Meeting the Needs of English Learners with Disabilities
Resource Book

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This resource book provides regular and special educators information and resources regarding best practices and regulatory requirements for identifying, providing services, and reclassifying English Learners with disabilities. This publication was designed and written to provide the most current and accurate information in regard to English Learners and Special Education known to date in the State of California.   It is distributed with the understanding that neither the authors nor the State SELPA Directors' Organization is engaged in rendering legal, accounting, or other professional service. It legal advice or other expert assistance is required, the services of a appropriate professional should be solicited.

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Section I: Introduction

This resource book is intended as a tool to assist both regular and special educators to meet the needs of students who are identified as English learners (EL) and may possibly need to be identified or are currently identified for special education. Topics covered in this introductory section are: background information, intended audience, effective educational leadership practices to ensure success for English learners with disabilities, an overview of second language acquisition theory, and a review of laws and regulations governing instructions for ELs.

Background Information

English learners are the fastest growing subgroup of children in the public school population with an annual increase of about 10% and a 72% increase overall between 1992 and 2002. Limited English Proficient (LEP) students represent about 8.4% of all public school students and they are enrolled in about half of public schools nationwide. Local education agencies (LEAs) reported that 77% of all LEP students have Spanish as their native language. The next two largest native language groups among LEP students are Vietnamese (2.4%) and Hmong (1.8%).

California has one of the most diverse EL populations. ELs in California come from many ethnic groups and speak a variety of languages and dialects and enter school with varying levels of English proficiency. In 2007–08, there were 630,638 California students in kindergarten through grade twelve in special education. Of that number, 185,404 (or 29.3 percent) were English learners. This is an increase of 6.3 percent over the prior year (Data Quest, 2009). There seems to be an increase in the percentage of English learners who are identified for special education each year.

Some studies indicate that there is disproportional representation of some categories of special education disabilities in California. Based on a sample of 11 urban school districts in California, Artiles et al. (2005) found that ELs were overrepresented in mental retardation, learning disabilities, and speech & language impairment categories in the upper elementary and secondary grades. ELs with limited language proficiency in both their native language and English were overrepresented in special education across all grade levels. Also, ELs with less native language support in their educational programs were overrepresented. Further investigation must occur to help understand the many factors that may be contributing this disproportional trend of English learners being identified for special education (Data Quest, 2009).

In a survey of LEAs, which included all disability categories, findings indicated that 9% of all EL students were eligible for special education services compared to 13.5% of all students. Nationally, EL students are underrepresented in special education; but there is great variability by jurisdiction and the national average masks pockets of both overrepresentation and underrepresentation. For example, "districts with smaller EL student populations (99 or fewer LEP students) identify on average 15.8% of their EL students for special education services, while districts with 100 or more LEP students identify on average 9.1% of their LEP students for special education"(Keller-Allen, 2006). The disproportionate representation of children from diverse racial and ethnic backgrounds in special education is a longstanding national

issue and continues to concern the public.

It is imperative that LEAs focus on the underrepresentation or "missed representation" of ELs in special education. In their book *Special Considerations for English Language Learners*, Hamayan, Marler, Sanchez-Lopez & Damico (2007) indicate that it is a dangerous practice for schools to wait until students are English proficient before examining a possible need for special education services. They feel it is a practice that may result in unnecessarily denying service to students in need of special assistance.

Some students who are English learners are misdiagnosed as having a disability, including a learning disability, while others are not properly identified as having a disability and thus do not receive the special education services to which they are entitled (Chamberlain, 2005; Warger & Burnette, 2000). The literature identifies four challenges that contribute to disproportionate patterns in the identification of learning disabilities among students who are English learners: professionals' knowledge of second language development and disabilities, instructional practices, intervention strategies, and assessment tools (Sanchez et al., 2010).

Intended Audience

Districts/local educational agencies (LEAs) are required by state and federal laws to implement programs and services to ensure that all English learners, including those with disabilities, become fluent in English and achieve academically in school. This resource book is intended to assist general and special education administrators and teachers, other special education staff, and English language support staff in fully understanding the needs of K-12 English learners who may have disabilities. This resource book provides information that may help to a) prevent premature and/or inappropriate identification as students with disabilities; b) identify English learners who do have disabilities requiring special education services; c) implement the IEP process for these students; and d) monitor each student's progress as they move toward meeting the linguistically appropriate goals established by their IEP team.

Since each child's language proficiency and academic needs differ so widely, it is a challenge to create a single structure to guide districts in assessing these students and determining how to meet their specific academic and language needs. Only when special education, general education, and English learner program staff are working closely together can the needs of English learners with disabilities be effectively supported in an education environment. This resource manual provides an overview of the key issues and a general process for effectively addressing their needs as learners.

Effective Educational Leadership

In order to ensure that there is the appropriate allocation of resources for program improvement efforts related to English learners with disabilities, district and site level leadership should be provided with professional development in the following areas:

- Principles of Second Language Acquisition
- Early Intervention & Response to Intervention for EL Students

- IDEA & State Legal Requirements Related to Identification of and IEP
- Development for English Learners With Disabilities
- Effective Delivery and Instructional Content Design for ELs With Disabilities
- How to Promote Effective Collaboration Between General Education, Special Education, and English Learner Professionals

Overview of Second Language Acquisition Theory

An understanding of second language acquisition theory can improve the ability of general and special education teachers to serve the culturally and linguistically diverse students in their classrooms or on their caseloads (Fillmore and Snow, 2000; Hamayan, 2007).

Current theories of second language acquisition are based on years of research in a wide variety of fields, including linguistics, psychology, sociology, anthropology, and neurolinguistics (Freeman & Freeman, 2001).

One concept endorsed by most current theorists is that of a continuum of learning that is, predictable and consists of sequential stages of language development in which the learner progresses from no knowledge of the new language to a level of competency closely resembling that of a native speaker. These theories have resulted in the identification of several distinct stages of second language development (Krashen, 1981). Understanding that students are going through a predictable and sequential series of developmental stages helps teachers predict and accept a student's current stage, while modifying instruction to encourage progression to the next stage.

Krashen's *Affective Filter Hypothesis* is another concept that has found wide acceptance with both researchers and EL instructors (Krashen, 1981; Krashen & Terrell, 1983). This theory suggests that an individual's emotions can directly interfere or assist in the learning of a new language. According to Krashen (1981), learning a new language is different from learning other subjects because it requires public practice. Speaking out in a new language can result in anxiety, embarrassment, or anger. These negative emotions can create a kind of filter that blocks the learner's ability to process new or difficult words. Classrooms that are fully engaging, nonthreatening, and affirming of a child's native language and cultural heritage can have a direct effect on the student's ability to learn by increasing motivation and encouraging risk taking.

Krashen's stages of 2nd language acquisition are identified in the chart on the following page.

KRASHEN's STAGES OF ENGLISH LANGUAGE DEVELOPMENT

STAGE	NAME	TIMELINE	CHARACTERISTICS	EDUCATIONAL IMPLICATIONS
Stage I	Silent/Receptive or Preproduction Stage	10 hours to 6 mo.	Student has up to 500 receptive words Able to understand new words made comprehensible; involves "silent period" but can use gestures, yes, no, etc.	Teacher should not force students to speak until they are ready Provide structured English instruction with comprehensible input & first language support for instruction
Stage II	Early Production Stage	Approx. 6 months after preproduction stage	Student has developed up to 1,000 receptive/active words they can use Student is able to speak in one or two word phrases; able to give short answers to simple questions	Teachers should ask questions that require simple answers such as "yes" or "no" or "who, what, where, or when" questions Provide structured English instruction with comprehensible input & first language support for instruction
Stage III	Speech Emergence Stage	Approx. 1 year after early production stage	Student has developed up to 3,000 receptive/active words they can use Student is able to state short phrases; can ask simple questions; able to produce longer sentences (there may be grammatical errors)	Teachers can start to expand questions and conversations in English Students need structured English instruction; will benefit from SDAIE & primary language support for core subjects
Stage IV	Intermediate Language Proficiency Stage	Approx. 1 year after speech emergence	Student has developed up to 6,000 receptive/active words they can use Student can make complex statements; state opinions; ask for clarifications; and share thoughts	Teachers can use more complex questions and conversations in English Students can be fully mainstreamed with English speaking peers
Stage V	Advanced Language Proficiency Stage	5 to 7 years	Student has developed some specialized content-area vocabulary Student is able to participate fully in grade-level activities; able to speak English comparable to same age native speakers	Teachers can provide instruction in English as comparable to that of native speakers Provide primary language support when needed

A concept endorsed by most language acquisition theorists is Stephen Krashen's *comprehensible input hypothesis* which suggests that learners acquire language by "intaking" and understanding language that is a "little beyond" their current level of competence (Krashen, 1981). For instance, a preschool child already understands the phrase "get your crayon." By slightly altering the phrase to "get my crayons," the teacher can provide an appropriate linguistic and cognitive challenge by offering new information that builds off prior learning and is therefore comprehensible. Providing consistent, comprehensible input requires a constant familiarity with the ability level of students in order to provide a level of "input" that is just beyond their current level.

Research by Swain & Lapkin (1995) has extended this concept to include "comprehensible output." According to several studies, providing learners with opportunities to use the language and skills they have acquired, at a level in which they are competent, is almost as important as giving students the appropriate level of input.

Another theory that has directly influenced classroom instruction is Jim Cummins' (1996) distinction between two types of language: basic interpersonal communications skills (BICS) and cognitive academic language proficiency (CALP). Research has shown that the average student can develop conversational fluency within two to five years. Developing fluency in more technical, academic language can take from four to seven years depending on many variables such as language proficiency level, age and time of arrival at school, level of academic proficiency in the native language, and the degree of support for achieving academic proficiency (Cummins, 1996; Thomas & Collier, 1997).

Cummins (1981) expanded this concept to include two distinct types of communication, depending on the context in which it occurs:

1) Context-embedded communication provides several communicative supports to the listener or reader, such as objects, gestures, or vocal inflections, which help make the information comprehensible.   Examples are a one-to-one social conversation with physical gestures or storytelling activities that include visual props.
2) Context-reduced communication provides fewer communicative clues   to support understanding. Examples are a phone conversation, which provides no visual clues, or a note left on a refrigerator.

Similarly, Cummins distinguished between the different cognitive demands that communication can place on the learner:

1) Cognitively undemanding communication requires a minimal amount of abstract or critical thinking. Examples are a conversation on the playground or simple yes/no questions in the classroom.
2) Cognitively demanding communication, which requires a learner to analyze and synthesize information quickly and contains abstract or specialized concepts. Examples are academic content lessons, such as a social studies lecture, a math lesson, or a multiple-choice test.

Understanding these theories can help teachers develop appropriate instructional strategies and assessments that guide students along a continuum of language development, from cognitively undemanding, context-embedded curricula, to cognitively

demanding, context-reduced curricula.

A basic knowledge of language acquisition theories is extremely useful for classroom teachers and directly influences their ability to provide appropriate content-area instruction to EL students. It is especially important in those schools or districts where limited resources result in little or no instructional support in a student's native language. In these "sink-or-swim" situations, a committed mainstream teacher with a clear understanding of language acquisition can make all the difference.

Review of Laws & Regulations Governing Instruction for ELs

It is important that educators understand the major state and federal policies affecting EL students. According to Jepsen & de Alth, 2005, Proposition 227, enacted in 1998, is one of the most controversial policies affecting EL students in the State of California. They state that this law "limits access to bilingual education by requiring that EL students be taught "overwhelmingly" in English by the teaching personnel in a Structured English Immersion (SEI) or English Language Mainstream (ELM) classroom. State legislation leaves the interpretation of "overwhelmingly" to individual districts". This law did; however, provide parents the right to seek a *Parental Exception Waiver* so that their child may participate in a bilingual program.

Equally important to the education of EL students is the federal No Child Left Behind Act (NCLB) (Jepsen & de Alth, 2005). In addition to its English proficiency goals, NCLB requires yearly improvements in academic achievement for EL students. Measurement of English leaner achievement is tracked through "Annual Measurable Achievement Objectives" (AMAOs). The performance targets for English learners are equal to those set for all students. English learners with disabilities are expected to meet both the targets set for students in special education and English learners.

Section II: Assessment, Identification, & Programs for English Learner

Home Language Survey (HLS)

This section on assessment, identification, and programs for English learners (ELs) covers the following topics: Home Language Survey, assessment of ELs in California (CELDT, STAR Testing), identification of English learners, instruction and program options for ELs in California, responsibility for monitoring and reclassification of ELs, curriculum and instruction for ELs, and staff requirements for teaching ELs.

When parents or guardians first register their child for school, they complete a HLS that indicates what language is spoken in the home:

> Home language survey is a form administered by the school district to be completed by the pupil's parent or guardian at the time of first enrollment in a California public school indicating language use in the home which, if completed, fulfills the school district's obligation required by Education Code Section 52164.1 (CA Code of Regulations, Title 5, Chapter 11, Subchapter 7.5).

If only line 4 on the HLS lists a language other than English, the student is categorized as English only and no further language assessment is needed. If on line 1, 2, or 3, there is a language other than English listed, and there is no evidence that the student has been previously assessed for English language fluency using the California English Language Development Test (CELDT), the student must be tested within 30 calendar days of enrollment. Note that an LEA should assess the English language proficiency of any student that education professionals have a valid reason to believe may have a primary language other than English.

Assessment of English Learners (ELs) in California

There are two types of measures used with ELs: individual assessment such as the CELDT and group assessments like those used in the California Standardized Testing and Reporting (STAR) programs.

CELDT. State law (California Education Code sections 313 and 60810[d]) and federal law (Title III of the No Child Left Behind Act of 2001) require that school districts administer a state test of English language proficiency to: (1) newly enrolled students whose primary language is not English and, (2) ELs as an annual assessment. For California public school students, this test is the California English Language Development Test (CELDT). California Educatin Code Section 52164.1[a] requires all students (in kindergarten through grade twelve) whose primary language is not English, based on the Home Language Survey (HLS), to take the CELDT within 30 calendar days after they are enrolled in a California public school for the first time to determine if they are English learners.

The CELDT has three purposes:
1) to identify students who are limited English proficient;
2) to determine the level of English language proficiency of students who are limited English proficient; and
3) to assess the progress of limited English proficient students in acquiring the skills of listening, reading, speaking, and writing in English. All ELs must be administered the CELDT annually. There are no parent waivers for taking CELDT (CELDT State Board Adopted Guidelines October, 2008).

Senate Bill 80 (2007) authorized the California Department of Education (CDE) to develop an early literacy assessment that tests students in kindergarten through grade one in the domains of reading and writing. Beginning in 2009, California began testing ELs in kindergarten and grade one in the domains of listening and speaking, as well as in reading and writing. Students in grades two through twelve are also assessed in the domains of listening, speaking, reading, and writing (CELDT State Board Adopted Guidelines October, 2008). The CELDT levels of proficiency are: Beginning, Early Intermediate, Intermediate, and Early Advanced/Advanced.

Since 2008–09, the report for providing individual CELDT results for teachers, parents, and guardians was titled, "The Student Performance Level Report." For more information regarding CELDT go to: http://www.cde.ca.gov/ta/tg/el/resources.asp

STAR Testing. Under the federal No Child Left Behind (NCLB) Act of 2001 and state law, all students are required to participate in the Standardized Testing and Reporting (STAR) Program. All ELs, regardless of their primary language, are required to take the STAR Program tests administered in English.

STAR tests include: the California Standards Tests (CSTs), given in grades 2-11, the California Modified Assessment (CMA), for students with disabilities who meet the criteria, and/or the California Alternate Performance Assessment (CAPA), for students who have significant cognitive disabilities and cannot take the CSTs even with accommodations or modifications or the CMA even with accommodations.

In addition to the tests administered in English, state law requires all Spanish speaking English learners to take the Standards-based Tests in Spanish (STS). All Spanish-speaking ELs must also take the designated primary language test (DPLT) as defined in California Education Code in addition to the tests in the STAR Program that are administered in English if they receive instruction in Spanish (regardless of how long they have been in school in the United States); or, they have been enrolled in a school in the United States for less than 12 months (cumulative). At the option of school districts, schools also may test ELs who will have been in an United States school 12 months or more (cumulative) and who are not receiving instruction in Spanish. The STAR Program does not include DPLTs for ELs who speak primary languages other than Spanish.

At the option of school districts, schools also may test ELs who will have been in an United States school 12 months or more (cumulative) and who are not receiving

instruction in Spanish. The Standards-based Test in Spanish (STS) is the designated primary language test (DPLT) for the STAR Program as defined in California *Education Code.* The (DPLT) provides an opportunity for Spanish-speaking English learners to demonstrate their skills in their primary language (California *Education Code* Section 60640).

ELs may use English-to-primary language translation glossaries or word lists that are regularly used in the classroom and do not include definitions or formulas. This assistance may be provided for all subjects tested except English-language arts on the CSTs. Students also may have test directions translated for them and ask clarifying questions in their primary language for all subjects tested on the CSTs. Students who are ELs may be tested separately if such a setting is part of the regular classroom instruction or assessments. The variations allowed for ELs are listed in the Matrix 2. Matrix of Test Variations for Administration of California Statewide Assessment (see Appendix B1 or go the following Web site: CDE Web site http://www.cde.ca.gov/ta/tg/sr/qandadplt08.asp

Identification of English Learners (ELs)

An EL is a K-12 student who, based on an objective assessment (CELDT), has not developed listening, speaking, reading, and writing proficiencies in English sufficient for participation in the regular school program. Students are initially identified as an EL if they score below the early advanced performance level overall with any domain below the intermediate performance level on the CELDT (*CELDT: Understanding and Using 2009-10 Individual Results*).

