproduction stimuli with _(%) accuracy as measured by teacher observation or records.

Examples of preproduction stimuli:

- a) “Nod your head when I point to the pencil.”
- b) “Clap your hands when I touch a farm animal.”

GOAL: To be able to give one word responses to question asked with comprehensible input.

OBJECTIVE: By _____ (date) when shown visual stimuli (e.g., pictures, regalia) _____ (student) will respond with a *one word response* to questions with comprehensible input with _____ (%) accuracy as measured by (teacher observation or records).

Examples of questions with comprehensible input:

- a) “Are you hot (teacher pantomimes wiping perspiration from forehead) or cold?” (teacher pantomimes shivering and bundling up)
- b) “Is this a dog?” (teacher points to a cat in a picture)
- c) “How many flowers (teacher points) are in the vase?”

GOAL: To respond to literal questions with short phrases, which may or may not, be grammatically correct.

BASIC OBJECTIVE: By _____ (date) when given comprehensible input _____ (student) will respond to (who, what, where, when, how, and why) questions using short phrases with _____ (%) accuracy as measured by _____ (teacher observation and records, etc).

Examples of advanced student ideas and questions:

- a) “Where is the dog?” (sample student response: “By the tree”)
- b) “Who is walking the dog?” (sample student response: “The man”)
- c) “why is the cat frightened?” (sample student response: “Sees the dog”)

ADVANCED OBJECTIVE: By _____ (date) in a natural environment _____ (student) will be able to articulate and express on their own initiative basic ideas and requests with _____ (%) accuracy as measured by _____ (teacher observation and records, etc.)

Examples of advanced student ideas and requests:

- a) “I am cold”
- b) “I go to the bathroom”
- c) “I like it”

GOALS:

- 1) To be able to respond to questions in writing with quality comparable to level of written language skills in native language.

- 2) To be able to read English at a comparable level to reading proficiency in native language.
- 3) To be able to respond in either writing or orally to stimuli that prompts critical and creative thinking with a response that shows elaboration and complex sentence structures.

BASIC OBJECTIVE: By _____(date) after reading a story at his/her readability level _____(student) will respond to writing task with _____(%) accuracy as measured by _____(teacher observation and records, etc.)

Examples of basic student responses:

- a) answering comprehension questions after reading story
- b) writing a friendly letter
- c) writing a creative story

OBJECTIVE: By _____(date) _____(student) will be able to comprehend reading selection at his/her readability level as measured by grade level curriculum assessment.

Examples of basic student responses:

- a) answering comprehension questions after reading story
- b) writing a friendly letter
- c) writing a creative story

OBJECTIVE: By _____(date) _____(student) will be able to comprehend reading selection at his/her readability level as measured by grade level curriculum assessment.

OBJECTIVE: By _____(date) _____(student) will be able to articulate responses to questions that require critical and creative thinking in the following four main areas: a) synthesis, b) evaluation, c) analysis, and d) application as measured by the following criteria: a) descriptive vocabulary, b) ability to elaborate, and c) use of complex sentence structures within their response.

CULTURALLY APPROPRIATE IEP GOALS AND OBJECTIVES

GOAL:

To increase reading comprehension in _____(English, Spanish, Tagalog, etc.)

OBJECTIVE:

By _____(date), _____(student) will identify two common themes/main ideas and two differences in stories after reading _____(independently, with modifications, listening, etc.) four folk tales from different countries with _____(%) accuracy as measured by _____(teacher observation, work samples, task based criteria, etc.)

GOAL:

To increase writing fluency in _____(English, Spanish, Tagalog, etc.)

OBJECTIVE:

By _____(date), _____(student) will respond by _____(dictating, writing a sentence, writing a paragraph, etc.) and share their personal responses to an open-ended question that draws upon their life experiences, culture, and perceptions after listening/reading to a story from core/supplemental curriculum with _____(%) accuracy as measured by _____(teacher observation, work samples, task based criteria, etc.)

GOAL:

To increase understanding of multiplication concepts taught in _____(English, Spanish, Tagalog, etc.)

OBJECTIVE

By _____(date), _____(student) will be able to use an array of _____(graph paper, multilink cubes, other manipulatives, etc.) to demonstrate their comprehension of the multiplication process after comparing and contrasting Mexican and Egyptian methods of multiplication as measured by _____(teacher observation, work samples, task-based criteria, et.)