Instructional Programs & Methodology for English Learners (ELs) in California

An English language classroom is the placement for all ELs in California, unless a parental exception waiver is granted for an alternative program. In addition, it is required that all ELs, regardless of the program they are being served in, be provided with English Language Development (ELD) and Specially Designed Academic Instruction (SDAIE). A description of each is provided below:

English Language Development (ELD)
Instruction of English designed to promote the effective and efficient acquisition of listening, speaking, reading, and writing skills of the EL student. All ELs, regardless of placement, must receive ELD appropriate to their proficiency level (CTC, 2007). During the regular day, differentiated ELD instruction appropriate to the English proficiency level of each EL must be provided by an authorized teacher until the student is reclassified. Districts are to provide ELs with instruction using whatever materials are deemed appropriate that are specifically designed to enable students to acquire academic English rapidly, efficiently, and effectively. The law does not require a specific number of minutes of ELD for all ELs. Each district has the jurisdiction to determine the amount of time appropriate for students at different English language proficiency levels.

Specially Designed Academic Instruction in English (SDAIE)
An instructional approach designed to increase the level of comprehensibility of the English language in the content area of the class. Prior to 1994, the term *sheltered English instruction strategies* was used to describe this type of instruction (CTC, 2007). All EL students should receive SDAIE, and, if necessary and reasonably possible, primary language support. School districts are required to continue to provide additional and appropriate educational services to ELs until they have met reclassification criteria. This means that ELs must be provided with ELD and SDAIE as needed, until they are reclassified as fluent English proficient (FEP).

The two mandated program options (unless a parental exception waiver is granted) for EL students in the State of California are:

1) Structured English Immersion (SEI)
SEI is to be provided to ELs with *less than reasonable fluency* (as defined by the LEA) - usually scoring at the Beginning or Early Intermediate level on the CELDT). SEI is an intensive ELD program. This program can be administered in a variety of settings such as in a regular classroom or as a pull out program. A student may be transferred from an SEI program when her or she has acquired a reasonable level of proficiency (usually scoring at the Intermediate to Advanced level on the CELDT or as determined by the LEA). Classroom instruction is "overwhelmingly in English" and should include access to the core content through provision of SDAIE and primary language support as needed.

2) English Language Mainstream (ELM)
ELM is to be provided to students *who have attained reasonable fluency* (as defined by the LEA - usually scoring at the Intermediate to Advanced level on CELDT) ". ELM is a less intensive ELD program of instruction than SEI. Classroom instruction is "overwhelmingly provided in English" and should include access to the core curriculum through provision of SDAIE, and primary language support as needed.

If a parental exception waiver is requested and granted, students may receive their core curriculum instruction in their primary language and in English. In addition to receiving instruction in the primary language, the student also receives ELD and primary language support for other areas of instruction. For ELs who are also receiving special education services, a parental exception waiver is not required for the student to receive instruction in an alternative primary language program if the IEP team determines this is the appropriate type of program for the student.

Responsibility for Monitoring & Reclassification of English Learners (ELs)

It is the responsibility of the district/local education agency (LEA) to designate the persons or team responsible for making the decisions about when to reclassify a

student from EL to *Reclassified Fluent English Proficient* (RFEP) and to invite the parents to participate in the reclassification process.   Only the district/LEA designated persons or team may make this decision based on the California State Board Adopted Guidelines for Reclassification. Districts/LEAs receiving Title III funds are required under No Child Left Behind (NCLB) to monitor students for two years after reclassification. Districts determine what person or team of persons shall be responsible for monitoring students after they have been reclassified.

Curriculum and Instruction for English Learners (ELs)

ELs must be provided standards-aligned instructional materials. These are state-adopted instructional materials in mathematics, science, reading/language arts, and history/social science that are consistent with the content and cycles of the curriculum frameworks and include universal access features that address the needs of ELs (see Appendix A1, A2, A3, & A4 for lists of curricular materials appropriate for EL students).

The State of California *English-language Development (ELD) Standards,* are designed to supplement the English-language arts content standards and help ensure that ELs develop proficiency in both the English language and the concepts and skills contained in the English language arts content standards. The ELD standards are aligned to CELDT and can be downloaded at http://www.cde.ca.gov/ta/tg/el/admin.asp.

Staff Requirements for Teaching English Learners (ELs)

The California Commission on Teacher Credentialing (CCTC) requires that teachers of ELs, to include special education teachers, attain English learner authorization. The type of certificate, permit, or credential required depends on the type of service and/or instruction being provided to ELs. The appropriate certificates, credentials, and permits required, according to the type of EL service provided per EC 44258.9, are listed in the chart on the following page.

California Commission on Teacher Credentialing (CCTC) Requirements

	English Language Development (ELD) 1	Specially Designed Academic Instruction in English (SDAIE) 1	Instruction in Primary Language (Bilingual) 1
1	Bilingual Specialist Credential	Bilingual Specialist Credential	Bilingual Specialist Credential
2	Bilingual Certificate of Competence (BCC) 2	Bilingual Certificate of Competence (BCC) 2	Bilingual Certificate of Competence (BCC) 2
3	BCLAD Certificate or BCLAD Emphasis	BCLAD Certificate or BCLAD Emphasis	BCLAD Certificate or BCLAD Emphasis
4			Sojourn Tchg. Cred.
5	Language Development Specialist (LDS) Certificate 2	Language Development Specialist (LDS) Certificate 2	
6	CLAD Certificate or CLAD Emphasis	CLAD Certificate or CLAD Emphasis	
7	Multiple or Single Subject Credential with AB 1059 English Learner Content	Multiple or Single Subject Credential with AB 1059 English Learner Content	
8	Multiple or Single Subject SB 2042 Credential	Multiple or Single Subject SB 2042 Credential	
9	Education Specialist Credential 3	Education Specialist Credential 3	
10	General Teaching Credential 4		
11	Supplementary Authorization in English as a Second Language 2		
12	Certificate of Completion of Staff Development 5	Certificate of Completion of Staff Development 5	
13	SB 1969 Certificate of Completion 6	SB 1969 Certificate of Completion 6	
14	In training for Certificate of Completion of Staff Development 5	In training for Certificate of Completion of Staff Development 5	

(CTC *The Administrator's Assignment Manual Sept., 2007*)

Frequently Asked Questions

Question: Who can administer the CELDT?
Response: Only test examiners who are employees of the school district, are proficient in English (e.g., have complete command of pronunciation, intonation, and fluency, and can correctly pronounce a full range of American English phonemes), and have received training specifically designed to prepare them, may administer the CELDT *(CDE California English Language Development Test: Reporting and Using Individual 2008-09 Results).*

Question: What if the LEA does not administer the CELDT within 30 calendar days after a student enrolls for the first time in a California public school?
Response: LEAs engage in compliance program monitoring (CPM) reviews required by the CDE to ensure that they are following the California State Board Adopted Guidelines for Administering CELDT. Districts that do not adhere to federal regulations related to English learners may be at risk of losing their Title III funds.

Question: What are the requirements for administering the CELDT annually? Must it be given within the first 30 days of the school year?
Response: The annual testing window for LEAs to administer CELDT to English learners begins July 1 of each school year and ends October 31*(CDE California English Language Development Test: Reporting and Using Individual 2008-09 Results).*

Question: May a special education teacher provide English Language Development (ELD) services to EL students in their classroom or on their caseload?
Response: Yes. Under the current credentialing requirements, all special education teachers should have the appropriate certification (see column one on the CTC chart) to provide ELD services to students. It is not a requirement that the special education case manager or teacher provide the ELD services. This should be discussed at the student's IEP.

Question: What if a the parents of a kindergarten student mark the *Home Language Survey* indicating that the student speaks another language in the home, but in fact the student is in an environment where both parents speak English and the native language fluently and the child may be fully bilingual? Is it still required for the student to take CELDT?
Response: Yes, the student should still take the CELDT test and be tested in their primary language. Now that students in kindergarten will be assessed with CELDT, this should not be as much of a concern as it was in the past.

Question: Are students who use American Sign Language (ASL) as their mode of communication required to take CELDT?

Response: For purposes of CELDT testing and identifying students who use ASL as English learners the following applies (per conversation with CDE English Language Learner Division, personal communication, April, 2010):

1) Non‑English speaking parent, ASL student – CELDT testing required; student may be considered an EL student under IEP or 504 plan.
2) English speaking parent, ASL student ‑ No CELDT testing required; student under IEP or 504 plan.
3) ASL parent, hearing student ‑ No CELDT testing required, student may or may not be under IEP or 504 plan
4) ASL parent, ASL student ‑ No CELDT testing required; student under IEP or 504 plan

The directions in the R30 Language Census will clarify the information above. ASL is not listed as a language code for a primary language. For purposes of federal and state categorical funding, ASL is not considered as a primary language to be used in the designation of the student as an EL.

Section III: Interventions for English Learners Prior to Referrals to Special Education

Pre Intervention for English Learners (ELs)

This section on interventions for ELs prior to making a referral to special education includes the following components: pre-intervention for English learners, best practices for promoting reading literacy in English learners, a checklist for carrying out the recommendations, response to instruction and intervention for ELs, the role of Student Success Teams in the pre-referral process, and frequently asked questions.

Frequently, children from diverse language backgrounds fall behind in English academic environments and are inappropriately labeled as needing special education. What these students may really need is academic support and the opportunity to learn in an appropriate, culturally responsive environment. Meeting the instructional and second language development needs of students who are ELs in the general education setting is a critical first step in determining whether a student's academic struggle is due primarily to a disability or to inadequate instruction (Gersten & Baker, 2000). Additionally, there is a lack of research-based instructional interventions specifically for students who are English learners (Figueroa 2005; Ortiz, et al. 2006; Klingner & Artiles, 2003).

Best Practices for Promoting Reading Literacy in English Learners (ELs)

According to Gersten et al. (2007), there are five research-based practices for ensuring that English learners are appropriately identified for special education. Each of the five practices is rated as being strong or low based on the research-based evidence as a best practice. The five practices are included in the chart on the following page.

Recommendation	Level of Evidence
1) Conduct formative assessments with English learners using English language These assessments should include measures of phonological processing, letter knowledge, and word and text reading. Use this data to identify English learners who require additional instructional support and monitor their reading progress over time.	**Strong**
2) Provide focused, intensive small-group interventions for English learners determined to be at risk for reading problems. Although the amount of time in small-group instruction and the intensity of this instruction should reflect the degree of risk, determined by reading assessment data and other indicators, the interventions should include the five core reading elements: phonological awareness, phonics, reading fluency, vocabulary, and comprehension. Explicit, direct instruction should be the primary means of instructional delivery.	**Strong**
3) Provide high-quality vocabulary instruction throughout the day. Teach essential content words in depth. In addition, use instructional time to address the meanings of common words, phrases, and expressions not yet learned.	**Strong**
4) Ensure that the development of formal or academic English is a key instructional goal for English learners, beginning in the primary grades. Provide curricula and supplemental curricula to accompany core reading and mathematics series to support this goal. Accompany with relevant training and professional development.	**Low**
5) Ensure that teachers of English learners devote approximately 90 minutes a week to instructional activities in which pairs of students at different ability levels or different English language proficiencies work together on academic tasks in a structured fashion. These activities should practice and extend material already taught.	**Strong**

Checklist for Carrying Out the Recommendations:

1) Screen for reading problems and monitor progress
- ✓ Districts should establish procedures for and provide training for schools to screen English learners for reading problems. The same measures and assessment approaches can be used with English learners and native English speakers.
- ✓ Depending on resources, districts should consider collecting progress monitoring data more than three times a year for English learners at risk for reading problems. The severity of the problem

should dictate how often progress is monitored—weekly or biweekly for students at high risk of reading problems.

✓ Data from screening and progress monitoring assessments should be used to make decisions about the instructional support English learners need to learn to read. Schools with performance benchmarks in reading in the early grades can use the same standards for English learners and for native English speakers to make adjustments in instruction when progress is not sufficient. It is the opinion of Gersten et al. (2007) that schools should not consider below-grade level performance in reading as "normal" or something that will resolve itself when oral language proficiency in English improves. Provide training on how teachers are to use formative assessment data to guide instruction.

2) Provide intensive small-group reading interventions

✓ Use an intervention program with students who enter the first grade with weak reading and prereading skills or with older elementary students with reading problems. Ensure that the program is implemented daily for at least 30 minutes in small, homogeneous groups of three to six students.

✓ Provide training and ongoing support for the teachers via interventionists (i.e. reading coaches, Title I personnel, or paraeducators) who provide the small-group instruction. Training for teachers and other school personnel who provide the small-group interventions should also focus on how to deliver instruction effectively, independent of the particular program emphasized. It is important that this training include the use of the specific program materials the teachers will use during the school year. But the training should also explicitly emphasize that these instructional techniques can be used in other programs and across other subject areas.

3) Provide extensive and varied vocabulary instruction

✓ Adopt an evidence-based approach to vocabulary instruction.

✓ Develop district-wide lists of essential words for vocabulary instruction. These words should be drawn from the core reading program and from the textbooks used in key content areas, such as science and history.

✓ Vocabulary instruction for English learners should also emphasize the acquisition of meanings of everyday words that native speakers know and that are not necessarily part of the academic curriculum.

4) Develop academic English

✓ Adopt a plan that focuses on ways and means to help teachers understand that instruction to English learners must include time devoted to development of academic English. Daily academic

English instruction should also be integrated into the core curriculum.
- ✓ Teach academic English in the earliest grades.
- ✓ Provide teachers with appropriate professional development to help them learn how to teach academic English.
- ✓ Consider asking teachers to devote a specific block (or blocks) of time each day to building English learners' academic English.

5) Schedule regular peer-assisted learning opportunities
- ✓ Develop plans that encourage teachers to schedule about 90 minutes a week with activities in reading and language arts that entail students working in structured pair activities.
- ✓ Also consider the use of partnering for English language development instruction

Response to Intervention (RtI) for English Learners

The National Research Center on Learning Disabilities (NRCLD, 2006) defines RtI as: "…an assessment and intervention process for systematically monitoring student progress and making decisions about the need for instructional modifications of increasingly intensified services using progress monitoring data."

Per the National Association of State Directors of Special Education (2005), RtI utilizes a problem-solving framework to identify and address academic and behavioral difficulties for all students, including English learners, using scientific, research-based instruction. Essentially, RtI is the practice of:

- Providing high quality instruction. Intervention matched to all student's needs and,
- Using learning rate over time and level of performance to make important educational decisions to guide instruction

RtI practices are proactive, incorporating both prevention and intervention for all levels from early childhood to high school.

On November 14, 2008, California State Superintendent of Public Instruction disseminated a document to schools across California indicating that the California Department of Education (CDE) recognizes Response to Intervention Squared (RtI2) as an effective strategy to support every student in California. This document further defines RtI 2's instructional and intervention components. It defines RtI^2 as a general education approach of high quality instruction, early intervention, and prevention and behavioral strategies. Furthermore, it is a process that utilizes all resources within a school and a district in a collaborative manner to create a single, well-integrated system of instruction and interventions informed by student outcome data (O'Connell, 2008).

RtI emphasizes prevention and early intervention for all students, including English learners. It is premised on data-based decision-making for all learners within the system. The essential elements of an effective RtI system should include:

1) Universal Screening
2) High Quality Differentiated or Multi-Tiered Instruction

3) High Quality English Language Instruction
4) Progress Monitoring

Universal Screening
All students, including EL students should be administered screening assessments at the beginning of the school year to determine individualized learning needs and allow for differentiated instruction. Outcome assessments from the previous year may also be used as screening tools or data to inform how to differentiate the instruction for EL students.

The purpose of conducting universal screening assessments is to provide initial information about how to differentiate instruction for EL students and whether some students may be at risk for difficulties in reading, writing or math. Screening assessments can also inform teachers whether or not an academic difficulty is due to a language difference or a learning problem.

Screening approaches or instruments should meet three criteria. First, a good screening tool accurately classifies students as at risk or not at risk for reading failure. Second, the procedure must not be too costly, time-consuming, and cumbersome to implement. Good screens can be administered, scored, and interpreted quickly and accurately. Third, the net effect for students must be positive (Shinn, 1989). This means students identified as at risk for failure must receive timely and effective intervention, and no students or groups should be shortchanged.

Because it is user-friendly, the DIBELS assessment system is a frequent choice for a screening and progress-monitoring tool for RtI. Unfortunately, sensitivity and specificity levels for DIBELS are far from the ideal of 90% and 80%, respectively, for predicting reading outcomes measured by standardized tests (Jenkins, 2007; M. Vanderwood, Ph. D., personal communication, October 2009).

It is recommended that educators rank order students based on their critical benchmark performances (as indicated by the universal screening conducted) by three categories (M. Vanderwood, Ph. D., personal communication, October 2009).
1) High Risk students need significant or "strategic" intervention. This should be supplemental instruction.
2) Moderate Risk students need "moderate support - in class modifications." This should be supplemental instruction.
3) At or Above Grade Level students functioning at or above grade level do not need supplemental instruction but need regular class instruction (core).

High-quality Multi-Tiered Instruction
Research has demonstrated that most reading problems can be prevented by providing high-quality core classroom reading instruction in the early grades,

along with supplemental intervention for students who need it (Denton et al., 2007).

Brain imaging research has demonstrated that the way the brain processes information is different in typically developing readers than in those at risk for experiencing reading difficulties; however, these processing patterns in the brains of struggling readers—even those with severe dyslexia—can actually change in a period of a few weeks when they are provided with concentrated, powerful reading instruction (Denton et al., 2007).

Tier 1. What does high quality core reading instruction at Tier 1 usually look like? The overriding research-supported characteristics of high quality reading instruction can be summarized as follows:
1) Teach essential skills and strategies.
2) Provide differentiated instruction based on assessment results and adapt instruction to meet students' needs.
3) Provide explicit and systematic instruction with lots of practice with and without teacher support and feedback, and including cumulative practice over time.
4) Provide opportunities to apply skills and strategies in reading and writing meaningful text with teacher support.
5) Don't just "cover" critical content; be sure students learn it; monitor student progress regularly and reteach as necessary.

As schools adopt and begin to make use of programs and approaches that are supported by scientific reading research, it is important that teachers receive the training and support they need to implement these programs well. They should also receive appropriate training on how to address the learning of ELs. There is no silver bullet—the problems of struggling readers are not solved by simply adopting a particular program. What teachers emphasize from these programs and how they deliver instruction matters a great deal. In addition, for ELs, in order for instruction to be "effective," the assessment as well as instruction must be both *linguistically* and *culturally* appropriate. The teacher who teaches ELs must know their levels of language proficiency in their first language (L1) and second language (L2) when planning assessment and instruction, and provide culturally relevant curricula that reflect the background and experiences of the students (Brown & Doolittle, 2008). When an EL student becomes a focus of concern, the instructional program itself must be examined to determine the match between the demands of the curriculum and the child's current level of proficiency in the language of instruction. It is important to examine the achievement of the student's "true peers" (similar language proficiencies, culture and experiential background) to see if they are making adequate academic progress. If several other "true peers" are struggling, this is an indication that the instruction may be a mismatch for the student of concern (Brown & Doolittle, 2008). If the student does not make appropriate progress after providing

instructional modifications such as re-teaching, smaller groupings in the general education classroom, or, if deemed appropriate, receives some instruction in a his/her L1, it may be recommended that he/she receive Tier II support.

Tier 2. Reading instruction at this level usually includes supplemental instruction/intervention to the core reading instruction that is intensive in nature. Researchers in the field recommend that, in addition to the core curriculum, reading intervention at this level should be provided a minimum of thirty minutes to one hour daily (M. Vanderwood, Ph. D., personal communication, October 2009).

Also, intervention should be delivered by a specialist or highly skilled individual at this level. Tier II interventions are *supplemental* to the general education curriculum. "In other words, students should receive a "double dose" of instruction targeted at specific goals based on students' needs" (Brown & Doolittle, 2008).

High quality intervention is defined as instruction or intervention matched to student need that has been demonstrated through scientific research and practice to produce high learning rates for *most* students. Individual responses to even the best instruction/intervention are variable. Selection and implementation of scientifically based instruction/intervention markedly increases the probability of, but does not guarantee, positive individual response. Therefore, *individual* response is assessed in RtI and modifications to instruction/intervention or goals are made depending on results with *individual* students (Batsche et al., 2005).

Go to *http://ies.ed.gov/ncee/wwc/* to view reading programs that scientific research indicates are associated with high rates of learning to read.

Tier 3. Intervention at this level is provided as supplemental instruction above and beyond and in addition to the core curriculum. In some systems, Tier 3 may actually be identification for special education. In other systems, this is the most intensive level of support provided to students outside of identification for special education. This level of intervention often differs from Tier 2 in the intensity defined as the amount of time the intervention is provided and the ratio of students to the instructor.

RtI models vary in their conceptualization of Tier 3. In some models, Tier 3 would be considered special education and students who progressed to this tier would automatically qualify for special education services. In other models, children would be provided intensive and individual interventions at this tier while concurrently undergoing an assessment for special education eligibility. Service providers at this level should work in close collaboration with English learner specialists (Brown & Doolittle, 2008).

Researchers in the field recommend that intervention at this level be provided a minimum of one or more hours daily in a student to instructor ratio that does not exceed 4:1 (Founders of ExCEL RtI program, personal communication, April 2006; M. Vanderwood. Ph. D., personal communication, October 2009).

Progress Monitoring
Ongoing assessments should be conducted frequently to monitor the progress EL students are making toward reaching or exceeding grade level standards.

It is recommended that benchmark assessments should be administered at least three times a year, but more frequently depending on student progress and needs.

For students experiencing reading difficulties, assessments should be administered weekly, bi-weekly, or monthly, depending on the severity of the problem.

Curriculum-embedded assessments are typically administered every 6–8 weeks, but more frequently depending on the curriculum and student needs. (M. Vanderwood, Ph. D., personal communication, October 2009).

The Role of Student Study Teams in the Pre Referral Process

Many districts utilize existing teams of professionals such as Student Study Teams (SST) to monitor and track students as part of the RtI process. SST is a formal process by which a team of education professionals consult on the strengths and weaknesses of an individual child to help improve the child's academic skills. The role of the SST or other school/district designated team is to track and analyze student progress, as well as to make student referrals to higher level interventions or special education.

It has been documented in the research that it is important for SST or other multi-disciplinary teams to have in-depth knowledge about second language acquisition (Brown & Doolittle 2008). Brown and Doolittle (2008) indicate that the use of RtI without a foundation in culturally and linguistically appropriate instruction may lead to *greater* disproportionality. They also found that most teachers lack the training, expertise, and experience in teaching reading and other subjects to ELs. They feel it is essential to address teacher-related and school-related issues as well as child traits such as being a second language learner. Further, they feel all educators should be knowledgeable in first and second language acquisition principles and culturally responsive methodology, as well as consult with specialists who are trained in differentiating cultural and linguistic differences from disabilities.

Brown & Doolittle (2008) propose the following framework for multi-disciplinary teams to follow when determining the needs of English learners who may be struggling:
1) A systematic process for examining the specific background variables or ecologies of ELs (i.e., first and second language proficiency, educational

history including bilingual models, immigration pattern, socioeconomic status, and culture) that impact academic achievement in a U.S. classroom;

2) Examination of the appropriateness of classroom instruction and the classroom context based on knowledge of individual student factors;
3) Information gathered through informal and formal assessments; and,
4) Nondiscriminatory interpretation of all assessment data.

RtI research indicates there are two treatment models: a standard treatment protocol model and a problem-solving model, though in reality, most school districts use a combination of the two (Batsche et al., 2005).

Some initial RtI related activities that may occur during the SST process for English learners are:

- The parent, teacher and/or EL staff, as well as other RtI staff members attend and participate in the meeting.
- Background information is reviewed and completed with the parent.
- Review of concerns regarding academic or language acquisition, behavioral, social or emotional progress takes place.
- Specific areas of need are determined (identify the problem)
- Needed interventions established.
- A progress monitoring schedule, who will be responsible for conducting probes are determined, and the frequency of probes are determined.
- All information should be recorded.

Follow-up RtI or SST meetings should occur. Some of the activities that may occur during these subsequent SST meetings are:

- The parent, teacher and/or EL staff, as well as other RtI staff members attend and participate in the meeting.
- The data collected during the last interval is reviewed (typically no more than 12 week intervals).
- The team determines if the student is making progress toward expected targets.
- The team decides whether and/or not the interventions should be continued and should select new interventions (if student is not responding to the current interventions).
- The team determines a schedule for monitoring progress and who will be responsible for conducting probes (this must occur at least two times weekly).
- All information is recorded in a written format.

According to a model RtI program implemented by Murray County Schools, 2008), RtI follow-up meetings are not recommended prior to 24 weeks of RtI intervention where the team may be considering a referral to special education. It is also recommended that the School Psychologist, and possibly other special education staff members as appropriate, be invited to the SST meeting.

Frequently Asked Questions

Question: Is it advisable to group ELs with non-ELs for RtI intervention?
Response: It is best practice for English learners to be grouped according to their level of English proficiency for Structured English Immersion (EL services). For other types of targeted intervention such as in reading, writing, or math, EL students may benefit from being grouped with peers with similar learning needs.

Question: What is the recommended or required amount of time an EL must be in RtI before making a referral for special education?
Response: It is best practice for English learners to receive high quality, research based interventions over a period of time long enough to determine the following:
1) Is the student struggling academically due to a disability or language difference?
2) Can the student's academic needs be met through RtI versus special education?

Section IV: Assessment and Identification of English Learners for Special Education

Learning Disability versus Language Difference

This section provides guidance on assessment and identification of ELs for special education. Important topics associated with these processes include learning disability versus language differences, legal requirements for assessment of ELs, assessment of EL students for special education, use of interpreters for assessment, components of the assessment report for ELs, determining eligibility for special education, and frequently asked questions.

Some students who are English learners (ELs) are misidentified as having learning disabilities because of inadequate assessment tools and practices (Klingner & Artiles 2006; Garcia & Ortiz 2004; Klingner et al., 2008; Klingner et al., 2005; Rueda & Windmueller, 2006). Assessment tools for evaluating learning disabilities among students who are ELs are still in development (Baca et al., 2008,; Skiba, Knesting, & Bush, 2002). One of the challenges is capturing the broad spectrum of bilingualism in assessment. This is difficult to capture with a set of assessment tools (P. Olvera, Ph. D., personal communication, May 21, 2010).

Research data indicates that there is a correlation between the decision to identify ELs for special education and grade level. Before the fifth grade students with an IEP are underrepresented among ELs, and later they are overrepresented (Fetler, 2008).

Educators face an ongoing challenge in distinguishing a learning disability from the challenges of learning a second language (Klingner & Artiles 2006; Rueda & Windmueller, 2006). When a student who is an EL fails to learn English at the expected pace, falls behind academically, or exhibits inappropriate behavior, educators must decide whether this is caused by a learning disability or by difficulty in developing second language skills (Gopaul-McNicol & Thomas-Presswood, 1998; Orozco et al., 2008). Researchers have identified issues related to the identification of disabilities among students who are English learners that lead to a disproportionate number of these students being assigned to special education services. Some students who are ELs are misdiagnosed as having a disability, including a learning disability, while others are not properly identified as having a disability and thus do not receive the special education services to which they are entitled (Chamberlain, 2005; Warger & Burnette, 2000). The literature identifies four challenges that contribute to disproportionate patterns in the identification of learning disabilities among students who are ELs: professionals' knowledge of second language development and disabilities, instructional practices, intervention strategies, and assessment tools (Sanchez et el., 2010). ELs may also manifest ADHD like symptoms of inattention and distractibility, due to language differences unrelated to a disability. This sometimes results in an inappropriate designation as SLD or OHI (E. Gomez-Cerrillo, personal communication, May 1, 2010). The process of acquiring a second language varies from child to child, and difficulties with language acquisition often appear similar to learning disabilities (Case & Taylor, 2005). Teachers observing language acquisition in a student who is an EL can confuse the symptoms of learning disabilities with the patterns of pronunciation

development (Lue, 2001; Piper, 2003), development of syntax (Gopaul-McNicol & Thomas-Presswood, 1998; Kuder, 2003), or semantic development (Mercel, 1987)in a second language learner. Because of the longer time required to acquire cognitive academic language proficiency, educators may incorrectly identify delays as a learning disability rather than a language development/difference issue (Cummins, 1984; Ortiz, 1997; Ruiz, 1995). Questions for the student study team and assessors to consider prior to making a referral for an EL student to special education might be:

  ✓ Has the student received intensive interventions using appropriate materials and strategies designed for ELs, and have they been implemented with fidelity over time and demonstrated little or no progress?

  ✓ Does the team have data regarding the rate of learning over time to support that the difficulties (academic, social-emotional, or in speech & language) are most likely due to a disability versus a language difference? If answers to the questions above are "YES," a referral to special education maybe appropriate.

  ✓ Has the team consulted with the parent regarding learning patterns and language use in the home?

  ✓ Are the error patterns seen in L1 similar to the patterns seen in L2 (if student has sufficient primary language skills)?

  ✓ Are the learning difficulties and/or language acquisition patterns manifested over time similar in different settings and in different contexts?

Legal Requirements for Assessment of ELs

Pursuant to The Code of Federal Regulations (34 CFR 300.304 (1) (i) (ii)), assessments and other evaluation materials used to assess a child under this part 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 and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. California Education Code further stipulates that testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory.

For assessment to determine eligibility for infants and toddlers, the assessment shall "be conducted in the language of the family's choice or other mode of communication unless it is it is not feasible to do so".

(California Ed Code 56320, 56001(j), 56127; 17 CCR 52082(b) & 52084(d)).

Following are legal citations related to the requirements for teams to consider prior to referring EL students for special education:

1) "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 Ed Code 56303).

2) The normal process of 2nd language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a handicapping condition (CCR) Title 5 3023(b)).

3) A child may not be determined to be eligible…if the determinant factor for that eligible determination is…1) lack of instruction in reading or math, or limited English proficiency…. (CFR 300.534 (b)).

Assessment of EL Students for Special Education

Professionals assessing English learners should not only evaluate English interpersonal communication skills, but should also utilize formal or informal assessments that measure the literacy-related aspects of language. For example, assessors should analyze the EL student's ability to understand teacher-talk (e.g., tests of dictation or story retelling) and whether she/he can handle the language found in texts (e.g., close procedures or comprehension checks which measure inferential skills). Unless these skills are measured, teachers may attribute low achievement to learning disabilities when they may, in fact, be related to lack of academic language proficiency. Frequently, students at greatest risk of being misdiagnosed as disabled are those who have received EL instruction long enough to acquire basic interpersonal communication skills which takes approximately 1 to 2 years, but who need more time to develop academic language proficiency which takes approximately 5-7 years (Garcia & Ortiz, 2004).

It is also imperative to assess in the student's native language when feasible. It provides comparative data to the IEP team about how the student performs in the native language versus English. In addition, the assessor (psychologist, speech & language specialist, special educator, etc.) can determine if similar error patterns are seen in both the native language and English (listening, speaking, reading, or writing) in order to discern if the student is having academic difficulty due to a language difference or a disability.

Note that there is no legal requirement to formally identify preschool students as English learners, as there is no assessment process designated for this purpose in the State of California; however, the IEP team must follow bilingual assessment protocol to determine the language of preference of the student if the parent indicates that a language other than English is spoken at home and assess according to second language learner requirements (California Ed Code (EC) 56440 and 56441.11).

Suggested best practices to guide bilingual assessment decisions are**:**
- An assessor fluent in both languages should assess to determine the student's relevant strengths and weaknesses in their native language and English to guide the assessment team regarding types of assessment to be performed by using like instruments in native language and English when available. This helps to provide a more comprehensive view of what the student knows and can do (Artiles & Ortiz, 2002).

- All assessors should assess in the language of preference when possible.
- If primary language assessments are not available, use non-verbal measures with other information gathering to inform decisions.
- Assessors should be trained in second language acquisition and assessment.
- The decisions made regarding language modality to assess in should be clearly documented in the assessment reports.

Some possible examples of when it may not "be feasible" to assess in the student's primary language are:
- The student is severely handicapped and lacks communication skills.
- Primary language assessments are unavailable. It is best practice to interview parent/guardian about the student's patterns of use in their primary language patterns through use of an interpreter.

IEP teams also must decide on the form of the assessment most likely to yield accurate information on what the child knows and can do academically when making determinations about how and when to assess in the primary language.

It may be best practice for a psychologist or speech pathologist to conduct preliminary language proficiency assessment of an EL student in his or her primary language and English to determine the skill levels of the student in both languages. The results this preliminary assessment may help to guide future assessment decisions such as which language to conduct the academic, speech and language assessment in, etc. It is important for the assessor to further assess the student in his or her primary language to determine the cognitive levels of the student. For example, a student may perform academically higher in English since he or she has had little or no academic instruction in the primary language; however the student may demonstrate higher levels of cognition in his or her primary language. If the preliminary bilingual assessment data indicates the student has little or no skills in the primary language (in cognition, academics, or speech & language), the team may opt to continue the remainder of the assessment in part, or in whole, in English. For example, the assessment team may opt to continue academic assessment in English and complete cognitive and speech assessment in the primary language. If an assessor makes the decision to discontinue any portion of the assessment for an EL in the primary language, the assessor should clearly document how or why he or she came to this decision in the assessment report and IEP.

Assessors should also address socio-cultural factors as part of the assessment process. The following four sources of information may be used to help address socio-cultural factors related to English learners:
1) Norm-referenced assessments in English and the student's *primary language (if primary language assessments are available)
2) Criterion-referenced tests
3) Systematic observation in educational environments
4) Structured interviews (with student, parent, teachers, etc.)

Following is a list of the different areas of assessment and specific tools that may be utilized by professionals for use with students who are English learners to determine if they are eligible for special education:

Cognitive Assessment
The following bilingual test instruments are frequently used by psychologists to evaluate EL/bilingual students:
- The Bilingual Verbal Ability Test (BVAT)
- WISC IV Spanish
- KABC (English & Spanish Response Scoring)
- Bateria III Woodcock-Munoz
- Spanish WISC
- Southern California Ordinal Scales of Development:
- Development Scale of Cognition
- Cognitive Assessment System (CAS)
- Use of an Authentic Language Sample from home and school (collaborate with speech & language specialist)

In addition, psychologists frequently may opt to administer non-verbal tests of cognitive abilities as part of an assessment of an EL student; however, assessors should not solely rely on the use of non-verbal tests to inform eligibility decisions since this type of assessment data may provide limited information about the student's overall cognitive abilities. It is also limiting in that one is comparing verbal to non-verbal behaviors, which can sometimes complicate the picture. An assessor should assess a range of abilities using cross battery assessment (P. Olvera, Ph. D., personal communication, May 21, 2010; Artiles & Ortiz 2005).

Following is a list of possible non-verbal assessment tools frequently used by school psychologists to help inform cognition:
- The Universal Nonverbal Intelligence Test (Unit)
- Bender Visual Motor Gestalt Test (visual-motor test)
- Naglieri Nonverbal Abilities Test (NNAT)
- Test of Non-verbal Intelligence (CTONI)
- Leiter
- Test of Visual Perceptual Skills (TPVS) (visual-perceptual test)

It is recommended that as standard procedure assessors investigate the student's use of their primary language by engaging in conversation with interpreters who speak the student's primary language and same dialect. Some bilingual assessment experts recommend that psychologists use cognitive assessment measures of evaluation that include many developmental and experiential activities.

Speech and Language Assessment for English Learners

The following speech and language test instruments are frequently used to evaluate EL bilingual students:

- PPVT: 3/TVIP
- EOWPVT:Bilingual
- CELF:IV Eng/Span versions
- TAPS:3 Eng/Span versions
- Goldman-Fristoe/La Meda (articulation)
- BVAT-The *Bilingual Verbal Ability Tests*
- Language Sample- in English and native language
- ROWPVT (Spanish Bilingual Version)
- Woodcock-Munoz Language Survey (WMLS-R)
- Idea Proficiency Test (IPT – II)

Assessors should practice caution since there may be some limitations with age norms, as with the expressive language measures which only go to 12 years old for the bilingual portion. For newcomers, some assessors administer all the Spanish portions of the above tests and try the PPVT and EOWPVT English version as well to see if there is any appreciable English vocabulary. Some speech and language assessors start off with the vocabulary measures to see where the student may have deficits and then move to the more complex measures. One scenario may be that an EL student has limited language proficiency skills in both languages, or has somewhat limited skills in English and is even more limited in his/her primary language. In addition, the student engages in code switching and there seems to be confusion in both languages. It is important for the assessor to discern if this is due to lack of quality instruction over time in both languages, prior schooling in English only, or other environmental reasons such as the use of both languages at home versus it being a language or learning disability. It may also be very useful for the speech and language assessor to attend the SST or other team meetings for EL students who may potentially be referred for assessment. The assessor can then talk to the parents and get more background information on the student. It is also best practice for bilingual assessors to observe the students in their classrooms and talk to their teachers about their patterns of learning, along with gathering information about both languages and the use of each across different contexts with different people.

 One issue may be that the student attended school but did not receive an appropriate curriculum, or may have missed a lot of school due to illness, or other reasons. The clinician must determine if the language level is commensurate with the student's actual education. Also, one must consider if the student's language is a mirror of the models in the home.

Recent CELDT test scores, if available, may also be used as a measure of the student's current level of functioning in regards to understanding reading, writing, and being able to speak in English, as well as to

determine if additional assessment may needed in the student's primary language.

One bilingual speech and language specialist reported that she frequently sees students who talk to their family and peers in their native language and seem fluent in both languages (English and their primary language); however, because the students' use of their primary language is very simple and concrete, they can't understand more complex test directions in their native language, nor can they adequately complete the more difficult primary language tests. Further, she reports that their English is also frequently not well-developed, but they are able to function at a somewhat higher level and complete the English portions of the tests. She indicates most of the EL students she has assessed have stronger English language skills and but lack age-appropriate primary language skills (J. Sheills, SLP, personal communication, April 15, 2010).

It is also recommended that speech and language assessors conduct conversational sampling in both languages to check for functional language and pragmatic/social language issues.

When it appears that a student can't really understand directions in their primary language and/or responds to test items consistently in English, it may be advisable to discontinue administering the primary language portions of the assessment and complete the testing in English. As mentioned earlier, it is recommended that assessors document this process in their assessment reports. A word of caution, the assessment results given in English must be interpreted in relation to the EL's process of acquiring English.

Academic Assessment for ELs
When assessing the academic skills of an English learner to determine eligibility for special education, it is required to assess in both the primary language and English skills (unless it has been determined that the student has little or no academic skills in the primary language).

When assessing academic skills in the primary language one needs to consider the amount and quality of primary language academic instruction an English learner has received. Some of the factors that need to be considered are: (1) last grade completed if the EL attended school in the native country, (2) amount of time passed since the EL has received native language instruction, (3) amount of native language instruction the EL has received since leaving the native country (e.g. dual immersion program vs. transitional bilingual program), (4) subjects taught in the native language, and (5) levels of academic achievement in the native language when first entering the United States. Often an EL born in the United States has only received instruction in school in English; however,

one cannot assume that this student is unable to read and/or write their primary language.

If the EL's primary language is other than Spanish, then informal assessment of the primary language skills for reading, writing, and math must be conducted to the extent possible. If an interpreter is used for assessing academic skills using English instruments that haven't been normed on the translation, then numerical scores should not be used. The information obtained using an interpreter must be noted in assessment reports and shared at the IEP meeting for decision-making purposes. For example, after giving the "Applied Problems" subtest from the Woodcock Johnson III (W-J III) in English to an EL, an interpreter is then used to check if the student would perform better after hearing the problem read in their primary language. A new score could not be obtained, but if the EL was more successful after hearing the problem in their primary language, then the "difficulty" could be due to second language acquisition rather than a learning disability affecting math skills. The effect of "test/retest validity" does need to be considered in these cases and included in the assessment report.

To date, there are a limited number of standardized academic assessments available in languages other than English. Some possible academic/other assessment instruments that may be used to assess students whose primary language is Spanish are:
- Bateria III Woodcock-Munoz
- Language Assessment Scales (LAS)
- Spanish Brigance (criterion-referenced)
- Use of Dibels and Curriculum based measures if available (not standardized)
- Boehm Test of Basic Concepts - Revised (BTBC-R)(1986) (K-2 Spanish)
- Aprenda: La prueba de logros en espanol, Segunda edicion (1997)
- Bracken Basic Concept Scale - Revised (1998)(Spanish Edition) (ages 2.8 to 8 years)

Social-Emotional / Cultural Assessment for English Learners
To date, there are a limited number of social-emotional assessments available in languages other than English.
- BASC – Pearson Assessments
- Acculturation Rating Scale for Mexican Americans (ARSMA)
- Spanish Version of the Social Skills Rating System
- Vineland Adaptive Behavior Scales
- Connors Spanis**h**

Use of Interpreters for Assessment

It is recommended that the following steps be taken in preparation for use of an interpreter in assessment:

1) Know what tests are being administered
2) Be prepared for the session to account for extra time needed with an interpreter
3) Know the skill level of the interpreter
4) Ensure the interpreter speaks the same dialect of the student
5) Administer only the tests which the interpreter has been trained to assist in administering

The following briefing procedures are recommended prior to administering assessments with use of an interpreter (assessor and interpreter review together):

1) Go over the general purpose of the assessment session with interpreter.
2) Describe to the interpreter the assessment instruments that will be administered.
3) Provide the interpreter information about the student.
4) Review English test behavior with the interpreter, if applicable.
5) Remind the interpreter they he or she should make a written note of all behaviors observed during the assessment.
6) Allow time for the interpreter to organize materials, re-read the test procedures, and ask for clarification if needed.
7) Remind interpreter that they will need to follow the exact protocol of the test (ex: can they repeat question, cue, etc).

The following debriefing procedures are recommended after the interpreter has assisted with an assessment:

1) Ask interpreter to go over each of the test responses without making clinical judgment.
2) Go over any difficulties relative to the testing process.
3) Go over any difficulties relative to the interpretation process.
4) Go over any other items relevant to assessment process.

The following best practices are recommended when conferencing with parents with the use of an interpreter:

1) Observe body language when meeting with an interpreter and parent. Rely on interpreter to assist you in understanding culturally appropriate behavior.
2) If the interpreter is used with the parent, avoid portraying the interpreter as the parent's representative or advocate – stay professional.
3) Seating arrangements are critical. Give the name and position of each person present. The interpreter should not in any way block the parent from the school person. Parents must be able to see both interpreter and assessor.

4) The interpreter should only translate not editorialize or give opinion.
5) The educator needs to speak to the parent, not to the interpreter.

Components of the Assessment Report for ELs

In addition to the basic requirements of a report, assessment reports for EL students are required to have the following documentation included in the report.
1) Impact of language, cultural, environmental and economic factors in learning
2) How standardized tests and techniques were altered
3) Use of the interpreters, translations for tests; include a statement of validity and reliability related to the use of such
4) Examiner's level of language proficiency in language of student and the effect on test results and overall assessment

(5 CCR 3023; California Ed Code (EC) 56341 & 56327)

It is best practice to include cross-validation of information between norm-referenced, criterion, and interview/observation based measures, to include information from home setting. In addition, it is best practice to include the following in an assessment report for a student who is EL/bilingual:
• Consideration of the second language acquisition process and its relationship to the possible handicapping conditions
• Results of current language proficiency testing
• If and how standardized tests and techniques were altered
• A statement of student limitations if non-verbal measures were used
• Recommendations for linguistically appropriate goals
• Test scores and interpretation of the scores - what do they mean and how do the test scores/results relate to the student's performance in school and in life.

Lastly, remember that reports should be translated into the primary language if requested by the parent/guardian. Often parents will indicate that verbal translation is sufficient.

Determining Eligibility for Special Education

When looking at an English learner's performance on an English academic test, such as the WJ III, one needs to view this assessment as a possible level of second language acquisition and not necessarily a true measurement of the EL's academic skills. When interpreting the levels of achievement on the English tests, one must factor in such things as the grade/age the EL was first exposed to English, the amount, consistency and type of schooling, and EL services the student has received, etc. This

needs to be documented in the assessment report and taken into consideration when eligibility decisions are being made.

Remember, if an EL has been assessed in similar tests in the native language and English, and if a discrepancy model is being used to qualify a student as learning disabled (LD), the highest cluster scores need to be used for purposes of qualifying the student for special education. For example, if an EL whose native language is Spanish receives a standard score (SS) of 95 on the Spanish test for "Basic Reading Skills" and a SS of 80 on the English test for "Basic Reading Skills," then the 95 would be used to calculate the discrepancy between ability and achievement; however, both scores should be reported in the assessment report. If an EL receives a SS score of 95 in English "Basic Math Skills" and an 80 SS in Spanish on "Basic Math Skills," then the 95 would be used to calculate the discrepancy; however, it is best practice to report both scores in the assessment report.

Frequently Asked Questions

Question: Are there any written guidelines or procedures for the assessment of preschool age students who are bilingual or who have a primary or dominant language that is other than English? Our preschool assessment teams are having a hard time with this in consideration of special education eligibility (in many situations without consideration of language differences.)
Response: No. There are no clear written laws that pertain specifically to preschool students. However, in California, we typically rely on EL status to trigger primary or native language assessment. Since we do not classify preschool children as EL and require them to take the CELDT or a like test, it is presumed the federal laws regarding native language assessment apply. For infants and toddlers, the family may choose the mode of communication for assessment. The assessors of preschool students must also rule out a language difference versus a disability in order to establish eligibility.

Question: Are districts required to assess an English learner with moderate to severe disabilities in their primary language in order to qualify them for special education?
Response: The regulations state you must assess in the native language unless it is clearly not feasible to do so. Based on the severity and type of disability, it may not be feasible to assess in the native language. The IEP team should determine the type of assessments that are most appropriate to assess the student's needs and/or eligibility.

Question: May the parent waive the requirement for a student to be assessed for special education in their primary language?
Response: There is no specific provision for a parent to waive assessment in the primary language. A parent may decline assessment in part or in whole; however, the assessors determine the language for the assessments to be administered in.

Question: Is it required that an interpreter who assists an assessor administer a test in the primary language be certified or receive formal training?

Response: No; however, it is best practice to ensure that interpreters are fluent in the language of the assessment and have been appropriately trained to interpret in a formal assessment setting since the validity of the test results must be documented.

Question: Is it true that schools or student study teams must wait until a student has been receiving EL services for 5-7 years or is at least in the 5th grade so he or she can fully develop his or her English language skills before being referred for special education?

Response: No, this is a common "myth." Disabilities occur in primary and second languages and across all contexts. It is required that assessors rule out that the student has a disability versus a language difference. Skilled assessors trained in second language acquisition and bilingual assessment can make this determination even if the student has not fully acquired English (Fortune, 2010).

Section V: Development of the Individual Education Program (IEP) for English Learners with Disabilities

To properly meet the complex needs of students identified as English learners (EL) who have disabilities, education professionals from various disciplines must effectively collaborate and involve families in the process. This requires that general education teachers, special educators, and staff members who have expertise in EL issues consult and collaborate to design and implement effective individualized programs (IEPs) and services for individuals with disabilities to ensure optimal educational outcomes for this diverse group of learners. This section includes information on development of linguistically appropriate IEPs, required IEP components for EL students, other legal requirements related to the IEP of ELs, and frequently asked questions.

Development of Linguistically Appropriate IEPs

Why write linguistically appropriate IEPs? It is the law. When appropriate the IEP shall also include, but not be limited to, all of the following: "for individuals whose native language is other than English, <u>linguistically appropriate goals, objectives, programs and services</u>" (EC 56345(b)). The IEP is a written document that is developed for each public school child who is eligible for special education services. The IEP is created through a team effort and reviewed at least once a year. The required "IEP Team" members are:

1) The parents of a child with a disability;
2) Not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
3) Not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
4) A representative of the Local Education Agency (LEA) who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; knowledgeable about the general education curriculum; and, knowledgeable about the availability of resources of the LEA;
5) An individual who can interpret the instructional implications of evaluation results, and who may be a member of the team described above;
6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
7) Whenever appropriate, the child with a disability.

(34 CFR 300.321(a)(6)-(7); EC 56341(b)(6)-(7))

For EL students it is best practice to invite staff members to the IEP who have expertise in English language development and can also interpret the results of CELDT testing and primary language testing when applicable (Reid, 2010).

The IEP team must ensure that parents are provided copies of the IEP notice in their primary language. In addition, districts must ensure that parents understand the proceedings of the IEP meeting. This may require the district to provide an interpreter if necessary. Parents also have the right to request that a copy of the IEP be provided to them in their primary language. It is also best practice to provide a copy of the assessment reports in the parents' primary language if requested; however, this requirement is not clear in the regulations (Reid, 2010).

Further, teachers (special educators included) providing students with district core curriculum must be appropriately certified to provide services to EL students.

Required IEP Components for EL Students

The IEP team must consider the language needs of the student as those needs relate to the student's IEP. Specifically, the IEP must include "linguistically appropriate goals, objectives, programs and services". There are also specific IEP team requirements relative to making decisions about whether or not the student will take CELDT or an alternative measure to measure English proficiency progress, as well as whether or not accommodations or modifications will be needed for the student to take CELDT.

(20 USC 1414(d) (3) (b) (ii); 34 CFR 300.324 (a) (2) (ii); 30 EC 56345 (b) (2); 30 EC 56341.1 (b) (2))

Below is a checklist for staff members to use when drafting IEP for an EL student with a known or suspected disability:
:
- ✓ The IEP indicates if the student is classified as an English learner
- ✓ The IEP includes information about the student's current level of English language proficiency in listening, speaking, reading, and writing (based on current CELDT or alternative assessment scores/levels)
- ✓ The IEP indicates if the student is going to take CELDT or requires an alternate assessments to CELDT and, if so, what the alternate assessment(s) utilized will be
- ✓ The IEP indicates which testing accommodations or modifications the student may utilize for CELDT
- ✓ The IEP addresses programs and services for the EL, to include how English language development needs will be met and who will provide those services *Note: Indicate the setting, duration and frequency*
- ✓ The IEP indicates if primary language support is needed
- ✓ The IEP indicates what language will be the language of instruction
- ✓ The IEP includes goals and objectives that are linguistically appropriate *Note: Linguistically appropriate goals should align to the student's assessed level on the CELDT (or designated alternate assessment) and the CDE English Language Development (ELD) Standards.*

Decisions Regarding CELDT and the IEP

Most students with disabilities take the (CELDT) along with all other students under standard conditions. Some students with disabilities may require test variations, accommodations, and/or modifications or may take alternate assessments. Test variations are allowed for any student who regularly uses them in the classroom. Accommodations, modifications, and/or alternate assessments must be specified in each student's IEP or Section 504 Plan. Before any test variation is used, the following activities should be   considered when preparing or updating the IEP:

1) The IEP team determines ~~should determine~~ if the student's disability would preclude him or her from taking any or all domains of the CELDT (with or without variations, accommodations, and/or modifications).

2) IEP teams review *Matrix 1* in the *Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments*. (see Appendix B1 or go to http://www.cde.ca.gov/ta/tg/el/resources.asp).

   Note: (1) using variations and accommodations produces valid results because they do not alter what the test measures and (2) using modifications or taking an alternate assessment produces invalid results because they alter what the test measures.

3) IEP teams discuss the impact of modifications or alternate assessments on the CELDT resulting in scores that are not valid.

Alternate Assessments to CELDT

Some ELs with an IEP may need to take an alternate assessment to CELDT for initial or follow-up annual language proficiency testing. If the IEP team determines that the student's disability would preclude him or her from taking any or all domains of the CELDT (with or without variations, accommodations, and/or modifications), they must determine which alternate assessment(s) is needed for the domain(s) of the CELDT that the student is unable to take. The IEP team must also note how the student's disability precludes the student from taking any or all sections of the CELDT.

On the next page is a chart showing possible alternative assessments to CELDT. In determining an appropriate alternative assessment tool for a student who is unable to take CELDT even with accommodations or modifications, the IEP team must ensure that the alternate assessment used assesses English proficiency in all four domains of listening, speaking, reading, and writing. This may mean assessing these skills in a functional context.

Assessment Name	Skills Assessed	Publisher	Contact Information
Alternative Language Proficiency Instrument (ALPI)	Listening Speaking	Orange County Dept. of Education	714-966-4120
Student Oral Language Observation Matrix (SOLOM)	Listening Speaking	San Jose Unified School District	http://www.cal.org/twi/EvalToolkit/appendix/solom.pdf
Basics 2 \(Checklist for functional reading and writing)	Listening, Speaking Reading, Writing	Lakeshore	http://www.lakeshorelearning.com/home/home.jsp
Sandi	Listening, Speaking, Reading, Writing	SEACO	http://www.rcoe.k12.ca.us/materials/SANDI_Riverside.pdf
Basic Inventory of Natural Language (BINL)	Listening Speaking in 30 different languages	CHECpoint Systems, Inc.	(800)635-1235
Brigance IED II (B-7yrs) Brigance CIBS II (Pre K –9)	Listening & Speaking Reading & Writing literacy	Curriculum & Associates	http://www.curriculumassociates.com

Linguistically Appropriate Goals and Objectives (LAGOS)
It is required that the IEP for an English Learner include linguistically appropriate goals (and objectives for students receiving a functional skills level curriculum) which lead to the development of English language proficiency.

Linguistically appropriate goals, objectives, and programs means 1) those activities which lead to the development of English language proficiency; 2) those instructional systems which lead to the language development of English language proficiency; and 3) 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 IEP team, is severely limited, the IEP team may determine that instruction may be provided through an alternative program, 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 (EC Section 311(c); CR, Title 5, Section 3001 (s)).

> *Note: Even though it is not a legal requirement to formally identify a preschool age student as an English Learner in California, federal regulations require the IEP team to determine if the student is an English leaner for purposes of the IEP and include linguistically appropriate goals and services.*

Linguistically Appropriate IEP goals for ELs should:
- Be appropriate for the cognitive level of the student;
- Be appropriate for the linguistic level of the student;
- Match the developmental level of the student's primary (L1) or secondary (L2) language;
- Match the student's general education transition criteria and reclassification policy (i.e., from EL to FEP);
- Access the student's prior knowledge and experiences;
- Incorporate culturally relevant materials and experiences; and
- Affirm the student's cultural heritage.

In California, it is recommended that (LAGOS) be aligned to the California English Language Development Standards. The *California English Language Development Standards* are available for download at www.cde.ca.gov/be/st/ss/index.asp)
- Kindergarten – grade 2
- Grades 3 – 12, literate in their primary language
- Grades 3 – 12, not literate in their primary language

The CDE ELD Standards document further clarifies that "Students who enter California schools in those grade levels not literate in their primary language need to be taught the ELD literacy standards for earlier grade levels, including those standards related to phonemic awareness, concepts of print, and decoding skills."

The following are samples of linguistically appropriate goals (LAGOS) that meet the criteria of being linguistically appropriate and are based on the California English Language Development Standards. These can be used as models in developing IEP goals that address the unique needs of each student. Always remember to take into consideration the student's present levels of performance, language proficiency, and learning style when selecting ELD standards to base LAGOS on.

> *Note: Remember that a minimum of two (2) benchmark objectives must be developed for each goal if the curriculum the student uses is considered an alternative-curriculum that focuses on "life-skills".*

Sample Goal 1
Domain: Listening & Speaking
Strand: Strategies & Applications
Sub Strand: Comprehension
Level: Beginning
Grade: K-2
Goal: By   (date) , (student)   will respond to simple directions and questions in English by using physical actions and other means of nonverbal communication (e.g., matching objects, pointing to an answer, drawing pictures) with 80% accuracy on 3 consecutive trials as demonstrated by written classroom data.

Objective: By   (date) , (student)   will respond to simple directions and questions in English by using physical actions and other means of nonverbal communication (e.g., matching objects, pointing to an answer, drawing pictures) with 40% accuracy on 2 consecutive trials as demonstrated by written classroom data.

Objective: By   (date) , (student)   will respond to simple directions and questions in English by using physical actions and other means of nonverbal communication (e.g., matching objects, pointing to an answer, drawing pictures) with 60% accuracy on 3 consecutive trials as demonstrated by written classroom data.

Note: The above goal and objectives are written at the "beginning" level of English language development and would be appropriate for a student whose CELDT score is at the beginning level in listening. This goal was adapted from the California ELD Standards published in 1999.

Sample Goal 2
Domain: Reading
Strand: Word Analysis
Sub Strand: Concepts about Print, Phonemic Awareness, and
                Vocabulary and Concept development
Level: Early Intermediate
Grade: 3-5

Goal: By   (date) , (student) , while reading aloud a short passage of 8-10 lines at grade level, will recognize and produce English phonemes that do not correspond to phonemes he or she already hears and produces with 80% accuracy on 3 consecutive trials as demonstrated by data tracking records.

Objective: By   (date) , (student) , while reading aloud a short passage of 1-2 lines at grade level, will recognize and produce English phonemes that do not correspond to phonemes he or she already hears and produces with 40% accuracy on 2 consecutive trials as demonstrated by

data tracking records.

Objective: By __(date)__, (student), while reading aloud a short passage of 3-4 lines at grade level, will recognize and produce English phonemes that do not correspond to phonemes he or she already hears and produces with 60% accuracy on 3 consecutive trials as demonstrated by data tracking records.

Note: The above goal and objectives are written at the "early intermediate" level of English language development and would be appropriate for a student whose CELDT score is at the beginning to early intermediate level in reading word analysis. This goal was adapted from the California ELD Standards published in 1999.

Sample Goal 3
Domain: Writing
Strand: Strategies & Applications
Sub Strand: Organization & Focus
Level: Intermediate
Grade: 6-8

Goal: By __(date)__, (student) will develop a clear purpose in a short essay (two to three paragraphs) by appropriately using the rhetorical devices of quotations and facts with 90% accuracy on 3 consecutive trials as demonstrated by a written response to a prompt.

Objective: By __(date)__, (student) will develop a clear purpose in a short essay (two to three paragraphs) by appropriately using the rhetorical devices of quotations and facts with 50% accuracy on 2 consecutive trials as demonstrated by a written response to a prompt.

Objective: By __(date)__, (student) will develop a clear purpose in a short essay (two to three paragraphs) by appropriately using the rhetorical devices of quotations and facts with 80% accuracy on 3 consecutive trials as demonstrated by a written response to a prompt.

Note: The above goal and objectives are written at the "intermediate" level of English language development and would be appropriate for a student whose CELDT score is at the early intermediate level in writing. This goal was adapted from the California ELD Standards published in 1999.

Sample Goal 4
Domain: Reading
Strand: Fluency & Systemic Vocabulary Development
Sub Strand: Vocabulary & Concept Development
Level: Early Advanced
Grade: 9-12

Goal: By __(date)__, (student)_ will use a standard dictionary to determine the meaning of a list of 20 unknown words (e.g., idioms and words with multiple meanings) with 80% accuracy on 2 consecutive trials as demonstrated by classroom written records.

Objective: By __(date)_, (student)_ will use a standard dictionary to determine the meaning of a list of 100 unknown words (e.g., idioms and words with multiple meanings) with 60% accuracy on 2 consecutive trials as demonstrated by classroom written records.

Objective: By __(date)__, (student)_will use a standard dictionary to determine the meaning of a list of 10 unknown words (e.g., idioms and words with multiple meanings) with 80% accuracy on 2 consecutive trials as demonstrated by classroom written records.

Note: The above goal and objectives are written at the "early advanced" level of English language development and would be appropriate for a student whose CELDT score is at the <u>intermediate</u> level in reading vocabulary. This goal was adapted from the California ELD Standards published in 1999.

IEP Accommodations and Modifications
The IEP should stipulate appropriate accommodations and/or modifications that may be needed to assist the student who is an English learner be successful in an educational setting.

Examples of accommodations that may by appropriate to consider for students learning English may be but are not limited to the following:
- Primary language support to assist with academics
- Translation devices
- Extra time on tests and assignments
- Use of reference materials with visuals to aide comprehension
- Bilingual dictionary if applicable to second language

Examples of modifications that may by appropriate to consider for students learning English may be but are not limited to the following:
- Tests provided or adapted to be more "comprehensible"
- Tests and assignments modified in length and content
- Alternative testing formats such as use of visuals, drawings, etc.

Other Legal Requirements Related to IEPs of ELs

Section 3302 of Title III of NCLB requires school districts receiving Title III funds states: "<u>no later than 30 days after the beginning of the school year</u> or within two weeks of a student's placement in a language instruction program after the beginning of the school year, to inform parents or guardians of (1) the reasons for their student's identification as an English learner and (2) the need for placement in the specified program." "<u>Parents or guardians of English learners with an IEP must be notified how</u>

<u>the recommended placement will help their child to meet the objectives of the IEP</u>."
This requirement is typically met through a letter that is sent out through the English
Learner Department (see sample letter in Appendix B2).

Frequently Asked Questions

> **Question:** Is it required that the IEP team classify preschool students as EL?
> **Response**:   There is no formal process in place in the State of California to
> identify/classify students in preschool as English Learners. IEP teams still need
> to take into consideration the language needs of the student in order to develop
> linguistically appropriate IEPs for students who, through the assessment process
> are determined to be more proficient in a language other than English (CDE
> Special Education Division, 2010).

> **Question:** Is it required for an EL student who is identified as having a learning
> disability to receive only instruction in English so as not to confuse the student?
> **Response:** There is research that indicates that the student may acquire L2
> easier if they are proficient in L1 (Fortune, 2010). The IEP team needs to
> carefully consider the individual needs of the student before making this decision.

Section VI: IEP Implementation and Programs and Services for English Learners with Disabilities

This Section provides information about collaboration between special and general education, programs and services for students with disabilities, English language development (ELD) service delivery options for students in special education, instructional strategies for English Learners (ELs) with disabilities, and frequently asked questions.

Collaboration Between Special and General Education

Since the onset of NCLB, expectations for achievement and learning have increased for both students with disabilities and ELs. In order to meet the needs of ELs in special education it is imperative that special educators collaborate with general education staff members to provide a continuum of services that meet both the ELD and other academic needs of the student.

Collaboration strategies have been developed and researched for general and special education professionals to effectively assist EL students with mild disabilities. One such strategy is referred to as "cooperative planning" (Hudson & Fradd, 1990). An important feature of this strategy is that none of the personnel involved is recognized as having more authority than the others. All professionals serving the students in the collaborative model are considered equals within their areas of expertise and all have areas in which they can develop new skills for working with EL students. The steps in cooperative planning listed below can be implemented through formal planned procedures or through informal interactions among colleagues:

- Establish meeting times
- Establish and maintain rapport
- Discuss demands of each instructional setting
- Target individual student needs
- Specify and summarize data
- Discuss student information
- Determine discrepancies between student skills and teacher expectations
- Plan instruction intervention and monitoring system
- Implement the plan and follow up as needed

Collaborative skills can be developed by meeting regularly to discuss student needs and to monitor student progress. This process can also allow educators to determine the specific interventions that lead toward success (Damico & Nye, 1991).

Learning to work cooperatively and collaboratively with others to address the needs of specific students is not easy. School personnel must have had training in applying multicultural concepts to addressing the needs of learners with disabilities and limited proficiency in English.

Collaboration across disciplines and grade levels cannot occur without an organizational structure that promotes interaction and communication. The local school

level is the arena where collaboration can have an immediate impact on students. Although there is a strong movement toward collaboration, there are still many obstacles to be overcome in assisting ELs with disabilities.

Collaboration cannot be forced. When teachers voluntarily choose to collaborate, the issue of egos getting in the way is mitigated. As stated by Friend and Cook's (2010) "interpersonal collaboration is a style of direct interaction between at least two co-equal parties voluntarily engaged in shared decision making as they work toward a common goal". They clarify this definition by detailing seven defining characteristics of effective collaboration:

1) ***Collaboration*** *is voluntary. Teachers may be required to work in close proximity, but they cannot be required to collaborate. They must make a personal choice to work collaboratively in such situations. Because collaboration is voluntary, not administratively mandated, teachers often form close, but informal, collaborative partnerships with colleagues.*

2) ***Collaboration*** *is based on parity. Teachers who collaborate must believe that all individuals' contributions are valued equally. The amount and nature of particular teachers' contributions may vary greatly, but the teachers recognize that what they offer is integral to the collaborative effort.*

3) ***Collaboration*** *requires a shared goal. Teachers collaborate only when they share a goal. If they are working on poorly defined goals, they may be unintentionally working on different goals. When this happens, miscommunication and frustration often occur instead of collaboration.*

4) ***Collaboration*** *includes shared responsibility for key decisions. Although teachers may divide their labor when engaged in collaborative activities, each one is an equal partner in making the fundamental decisions about the activities they are undertaking. This shared responsibility reinforces the sense of parity that exists among the teachers.*

5) ***Collaboration*** *includes shared accountability for outcomes. This characteristic follows directly from shared responsibility. That is, if teachers share key decisions, they must also share accountability for the results of their decisions, whether those results are positive or negative.*

6) ***Collaboration*** *is based on shared resources. Each teacher participating in a collaborative effort contributes some type of resource. This has the effect of increasing commitment and reinforcing each professional's sense of parity. Resources may include time, expertise, space, equipment, or any other such assets.*

7) ***Collaboration*** *has emergent properties. Collaboration is based on belief in the value of shared decision making, trust, and respect among participants. However, while some degree of these elements is needed at the outset of collaborative activities, they do not have to be central characteristics of a new collaborative relationship. As teachers become more experienced with collaboration, their relationships will be characterized by the trust and respect that grow within successful collaborative relationships.*

It is teachers working together for the purpose of improving their teaching that distinguishes a truly collaborative school from a school that is simply managed in a democratic fashion. Little (1982) found that more effective schools could be differentiated from less effective schools by the degree of teacher collegiality, or collaboration they practiced. She observed that collegiality is the existence of four specific behaviors:

1) First, teachers talk frequently, continuously, and concretely about the practice of teaching.
2) Second, they observe others' teaching frequently and offer constructive feedback and critiques.
3) Third, they work together to plan, design, evaluate, and prepare instructional materials and curriculum.
4) Fourth, they teach each other about the practice of teaching.

An important aspect of the emergence of collaboration is the shift from a perception of the principal and teachers as solely responsible for educational outcomes to the perception of education as a process that includes teachers, parents, and students throughout (Stedman, 1987). The evaluation of the ways that schools involve the people who work and learn there continues as the press for multicultural equity and equality becomes more widespread and insistent.

Unfortunately, teachers are often unaware of the types of information available from their potential collaborators; thus they may not ask each other for specific information or request advice in developing instructional plans. In an informal collaborative setting, contributions from those of varying backgrounds may be neglected. The establishment of formal collaborative procedures can facilitate the exchange of information and ideas among different teachers and help foster the development of a collaborative and cooperative atmosphere that may lead to informal collaboration in the future.

Teachers engaging in collaboration must meet often in order to develop collaborative skills by discussing and monitoring student progress. This process can also allow educators to determine the specific interventions that lead toward success (Damico & Nye, 1991).

It is also beneficial for teachers, who are collaborating to provide services to ELs, to involve student families in the process. The school experience for English learners, and probably for many others, is likely to be viewed from different perspectives by the many people involved--the most extreme differences usually occurring between family members and school personnel (Casanova, 1990). Without information from the parents, many assumptions may be made about the students that do not reflect the parents' perspective. Parents can provide important information about the student's status and behavior in the family and in the community, as well as information about family and community norms.

In an era of decreasing resources and rapidly increasing student diversity, collaboration is an essential strategy for enhancing resource utilization and program cost effectiveness.

Programs and Services for EL Students with Disabilities

ELs and students with disabilities are capable of meeting high academic standards when provided appropriate learning opportunities. Appropriate instructional strategies that focus on language acquisition, scaffolding techniques and proven methodology effective with ELs, and collaboration between the English Learner programs and Special Education programs promotes academic success for all.

To achieve equality of access to special needs services and to ensure that all students are being educated adequately and effectively, both under-identification and over-identification of ELs regarding special education status must be examined, thoroughly monitored, and eventually remedied.

One study concludes that "it's imperative to monitor the quality of educational programs offered to linguistic minority students in general, bilingual, and special education as well as the long-term consequences of placement decisions for these students" (Klinger & Artiles, 2003). 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/LEAs need to make sustained effort to provide appropriate programs and services to English learners to ensure that they are afforded the same educational and linguistic opportunities as their peers in the least restrictive environment. A full continuum of program options should be available to ELs in special education. To the maximum extent appropriate, they should be educated with children who are not disabled. The continuum of program options (from least restrictive to most restrictive) for providing special education services are as follows:

- Regular education program with specially designed accommodations and modifications
- Regular education classroom with pull-out or collaborative in-class specialized academic instruction (SAI) with or without designated instruction services (DIS) support
- Regular education classroom combined with SAI in a special education classroom with or without DIS support
- SAI in learning centers
- Special education classes
- Home or hospital settings
- Nonpublic, nonsectarian school (NPS)
- State special schools

Students may receive primary language support and/or ELD in any of the above program options when determined appropriate by the IEP team. It should be clear in the IEP where and when the student will receive ELD services, the duration of the services, and who is responsible for providing the services. The IEP should also indicate which staff member(s) will be specifically working towards the "linguistically appropriate" or ELD IEP goals that will help the student acquire English.

Some recommended best practices for meeting the education needs of EL students with disabilities are:

1) Staff development regarding English learner educational best practices provided to special educators;
2) Partnering between the English Learner Program and Special Education Program to conduct joint training; and,
3) Bilingual special education programs offered and taught by dually certified teachers.

The following chart presents ELD service delivery options for ELs in special education:

OVERALL CELDT SCORE/LEVEL of PROFICIENCY	PROGRAM TYPE	SETTING	SERVICE PROVIDER
"Less than Reasonable Fluency" (Usually at the Beginning or Early Intermediate depending on LEA decision)	Specialized English Instruction (SEI) with SDAIE	Daily, intensive ELD services; may be provided within the general education classroom or may be delivered in a special education or other setting	Regular classroom teacher or other qualified instructor such as a special education teacher or speech specialist or collaboratively
Reasonable Fluency Attained (Usually Intermediate or Above depending on LEA decision)	English Language Mainstream (ELM) with SDAIE	Daily ELD program provided; less intensive than SEI; services are usually provided in the general education classroom or may be provided in other setting	Regular classroom teacher or other qualified instructor such as a special education teacher or speech specialist or collaboratively

An important component of an IEP for an EL with disabilities is to have a comprehensive ELD program that is designed to meet their unique needs designated in the IEP. Creating the right instructional program that includes careful placement and monitoring of student success is a necessary and major component of the program. Careful individual planning put into an EL student's program structure, design, and placement will help ensure that he or she has optimal opportunities for his or her needs to be addressed and targeted learning to occur. This means that districts/LEAs must pay careful attention to clarity of expectations about what quality instruction looks like, professional development on how to implement that vision of instruction, attention to the depth and demands of the tasks students are assigned, and curriculum materials that facilitate differentiation for varying levels of needs.

In order to meet the educational needs of ELs with disabilities, teachers (special and general educators) need training in skills such as 1) how to build upon the familiar

(what the student already knows), 2) scaffold the unfamiliar through explicit activities, and 3) elicit and respond to what students have to say. All of this requires that teachers adapt, shape, select from, and add to the curriculum and materials they are given. This means that schools need to invest in teachers' knowledge and skills, as well as create the collaborative mechanisms for teachers to work together in the endeavor of designing long-term instruction for English learners.

Below are examples of possible elementary and secondary EL program service delivery options for students with disabilities:

Sample Elementary School ELD/SPED Service Delivery Models
One district (Pomona Unified School District) implements the use of an ELD rotation system that groups students (including EL students with disabilities) for instruction by CELDT levels. The ELD instruction is provided to all ELs during a specified time of the school day by various staff members, including special educators.

The initiative for establishing this type of an ELD rotation system was implemented through collaboration of district office level administrators from both the Instructional Services Division and the Special Education Department. Included in the discussion were principals, teachers, and the employee association. Key stakeholder groups reviewed the guidelines. The guidelines for this instructional delivery model were based on the following program principles:
1) Dedicated daily time for delivery of standards-based ELD instruction that addresses specific needs of EL students at each fluency level supported by use of quality, research-based materials that target all four domains of language with a major emphasis on building a strong oral language foundation;
2) Curriculum, instruction, and strategies that promote transfer between English and the native or home language and,
3) Emphasis throughout the curriculum is placed on research-based practices that focus on enriched oral language development.

A second model for providing ELD services at the elementary level is where the ELD services are provided in a pullout special education setting by the speech and language specialist (if the student is identified for speech & language) or in a resource room setting by special educations staff members.   In this model the special education case managers/teachers engage in ongoing consultation with the general education teacher and EL department.

A third model for providing ELD services to students with disabilities at the elementary level is through collaboration between the special and general education teacher into the general classroom setting. The special education teacher typically goes in to the general education classroom and works with a group or groups of student(s) that function at similar levels of language acquisition. It is important that not only special education students are included in the groups lead by either the general or special education teacher.   As stated

earlier, it is important that teachers have training and background in successful collaboration techniques.

Sample Secondary School ELD/SPED Service Delivery Models
At the secondary level, some districts have implemented model programs to serve EL students with disabilities (in the mild to moderate range) by offering a *sheltered English* class as the students' core English class. During this class the students receive ELD services as appropriate based on their levels of language acquisition. This class may be taught by a special or general education teacher who has appropriate ELD instruction certification. The class may also be taught collaboratively between special education and general education staff members.

A second model often utilized at the secondary level to provide ELD services to EL students with disabilities is for the students to receive their ELD services during their general education or special education English class as appropriate for their levels of language acquisition.   When implementing this type of service delivery model, staff members need to ensure that EL students have adequate access to the core English curriculum with English speaking peers.

A third model sometimes utilized by districts to provide ELD services to students with disabilities at the secondary level is to have those services provided by special education staff members during a special education support class period.

> Note: Regardless of the ELD service delivery model implemented, this should be discussed at the IEP team meeting and included in the content of the IEP. Also, it is important to note that paraprofessionals may assist with the provision of ELD services as long as these services are designed and supervised by the credentialed teacher who has appropriate certification to provide such services.

Instructional Strategies for ELs with Disabilities

The provision of research-based, early intervention services that are intensive in nature provided to ELs with disabilities can minimize their being at risk for later school failure. Early intervention means that "supplementary instructional services are provided early in students' schooling, and that they are intense enough to bring at-risk students quickly to a level at which they can profit from high-quality classroom instruction" (Madden, Slavin, Karweit, Dolan, & Wasik, 1991). Unless these students receive appropriate early academic intervention in reading, they will continue to struggle, and the gap between their achievement and that of their peers will widen over time.

Reading Intervention.

Researchers (Snow, Burns & Griffin, 1998) have identified the following skills as necessary for developing reading competence in struggling readers, to include ELs:

- Phonemic awareness (i.e., the insight that language is made of individual sounds);
- Concepts about print (e.g., book handling skills, purposes for reading),
- Understanding the alphabetic principle (i.e., the connection between letters and speech sounds);
- Decoding strategies (e.g., blending sounds, using analogies);
- Reading fluency (i.e., reading quickly and accurately with expression); and
- Comprehension strategies (e.g., using background knowledge to understand a passage).

Without these early skills, a reader cannot understand and construct meaning from text, which is the goal of reading. ELs and students with reading disabilities need direct instruction in the above skills areas to ensure that they acquire reading skills that will increase their later academic success.

"Several factors are critical to the success of working with English language learners, including the following:
1) A shared knowledge base among educators about effective ways to work with students learning English;
2) Recognition of the importance of the students' native language;
3) Collaborative school and community relationships;
4) Academically rich programs that integrate basic skill instruction with the teaching of higher order skills in both the native language and in English; and
5) Effective instruction" (Ortiz & Yates, 2001)

Per Ortiz & Yates (2001), five essential components of effective instruction for ELs with disabilities are:
1) Provide comprehensible input. Teacher's use of gestures, pictures, demonstrations, etc. to facilitate comprehension is critical;
2) Draw on prior knowledge. Teachers provide students opportunities to review previously learned concepts and then teach them to apply those concepts to new learning;
3) Organize curricular themes or strands. Teachers organize the curriculum so that themes connect the curriculum across subject areas;
4) Provide individual guidance. Teachers provide individual assistance and support to fill gaps in background knowledge; and,
5) Provide meaningful access to the core curriculum. Teachers ensure that instruction and materials for ELs with disabilities deal with grade-appropriate content, concepts, and skills.

Frequently Asked Questions

Question: Is it compliant for a special education teacher to provide ELD services to ELs as part of the special education services?
Response: Yes since content area teachers are required to have certification in "English language development now." (see CTC chart in Chapter 2). Frequently special education teachers will provide this service during English language arts or as a support pull out period.

Question: May a parent of an EL student with an IEP waive ELD services?
Response: A parent may waive their child's placement in a structured English immersion (SEI) program; however, the IEP must still include linguistically appropriate goals and objectives and the student must continue to receive instruction that promotes English language development and take CELDT.

Question: When developing goals for students in special education, is it required that the ELD or "linguistically appropriate" goal be a separate goal from the English language arts (ELA) goal?
Response: The regulations require that the IEP team include "linguistically appropriate" goals (and objectives if appropriate) in the IEPs of all EL students. This ELD goal needs to address the student's present levels of performance in English language acquisition. Typically, it is best practice to take this information from the latest CELDT results, or an alternative to CELDT, unless there is a more recent measure available. The ELD needs may align to needs in ELA and it may be possible to combine the ELA/ELD needs into one goal. Caution: It would not be compliant to consider goals developed in ELA to be linguistically appropriate if they do not align to the student's current levels of language acquisition.

Section VII: Reclassification of English Learners with Disabilities

It is important that school personnel understand reclassification of English learners as Fluent English Proficient (RFEP), the CDE reclassification criteria guidelines, the issues related to reclassification of English learners, and how the four criteria apply to students with disabilities. This Section also includes sample reclassification scenarios and frequently asked questions.

Understanding Reclassification of English Learners

Reclassification is the process used by districts/LEAs to make a determination if an EL student has acquired sufficient English skills or fluency to perform successfully in academic subjects without ELD support.

When EL students demonstrate that they are able to compete effectively or are commensurate with English-speaking peers, they are then reclassified as fluent English speakers (RFEP). The reclassification process in public schools in California is based on guidelines approved by the State Board of Education (SBE) and is based on California Education Code Section 313(d). The reclassification procedures developed by the CDE utilize multiple criteria in determining whether to reclassify a student as being proficient in English.

The California Department of Education Reclassification Guidelines

It is important for special educators to note that the reclassification of EL students who receive special education services is <u>not</u> a decision delineated to the IEP team in federal or state regulations. An IEP team may only make reclassification decisions if the LEA has stipulated in its policies that the IEP team is the "reclassification team" for ELs in special education. Best practice is for the school reclassification team to collaborate and participate with special education staff in a meeting outside of the IEP to make reclassification decisions.

Below are the four CDE criteria for reclassifying a student from EL to RFEP. The CDE document *CELDT: Understanding and Using 2009-10 Individual Results*, includes recommended guidelines for applying the four reclassification criteria that may be applicable to students with disabilities to guide teams in making final decisions about whether or not to reclassify students as RFEP.

Below are the four CDE criteria for reclassifying a student from EL to RFEP. The CDE document *Understanding and Using 2009-10 Individual Results*, includes recommended guidelines for applying the four reclassification criteria that may be applicable to students with disabilities to guide teams in making final decisions about whether or not to reclassify students as RFEP.

Criteria 1: **Assessment of Language Proficiency Using an Objective Assessment Instrument**

CELDT is used as the primary criterion for the "objective assessment" in California. Students should be considered for reclassification whose overall proficiency level is early advanced or higher, and listening is intermediate or higher, speaking is intermediate or higher, reading is intermediate/higher, and writing is intermediate/higher.

Criteria 2: **Teacher Evaluation**
Teachers, general or special education, shall make recommendations about whether or not they believe the student has acquired English language skills that will allow him or her to be successful in learning in English commensurate with English speaking peers. Teachers may base their recommendations on classroom work samples, criterion referenced tests, classroom assessments, progress towards academic IEP goals and objectives, and overall performance in the classroom.

It may be a helpful to provide teachers with a checklist such as the *SOLOM* in order for them to provide more objective information regarding the student's skills in English.

Criteria 3: **Parent Opinion and Consultation**
Provide notice to parents or guardians of their rights and encourage their participation in the reclassification process by inviting them to a face-to-face meeting.

Criteria 4: **Comparison of Performance in Basic Skills**
"Performance in basic skills" means the score and/or performance level resulting from a recent administration of the California Standards Test (CST in English–Language Arts as set forth in the following criteria:

> 1) CST score in English/language arts (ELA) must be at least beginning of "**basic**" level to midpoint of basic - each district/LEA may select exact cut point.

> (2) Pupils with scores above the cut point selected by the school district/LEA should be considered for reclassification.

> (3) For pupils scoring below the cut point, school districts/LEAs should attempt to determine whether "factors other than English language proficiency are responsible for low performance on the CST in English–language arts and whether it is reasonable to reclassify the student."
> CDE *CELDT: Understanding and Using 2009-10 Individual Results*

Issues Related to the Reclassification of EL students with an IEP

The following concerns have been cited in the research related to the reclassification of EL students in special education:

- It is more difficult to clear the CST-ELA hurdle than the CELDT criterion. For example, in the 11th grade in 2007, 21 percent of ELs scored Basic or better on the CST-ELA, compared to 41 percent scoring Early Advanced or better on CELDT.

- Testing results and reclassification decisions feed into the Title III accountability system imposed by *NCLB* that may either reward or penalize school districts/LEAs; students with disabilities often do not meet goal targets due to a disability versus language difference.

- Research indicates that a large gap exists across grades on CELDT scores for ELs in special education versus non special education ELs (Fetler, 2008). This suggests that few ELs in special education will reach the minimum CELDT score required for consideration to be reclassified.

Further, Fetler (2008) points out that nationally, in 2003, 10.6 percent of the total public school population were ELs and 13.6 percent of the total population were students with an IEP. He further makes the point that while these subgroups are a minority of the total population, they are a majority of the students targeted by NCLB. The students with disabilities and ELL subgroups intersect and students who belong to both have complex needs and tend to score low on CELDT and CST.

Application of the Four Criteria to Students with Disabilities

The CDE guidelines for applying the four reclassification criteria provided in the document *CELDT: Understanding and Using 2009-10 Individual Results* that may guide professionals regarding decisions about whether or not to reclassify a student with disabilities are as follows:

> **For criteria number one**, *the assessment of language proficiency using an objective assessment instrument*, the CDE document *CELDT: Understanding and Using 2009-10 Individual Results* states that:
>
> "Those students whose overall proficiency level is in the upper end of the intermediate level also may be considered for reclassification if additional measures determine the likelihood that a student is proficient in English".
>
> Many students with disabilities often have a difficult time scoring at the overall level of advanced or higher on CELDT due to a learning or other type of disability after many years of instruction in English; however, the reclassification team may feel that the student is proficient in English and that further instruction in ELD may not improve their academic performance. For these students, the team may want to follow the guidance provided in the CDE document *CELDT: Understanding and Using 2009-10 Individual Results* and check to see if the students' overall

proficiency is in or close to the upper end of the intermediate level on CELDT.

In addition, the IEP team may designate an alternate assessment to CELDT to measure English proficiency. Although formal guidance has not been provided by the CDE regarding the use of "alternative assessments" to meet the first criteria, it is presumed that for students who take an alternative assessment, the reclassification team may consider that data.

For criteria number two, *teacher evaluation*, the CDE document *CELDT: Understanding and Using 2009-10 Individual Results* stipulates that the reclassification team should consider that "incurred deficits in motivation and academic success <u>unrelated to English language proficiency do not preclude a student from reclassification.</u>" A disability may be a factor that contributes to low academic achievement and is unrelated to "English language proficiency."

The reclassification team should conference closely with all teachers of the student, including special educators, to determine if a lack of or limited academic achievement in the classroom is due to other factors such as a disability or motivation.

For criteria number three, *parent opinion and consultation*, it is important for the reclassification team to collaborate closely with the parent(s) and seek input about whether or not the parent(s) views their child as being proficient in English and/or is able to perform successfully in an education environment where the instruction is in English without ELD support. Some parents may not be able to attend the meeting; however, it is best practice for the team to seek and consider parent input when making reclassification decisions.

For criteria number four, *comparison of performance in basic skills*, the CDE document *CELDT: Understanding and Using 2009-10 Individual Results* stipulates that for pupils scoring below the cut point, school districts should attempt to determine whether "factors other than English language proficiency are responsible for low performance on the CST in English–language arts and whether it is reasonable to reclassify the student."

It may be best practice for reclassification teams to consider whether or not the impact of a student's disability, "other than English language proficiency", is a contributing factor to the student's low achievement on standardized tests of basic skills or CST. If the team determines that low performance (lower than the beginning point of "basic") is due to a disability rather than English language proficiency and the student has

acquired language proficiency, they must document this when making the decision of whether or not the student has met criteria number four.

In addition, some students with disabilities, as designated in their IEP, take the alternative measures to CST such as the California Modified Achievement test (CMA) or the California Alternative Performance Assessment (CAPA). If a student takes an alternative assessment, decisions regarding the student's performance in basic skills for criteria four would most likely be based on the results of the specific assessments taken.

It is important for reclassification teams (including both regular and special educators) to remember the purpose for identifying students as English learners when making a determination if an English learner has acquired sufficient English skills or fluency to perform successfully in academic subjects without ELD support. Educators should not make hasty decisions when deciding whether or not to reclassify a student. English language development is a valuable service that specifically targets the skills required to be fluent in English. If the reclassification team feels a student would still benefit from an ELD program because he or she has not fully developed English language proficiency, reclassification may not be appropriate. Districts/LEAs are advised to seek further guidance from CDE if they have questions about reclassification of students with disabilities.

Sample Reclassification Scenarios

SCENARIO 1: Student With Autism Who Takes an Alternative Assessment to CELDT

Maria is a 6th grade student who has autism. She has an average to low average ability level. She is verbal; however a lot of her speaking is more "echolalia" or repetitive of what she hears. Her pragmatic and comprehension skills are low in both languages. She functions at approximately the 3rd grade level in math and 1st -2nd grade level in reading and writing. She was classified as an English learner upon entering school in kindergarten. The IEP team has designated that Maria will take an alternative assessment to CELDT.

Below is an analysis of Maria's English language development based on the four reclassification criteria:

Criteria 1: Assessment of Language Proficiency Using an Objective Assessment Instrument

Since Maria took an alternative assessment to CELDT, the reclassification team used the data from the alternative measure *Basics* 2 to determine if Maria meets this criterion.

Results of Alternative Criteria (Sample using *Basics 2* checklist)

Skill Area	Yes	No
Pre Writing	X	
Communicates in Writing		
Responds to Auditory Stimuli	X	
Receptive Language (Verbal)	X	
Expressive Language (Verbal)	X	
Articulation	X	
Receptive Language (Non Verbal)		X
Words Independently	X	
Attends to Printed Material	X	
Reading Readiness	X	
Basic Reading Skills	X	
Reading Comprehension		X
Overall Indication Student is Fluent in English	X	

Note: The student received an overall "no" in the receptive language and reading comprehension areas; however, the multi-disciplinary reclassification team (which included special educators and English language development staff members) determined that these relative weaknesses were due to the student's autism versus language differences when compared to high performance in English language skill areas. The team in this scenario determined the student was fluent in English since they felt the Basics 2 assessment data indicated the student had acquired an intermediate or above level of English language proficiency in listening, speaking, reading, and writing.

Criteria 2: Teacher Evaluation
Maria's teachers indicated that they believe she has developed English language proficiency as evidenced by her day to day classroom performance (not related to her autism or disability).

Remember: Incurred deficits in motivation and academic success unrelated to English language proficiency may not preclude a student from reclassification as per the CDE guidelines provided in the document Understanding and Using 2009-10 Individual Results.

Criteria 3: Parent Opinion and Consultation
Maria's parent(s) feels she has acquired the English skills needed to be successful in school.

Criteria 4: Comparison of Performance in Basic Skills

"Performance in basic skills means the score and/or performance level resulting from a recent administration of the California Standards Test in English language arts."

Maria took CAPA Level IV (for her 6th grade level) versus CST as indicated in her IEP. She scored at the low end of "proficient" on the CAPA in ELA. Relying on the Maria's CAPA Test data, the reclassification team determined that Maria met Criteria 4.

Should Maria be reclassified based on the data above? Yes, if the reclassification team concurs that Maria met the four CDE reclassification criteria.

In this scenario the reclassification team felt that Maria met the four CDE reclassification criteria and made the decision to designate her as RFEP.

SCENARIO 2 : High Functioning Student With Learning Disabilities Who Takes CELDT and CST

Jorge is a 8th grade student who is eligible for special education as learning disabled. He is a highly verbal student but struggles with a reading and writing disability due to visual processing deficiencies. He functions at approximately the 7th grade level in math and 4th- 5th grade level in reading and writing. He was classified as an English learner upon entering school in kindergarten.

Below is an analysis of Jorge's English language development based on the four California State Board of Education adopted reclassification criteria:

Criteria 1: Assessment of Language Proficiency Using an Objective Assessment Instrument

Jorge's CELDT test scores were:

Skill Area	Beginning	Early Intermediate	Intermediate	Early Advanced	Advanced
Listening				X	
Speaking				X	
Reading			X		
Writing			X		
Overall			X (upper end)		

The reclassification team determined that Jorge did meet the CELDT assessment criteria for proficiency even though he did not obtain an overall proficiency level of early advanced or higher and writing was at the early intermediate level. As per the CDE *CELDT: Understanding and Using 2009-10 Individual Results* recommendations the IEP team took into consideration <u>other measures</u> to determine if Jorge is proficient since <u>his overall CELDT level is in the upper end of intermediate and no score is below intermediate.</u>

The reclassification team took into consideration other curriculum based measures from the classroom in reading and writing when Jorge was allowed to use his accommodation of using a word processor and spell checker and auditory assistance with sounding out multiple-syllable words. The team also reviewed past test results from Woodcock Johnson Revised III (WJIII) and the Test of Written Language (TOWL). The IEP team ruled out that his lack of proficiency in reading and writing was due to his lack of proficiency in English. This was determined by analyzing the types of error patterns he made and by reviewing his overall progress made towards achieving his IEP goals in reading and writing.

Criteria 2: Teacher Evaluation
Jorge's teachers (both special and general education) felt he has developed English language proficiency as evidenced by his day to day classroom performance (not related to his learning disability).

> *Remember: based on the CDE CELDT: Understanding and Using 2009-10 Individual Results recommendations, Incurred deficits in motivation and academic success unrelated to English language proficiency do not preclude a student from reclassification.*

Criteria 3: Parent Input
Jorge's parent(s) felt he has acquired the English skills needed to be successful in school.
Criteria 4: Comparison of Performance in Basic Skills
"Performance in basic skills" means the score and/or performance level resulting from a recent administration of the California Standards Test in English language arts."

Jorge's CST scores fall slightly below the midpoint of basic in ELA when provided accommodations of more time, directions read aloud and paraphrased, and testing broken into shortened time segments; however, the reclassification team felt that "factors other than English language development" were the reason his scores were low (his learning disability).

> *Remember: ", for pupils scoring below the cut point, school districts/LEAs may attempt to determine whether <u>factors other than English language proficiency</u> (such as a disability) are responsible for low performance on the CST in English language arts and whether it is reasonable to reclassify the student" (CDE guidelines provided in the document Understanding and Using 2009-10 Individual Results).*

SCENARIO 3: Low Functioning 3rd Grade Student with Low Cognitive Abilities

Yu Li is a 4th grade student who is eligible for special education as having Intellectual Disabilities. She functions at approximately the grade K level in math and preschool level in reading and writing. She was classified as an English learner upon entering school in kindergarten. Yu Li 's IEP stipulates that she will take an alternative assessment to CELDT (ALPI and *Basics 2 Checklist)*.

Criteria 1: Assessment of Language Proficiency Using an Objective Assessment Instrument

Yu Li's reclassification team analyzed her ALPI and *Basics 2* data to determine if she had acquired sufficient English language skills to allow her to function in an academic English environment. The team took into consideration her low cognitive ability. The team noted that Yu Li has only received services as an English language learner for 3-4 years. The team thought that Yu Li's limited progress in English may be due to her low cognitive ability since students functioning in her intellectual range learn new information much more slowly than their typical developing peers. The team believed that, although her disability impacts her ability to progress at an academic rate commensurate with her typically developing peers, she continues to need further development in ELD in order to make optimal academic progress. Yu Li's ALPI scores indicate that she is not as proficient in English as she is in her primary language as evidenced by her expressive language skills. Her Basics 2 checklist also indicates that she is not proficient in expressive English language and her academic scores are not commensurate with her ability yet. This is an indication she needs to further develop her English proficiency skills. See Yu Li's Basics 2 and ALPI data below:

Based on ALPI data below Yu Li did not meet Criteria 1

Skill Area	Yes	No
Pre Writing		X
Communicates in Writing		X
Responds to Auditory Stimuli	X	
Receptive Language (Verbal)	X	
Expressive Language (Verbal)		X
Articulation		X
Receptive Language (Non Verbal)		X
Words Independently	X	
Attends to Printed Material	X	
Reading Readiness	X	
Basic Reading Skills		X
Reading Comprehension		X
Overall Indication Student is Fluent in English		X

On the ALP, Yu Li's scores were as follows
Primary Language:
  •Receptive Language   23/30 points

•Expressive Language	16/20 points

English
•Receptive Language	22.30 points
•Expressive Langauge	10/20 point

Criteria 2: Teacher Evaluation
Yu Li's teachers noted that she has made progress in her English language proficiency as evidenced by her day to day classroom performance. They also stated that her disability impacts her rate of learning; however, they believed that it is in Yu Li's best interest to continue receiving English language development services as she is not as proficient as she could be. The teacher noted that Yu Li's error patterns were typical of those seen by other English learners at a younger age.

Criteria 3: Parent Input
Yu Li's parent(s) feels she has made good progress in her English development skills. They also note that she is making appropriate progress towards her IEP goals; however, they feel she needs continued ELD services.

Criteria 4: Comparison of Performance in Basic Skills
Yu Li takes the CAPA, not the CST. Based on her level 1 CAPA performance, Yu Li scores near the basic level.

The reclassification team noted that typical learners take 4-6 years to reach a proficiency level to be reclassified to RFEP. They also took into consideration that students with low cognitive skills learn at a much slower rate than their typically developing peers. They did not believe that Yu Li met the four reclassification criteria and made the decision not to reclassify her.

Frequently Asked Questions

Question: Is reclassification to RFEP the responsibility of the IEP team for EL students in special education?
Response: No. Each district/LEA must establish policies and procedures to designate which staff or the team members that are responsible for reclassification of EL students. The English Learner Division at the CDE advises that reclassification is not the jurisdiction of the IEP team. However, if the LEA has designated the IEP team as the EL reclassification team for students with IEPs, it may be an acceptable practice for the IEP team, in collaboration with staff members who have expertise in the reclassification of English learner, to reclassify students to RFEP. It is best practice for English learner and special education staff members to work together collaboratively to make reclassification decisions for students with disabilities.

Question: May a school EL reclassification team use "alternative criteria" to reclassify a student who is EL to RFEP?

Response: No. There is no provision that allows an LEA to use "alternative reclassification criteria." LEAs must follow the four criteria established by the CDE as per Ed Code Section 313(d) . However, *as per the CDE guidelines provided in the document Understanding and Using 2009-10 Individual Results, there may be some flexibility regarding how to apply those criteria.*

Question: May a school classify a student that has severe disabilities and is non-verbal as FEP upon entry?

Response: No. There is no provision that allows an LEA to use "alternative criteria" to classify a student as EL, even upon entry if it is deemed that the student is an English learner based on the language survey. The IEP team may determine if the student needs an alternative assessment to CELDT and what that alternative will be (this must be an IEP team decision).

Question: May a school designate a student who uses American Sign Language (ASL) as FEP even though they are EL based on the enrollment survey?

Response: Based on communication with the English Language Learner Division at CDE in April 2010, it was agreed that for the purposes of CELDT testing and identifying students as English learners who use ASL and have an IEP or 504 Plan the following would apply:

- Non-English speaking parent, student uses ASL - CELDT testing required; student may be considered an English learner.
- English speaking parent, student uses ASL - No CELDT testing required.
- Parent uses ASL, student is hearing - No CELDT testing required; student may or may not be under IEP/504.
- Parent uses ASL, student uses ASL - No CELDT testing required.

Question: According to the CDE's first reclassification criteria, the student is required to pass the English language proficiency section on CELDT with an overall proficiency level of early advanced or higher, a listening score of intermediate or higher, a speaking score of intermediate or higher, a reading score of intermediate or higher, and a writing score of intermediate or higher. May the IEP team use the results of the "alternative assessment" to CELDT that was designated by the IEP team as the "objective assessment instrument?"

Response: The reclassification team may use the results of an alternative assessment as long as the student demonstrates English proficiency (appropriate to his or her level of functioning) in all four domains: listening, speaking, reading, and writing.

Question: For the fourth reclassification criteria "comparison of performance in basic skills," may the reclassification team use data from the CMA or CAPA assessments if the student does not take CST?

Response: The State Department of Education has not currently revised their reclassification criteria to state that CMA or CAPA may be used to guide reclassification decisions. It is presumed that it would be acceptable to use these measures as the data source for the fourth criteria, as not allowing them may be considered discriminatory. Guidance is being sought from CDE

Appendices

Appendix A
ELD Programs / Curricular Materials & Resources

Appendix A1:   What Works Clearinghouse (WWC) EL Reading Programs

Programs Reported to Target EL Students
What Works Clearinghouse
http://ies.ed.gov/ncee/wwc/reports/Topic.aspx?tid)
- Accelerated Reader
- Arthur
- Augmenting Thinking Through Language Acquisition Skills (ATTLAS)
- Bilingual Cooperative Integrated Reading and Composition (BCIRC)
- Peer Tutoring and Response Groups
- Enhanced Proactive Reading
- Fast ForWord Language
- Instructional Conversations and Literature Logs
- Into English (not rated)
- On Our Way to English (not rated)
- Peer-Assisted Learning Strategies (PALS)©
- Read Naturally
- Read Well
- Reading Mastery / SRA / McGraw-Hill
- Reading Recovery®
- Sheltered Instruction Observation Protocol
- Success for All® (not rated)
- Vocabulary Improvement Program for English Language Learners & Their Classmates (VIP)

Appendix A2: Publishers Listing Programs as Appropriate for ELD

Success for All
http://www.successforall.net/
Success for All is a comprehensive reform model that focuses school resources and energies on seeing that all children succeed in reading from the beginning of their time in school. It provides schools with well-structured curriculum materials emphasizing systematic phonics in grades K-1 and cooperative learning, direct instruction in comprehension skills, and other elements in grades 2-6. It provides extensive professional development and follow-up for teachers, frequent assessment and regrouping, one-to-one tutoring for children who are struggling in reading, and family support programs. A full-time facilitator helps all teachers implement the model. For English language learners, Success for All has two variations. One is a Spanish bilingual program, *Exito para Todos*, which teaches reading in Spanish in grades 1-2 and then transitions them to English only instruction, usually starting in third grade. The other is an English language development (ELD) adaptation, which teaches children in English with appropriate supports, such as vocabulary development strategies linked to the words introduced in children's reading texts. In both adaptations, children at the lowest levels of English proficiency usually receive separate instruction the reading period to help develop their oral language skills.

Direct Instruction
www.sra4kids.com or http://www.sraonline.com/
Direct Instruction (DI), or Distar (Adams & Engelmann, 1996), currently published by SRA, is a reading program that starts in kindergarten with very specific instructions to teachers on how to teach beginning reading skills. It uses reading materials with a phonetically controlled vocabulary, rapidly paced instruction, regular assessment, and systematic approaches to language development. DI was not specifically written for English language learners or Latino students, but it is often used with them.

Success Maker & Nova Net
Pearson Publishers http://www.pearsonschool.com
The extensive courses in Success Maker Enterprise and NovaNET provide ideal interventions for learners who are functioning at higher levels of language proficiency. Students build on growing fluency to succeed in a variety of content areas. Computer Assisted Instruction.

Ellis Essentials & Ellis Academic
Pearson Publishers http://www.pearsonschool.com
ELLIS Essentials and ELLIS Academic build fluency faster with it proven, contextual computer-assisted instruction approach. Following the natural pattern of language acquisition, ELLIS leads learners to achieve practical English skills in a style that can yield incredible results.

SEACO Curriculum
http://www.ccsesa.org/index/subCommittees.cfm?cid=105
(For EL Students with Moderate to Severe Disabilities)
The *Curriculum Guide for Students with Severe to Moderate Disabilities,*
developed by State Education Administrators of County Offices (SEACO), is a
two-volume document with one section on Instructional Best Practices and one
Section on Core Content Access. It is aligned to the CAPA. It is a curriculum
framework for EL students.

Basics 2 Curriculum
Lakeshore Publishers http://www.lakeshorelearning.com
(For EL Students with Moderate to Severe Disabilities)
A functional curriculum that will help students to develop independence as adults.
Follows 5 domains which include: Functional Academics, Domestic, Community,
Vocational and Recreation and Leisure Domains. Within each domain are
goals/objectives for teachers to develop lesson plans for students from the ages
of 24 months to 22 years. Within the Curriculum Framework, all goals are
correlated with CAPA, State Standards, and EL Standards which provide an
exceptional program for each student participating in the process. This kit also
includes a *Benchmark Assessment* that can be used as an alternative to CELDT
for students with moderate to severe disabilities.

Waterford Early Learning
May be appropriate for students with moderate disabilities; early computer-
assisted literacy program that also targets ELs. Published by Pearson Publishers
http://www.pearsonschool.com

Appendix A3: The CDE Approved AB 1802 English Learner Supplemental Materials List (2010)

http://www.cde.ca.gov/ci/cr/cf/el-listcertsupmatr.asp

- **Harcourt Achieve Imprints** – Bold Print By Steck-Vaughn; Pair It Turn and Learn (English) from Steck-Vaughn; ELL Assessment from Rigby; Fluency Theater from Steck-Vaughn; Steps to Achieve from Steck-Vaughn; Great Strides from Rigby; Vocabulary Advantage from Steck-Vaughn; Lynx from Steck-Vaughn; Elements of Reading Vocabulary from Steck-Vaughn; America's Story from Steck-Vaughn; History of Our World from Steck-Vaughn; On Our Way to English
- **Harcourt School Publishers** –Moving Into English
- **HEC Reading Horizons** - Discover Intensive Phonics for Yourself
- **Heinermann Classroom grade K Social Studies** – Reading Action
- **Education Publishing Services** - Making Connections
- **Fairfield - Language Technologies** (Rosetta Stone)
- **First Choice Education Group -** Academic Workout Kits
- **Glencoe McGraw-Hill** - English Yes
- **Great Source Education Gr**oup - The Write Source
- **Cambridge University Press** - Discovering Fiction
- **Cognitive Concepts** - Earobics Literacy Launch
- **Curriculum Associates, Inc**. - CARS/STAR
- **Digital Education Productions** - Easy English Academic Success for You
- **DynEd** - Let's Go; English for Success; New Dynamic English; First English
- **Alloy Interactive, Inc./DBA** - ESL Reading Smart
- **Ballard & Tighe Publishers** - Carousel of Ideas
- **BELLWORK Enterprises, Inc**. - The Daily Practice Program
- **Benchmark Education Program** - Early Explorers
- **By George! Publishing** – Comprehension, By George!; Speaking, By George!

Appendix A4: The CDE EL Approved Core and Intervention Programs

11-09

Program Type	Grade Levels	Publisher	Program Name
Basic (w/ELD included)*	Kindergarten through Grade Six	Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy
Basic (w/ELD included)*	Kindergarten through Grade Six	SRA/McGraw-Hill	SRA/Open Court Reading
Basic (w/ELD included)*	Grades Six through Eight	Glencoe/McGraw-Hill	The Reader's Choice
Basic (w/ELD included)*	Grades Six through Eight	Holt, Rinehart and Winston	Literature and Language Arts
Basic (w/ELD included)*	Grades Six through Eight	McDougal Littell	McDougal Littell Reading & Language Arts Program
Basic (w/ELD included)*	Grades Six through Eight	Prentice Hall	Prentice Hall Literature: Timeless Voices, Timeless Themes
Reading Intervention (2 or more grade levels below grade)	Grades Four through Eight	Glencoe/McGraw Hill (Sopris West)	Language! A Literacy Intervention Curriculum
Reading Intervention (2 or more grade levels below grade)	Grades Four through Eight	Hampton Brown	High Point
Reading Intervention (2 or more grade levels below grade)	Grades Four through Eight	Scholastic	READ 180
Reading Intervention (2 or more grade levels below grade)	Grades Four through Eight	SRA/McGraw-Hill	SRA/Reach Program
Reading Intervention (2 or more grade levels below grade)	Grades Four through Eight	Wright Group/McGraw-Hill	Fast Track Reading Program
Reading Intervention (2 or more grade levels below grade)	Grades Four through Eight	Voyager Expanded Learning, Inc.	*Voyager Passport*
Reading Intervention (2 or more grade levels below grade)	Grades Four through Eight	Wright Group	*Fast Track*

Appendix A5: Resources for Working with EL Students

Child Speech and Language American Speech-Language-Hearing Association (ASHA) website
This resource provides links to information on speech disorders, language disorders, medical and developmental conditions, and communication options. There is also a section dedicated to frequently asked questions that addresses how to help children with communication disorders in schools. Finally, the ASHA website hosts a page on learning more than one language, a reference for educators and parents.
http://search.asha.org/default.aspx?q=English%20learners

Dynamic Assessment
This resource helps speech-language pathologists assess culturally and linguistically diverse students through *dynamic assessment*.
http://calper.la.psu.edu/dyna_assess.php

Encyclopedia of Language and Literacy Development Canadian Language and Literacy Research Network Launched in 2007
This online resource is being developed by the Canadian Language and Literacy Research Network to provide in-depth, research-based information about topics such as language, numeracy, reading and writing development. Submissions are written by internationally recognized experts and address unilingual and multilingual development for typical and atypical learners.
http://literacyencyclopedia.ca/?switchlanguage=EN

Autism and Foreign Language Learning by V. Wire
Wire provides evidence on this website to support her conviction that all children, including those with autism, should be provided the same opportunities to develop cultural awareness and a second language. Included are the findings from her research into the foreign language learning experiences of autistic students in Scotland.
http://www.hilarymccoll.co.uk/autismMFL.html

Encyclopedia of Language and Literacy Development Canadian Language and Literacy Research Network
Launched in 2007, this online resource is being developed by the Canadian Language and Literacy Research Network to provide in-depth, research-based information about topics such as language, numeracy, reading and writing development. Submissions are written by internationally recognized experts and address unilingual and multilingual development for typical and atypical learners.
http://literacyencyclopedia.ca/?switchlanguage=EN

The Oral Language Acquisition Inventory (OLAI), PreK-3 L. M. Gentile
This informal, repeated measures assessment tool is recommended by speech language pathologists to provide additional information about an individual learner's control of commonly-used language structures. Such information helps

to identify a child's stage of language development and appropriate instructional practices that are learner-specific. Available for purchase at http://www.pearsonassessments.com/HAIWEB/Cultures/en us/Productdetail.htm?Pid=PAolai&Mode=summary

Strategies for Helping Underperforming Immersion Learners Succeed K. Arnett with T. Fortune, 2004
http://www.carla.umn.edu/immersion/acie/vol7/bridge-7(3).pdf

Strategy Training for Second Language Learners A. Cohen, 2003
Teaching Learning Strategies in Immersion Classrooms A. U. Chamot, 2001
The Elementary Immersion Learning Strategies Resource Guide (2nd Ed.) A.U. Chamot, K. Anstrom, A. Bartoshesky, A. Belanger, J. Delett, V. Karwan, et al.
Styles- and Strategies-Based Instruction A. Cohen, n. d.
Helping struggling Students Become Good Language Learners J. Robbins, J.
http://www.nclrc.org/eils/index.html

Descubriendo La Lectura: An Application of Reading Recovery in Spanish.
 K. Escamilla, 1992
This English to Spanish translation (with Spanish to English back translation) of Reading Recovery Materials includes: Descubriendo la Lectura lesson format , List of Spanish literature books for Descubriendo la Lectura Program, Observation tasks, Data collection forms
http://www.readingrecovery.org/reading_recovery/descubriendo/index.asp

Parents Guide to Reading and Language Public Broadcasting Systems (PBS), 2008
This online guide is available in English and Spanish and describes how children become readers and writers and how others can help them develop by talking, reading, and writing together every day.
http://www.pbs.org/parents/readinglanguage/

Recognizing Reading Problems Colorín Colorado, 2007
This bilingual site provides useful information about reading for parents and educators. This particular article identifies specific behaviors to look for when a child is struggling with learning to read and ways to respond
http://www.colorincolorado.org/article/14541

Appendix B
THE CDE DOCUMENTS

Appendix B1: Testing Variations, Accommodations, and Modifications for CELDT & English Learners

Matrix 1. Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments – CELDT Only (Excerpts taken from the October 2009 Version)

Test Variation (1) Accommodation (2) Modification (3)	CELDT
Test administration directions that are simplified or clarified (does not apply to test questions)	ALL
Student marks in test booklet (other than responses) including highlighting	ALL Marked test booklets may not be used again.
Test students in a small group setting	ALL
Extra time on a test within a testing day	ALL
Test individual student separately, provided that a test examiner directly supervises the student	1
Visual magnifying equipment	1
Audio amplification equipment	1
Noise buffers (e.g., individual carrel or study enclosure)	1
Special lighting or acoustics; special or adaptive furniture	1
Colored overlay, mask, or other means to maintain visual attention	1
Manually Coded English or American Sign Language to present directions for administration (does not apply to test questions)	1
Student marks responses in test booklet and responses are transferred to a scorable answer document by an employee of the school, district, or nonpublic school	2
Responses dictated [orally, or in Manually Coded English or American Sign Language] to a scribe for selected-response items (multiple-choice questions)	2
Word processing software with spell and grammar check tools turned off for the essay responses (writing portion of the test)	2
Essay responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter and the student provides all spelling and language conventions	2
Assistive device that does not interfere with the independent work of the student on the multiple-choice and/or essay responses (writing portion of the test)	2
Braille transcriptions provided by the test contractor	2
Large-print versions Test items enlarged if font larger than required on large-print versions	2
Test over more than one for test or test part to be administered in a single sitting	2

Test Variation (1) Test Variation (1) Accommodation (2) Modification (3)	CELDT
Supervised breaks within a section of the test	2
Administration of the test at the most beneficial time of day to the student	2
Dictionary	3
Manually Coded English or American Sign Language to present test questions	2 Writing 3 Reading, Listening, Speaking
Test questions read aloud to student or used audio CD presentation	2 Writing 3 Reading
Calculator on the mathematics tests	Not Applicable
Calculator on the science tests	Not Applicable
Arithmetic table or formulas (not provided) on the mathematics tests	Not Applicable
Arithmetic table or formulas (not provided) on the science tests	Not Applicable
Math manipulatives on the mathematics tests	Not Applicable
Math manipulatives on the science tests	Not Applicable
Word processing software with spell and grammar check tools enabled on the essay responses writing portion of test	3
Unlisted Accommodation or Modification	Check with CDE prior to use

All	All students may be provided these test variations.
Test Variation (1)	Students may have these testing variations if regularly used in the classroom.
Accommodation (2)	Eligible students shall be permitted to take the examination/test with **accommodations** if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.
Modification (3)	For the **STAR** Program and **CELDT**, eligible students shall be permitted to take the tests with **modifications** if specified in the eligible student's IEP or Section 504 Plan. Eligible students shall be permitted to take the **CAHSEE** with **modifications** if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.

Matrix 2. Matrix of Test Variations for Administration of California Statewide Assessments for English Learners
(October 2009)

Because the CELDT and STS are tests specifically for English learners, there are not separate guidelines for administering the CELDT and the STS to this population. Please refer to the Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments, the first table in this section, for additional variations for all students, including English learners.

Test Variations	STAR Program		
	CST	CAHSEE	Physical Fitness
Hear the test directions printed in the test administration manual translated into the student's primary language. Ask clarifying questions about the test directions in the student's primary language.	Variation Allowed	Variation Allowed	Variation Allowed
Additional supervised breaks within a testing day *or* within a test part provided that the test part is completed within the day of testing. The end of a test part is identified by a "STOP" sign.	Variation Allowed	Variation Allowed	Not Applicable
English learners (ELs) may have the opportunity to be tested separately with other ELs provided that the student is directly supervised by an employee of the school who has signed the test security affidavit and the student has been provided such a flexible setting as part of his/her regular instruction or assessment.	Variation Allowed	Variation Allowed	Variation Allowed
Access to translation glossaries/word lists (English-to-primary language). Glossaries/word lists shall not include definitions or formulas.	Variation Allowed Math, Science, History–Social Science / Not Allowed ELA	Variation Allowed	Not Applicable

Appendix B2:   Sample Annual Title III Parent Notification Letter

ANNUAL PARENT NOTIFICATION LETTER
Federal Title III and State Requirements

To the parent(s)/guardian(s) of: _____   School: _____   Date: _____

Student ID #: _____   Date of Birth: _____   Grade: _____

Primary language: _____

Dear Parent(s) or Guardian(s): Each year, we are required by law to notify you of your child's proficiency level in English. We must also provide you with the school's recommendation for program placement and describe all available program options. This letter also explains how we decide when a student is ready to exit the English learner program. (20 United States Code 7012 and 6312[g][1][A]; California Education Code Section 48985; and Title 5 of the California Code of Regulations Section 11309[a][b][1])

Your child's current English proficiency level is _____, according to their most recent California English Language Development Test (CELDT) results.

Based on these results, your child has been identified as an:

☐   English learner (EL) with less than reasonable fluency in English and assigned to the Structured English Immersion Program.

☐ English learner (EL) with reasonable fluency in English and assigned to the English Language Mainstream Program.

Check if applicable:

☐ Individualized Education Program (IEP) on file
A description of how your child's recommended program placement will meet the objectives of the IEP is attached.

Academic Achievement Results

Skill Area	California Standards Tests	Other measure	Performance Level
English Language Arts			
Mathematics			
History-Social Science			
Science			

Note to districts: Customize this table according to measures used in your district.

Program Placement Options for English Learners

The chart below shows all program placement options. (A more detailed description follows.) To request that your child be placed in an Alternative Program in which much of the instruction is provided in your child's primary language, you must apply for a "Parental Exception Waiver."

English Language Proficiency Levels		Program Placement
Advanced	Reasonable fluency***	English Language Mainstream *** or an Alternative Program with an approved Parental Exception Waiver
Early Advanced		
Intermediate		
Early Intermediate	Less than reasonable fluency***	Structured English Immersion*** or an Alternative Program with an approved Parental Exception Waiver
Beginning		
		Other Instructional Setting based on IEP

***Districts determine what levels constitute "reasonable fluency" and "less than reasonable fluency".

Appendix C
Office of Civil Rights Communication
Regarding English Learners

Reclassification of English Learners with Disabilities
OFFICE OF CIVIL RIGHTS OPINION 2008-09

In addition to meeting state standards for academic achievement, a central educational goal for English learners (ELs) is to demonstrate proficiency in comprehension, speaking, reading, and writing in English. Until the criterion for English proficiency is reached, LEAs must continue to provide services in English Language Development (ELD) to assist the student in achieving proficiency in all four domains. Once English proficiency has been obtained, LEAs are still obligated to monitor student progress for a minimum of two years.

Criteria for Reclassification

It is the responsibility of the LEA to develop and adopt reclassification policies and procedures for English learners. Both should be included in the LEA's plan for EL services. The policies and procedures, at a minimum, must include the following four criteria which are codified, in statute, in both the California Code of Regulations and Education Code.

1) Assessment of English language proficiency using the CELDT as the primary criterion (EC313[d][1];5CCR11303[a])

2) Comparison of performance in basic skills against an empirically established range of performance such as the California Standards Test for English-Language Arts (EC 313[d][4]; 5 CCR 11303[d])

3) Teacher evaluation that includes, but is not limited to the pupil's academic performance (EC 313[d][2]; 5 CCR 11303[b])

4) Parent opinion and consultation (EC 313[d][3]; 5 CCR 11303[c])

Monitoring Progress toward Reclassification

The reclassification process applies to EL students in special education as well as to those in general education. Districts must monitor the progress of all EL toward acquiring proficiency in English as well as their progress in meeting grade level content standards.

Reclassification of the English Learner Who has an Active IEP and is Receiving Special Education and Related Services.

English learners with a disability, who have an active IEP, must meet the same objective criteria outlined in the LEA's reclassification policies and procedures, in order to be reclassified as English proficient. A student with a learning disability may take longer to satisfy the requirements related to reclassification, but is expected to do so, just as that same student is expected to meet the criteria, referenced in California Education Code, adopted by the LEA in order to be awarded a high school diploma. The LEA shall not create or adopt "blanket" alternative criteria for students with disabilities.

Appendix D
Sample EL Reclassification Documents

Appendix D1: Sample EL/SPED Reclassification Checklist

EL / SPED RECLASSIFICATION CHECKLIST

NOTE: Reclassification of EL / SPED students is not an IEP team function; it is the role of special education staff members to consult with the EL reclassification team or committee.

√ Check each box below to indicate that the student has met each of the four criteria required to be considered for reclassification

☐ **Criteria 1**: **Assessment of Language Proficiency Using an *Objective Assessment Instrument**
*CELDT is used as the primary criterion for the *objective assessment instrument* in California. Students should be considered for reclassification whose overall proficiency level is early advanced or higher, listening is intermediate or higher, speaking is intermediate or higher, reading is intermediate or higher, and writing is intermediate or higher.

Note: Those students whose overall proficiency level is in the upper end of the Intermediate level also may be considered for reclassification if additional measures determine the likelihood that a student is proficient in English (CDE CELDT: Understanding and Using 2009-10 Individual Results)

☐ **Criteria 2**: **Teacher Evaluation**
Sample Teacher Criteria: Evidence of student's academic performance (in class), completion of a *Solom* Checklist, and student progress towards IEP linguistically appropriate goals

Note: According to SBE State Board Adopted CELDT Guidelines Section III (2009-2010) incurred deficits in motivation and academic success unrelated to English language proficiency do not preclude a student from reclassification. A disability may be a factor that contributes to low academic achievement and is unrelated to "English language proficiency."

☐ **Criteria 3**: **Parent Opinion and Consultation**
Provide notice to parents or guardians of their rights and encourage them to participate in the reclassification process by inviting them to a face-to-face meeting

☐ **Criteria 4**: **Comparison of Performance in Basic Skills**
"Performance in basic skills" means the score and/or performance level resulting from a recent administration of the California English–Language Arts Standards Test (CST in English–language arts) as set forth in the following criteria.

1) CST score in English/language arts (ELA) must be at least beginning of basic level to midpoint of basic - each district may select exact cut point.
(2) "Pupils with scores above the cut point selected by the school district should be considered for reclassification."
(3) For pupils scoring below the cut point, school districts should attempt to determine whether "factors other than English language proficiency are responsible for low

performance on the CST in English–language arts and whether it is reasonable to reclassify the student." (CDE CELDT: Understanding and Using 2009-10 Individual Results).

Note: The impact of a student's disability may be a factor "other than English language proficiency" to consider

Appendix D2: EL/SPED Reclassification Worksheet

ENGLISH LEARNER WITH SPECIAL NEEDS RECLASSIFICATION WORKSHEET

Name: _____ D.O.B.: _____ Grade: _____ Date of Meeting: _____

Primary Disability: _____ Secondary Disability: _____

Summary of English language development services received: _____

1. **Assessment Results of Language Proficiency**
   (Note: The CDE regulations allow the IEP team to designate that a student take an alternate assessment to CELDT if appropriate)

   Language Proficiency Assessment Take: ☐ CELDT or ☐ Alternate Assessment

   Current School Year Data   Date: _____
   ☐ CELDT   Overall Score: _____ Listening: _____ Speaking: _____ Reading: ____ Writing: _____

   ☐ Alternate Assessment (ALPI)   Overall Score: _____ Listening: _____ Speaking: _____

   ☐ Other Alternate Assessment: _____ Listening: _____ Speaking: _____ Reading: ____ Writing: _____

   Previous School Year Data   Date: _____

   ☐ CELDT   Overall Score: _____ Listening: _____ Speaking: _____ Reading: _____ Writing: _____

   ☐ Alternate Assessment (ALPI)   Overall Score: _____ Listening: _____ Speaking: _____

   ☐ Other Alternate Assessment: Listening: _____ Speaking: _____ Reading: _____ Writing: _____

   Student met language proficiency level criteria as assessed by CELDT? ☐ Yes   ☐ No

   Note: Overall proficiency level must be early advanced or higher, listening must be intermediate or higher, speaking must be intermediate or higher, reading must be intermediate or higher, and writing must be intermediate or higher.

   If student's overall proficiency level was in the upper end of the intermediate level, did the reclassification team review other informal measures of proficiency and determine that it is likely the student is proficient in English? ☐ Yes   ☐ No

   If student took alternate assessment(s), answer the following questions:
   Does the reclassification team feel the student's disability impacts the ability to manifest English proficiency? ☐ Yes   ☐ No
   If so, in what areas: ☐ Listening   ☐ Speaking   ☐ Reading   ☐ Writing

   Note: Possible indicators: Student has similar academic deficits and error patterns in English as well as primary language, or error patterns in speaking, reading, and writing are typical of students with that disability versus students with language differences, etc.

   Comments: _____

   _____

   Does the reclassification team feel it is likely the student has reached an appropriate level of English proficiency? ☐ Yes   ☐ No

2. Teacher Evaluation

Note: Having incurred deficits in motivation & academic success unrelated to English language proficiency (i.e. disability) do not preclude a student from reclassification.

Evaluation was based on: ☐ Classroom performance ☐ District-wide assessments
☐ IEP Goal Progress ☐ Other: _____

Comments:_____

_____

_____

Does the Reclassification Team feel teacher input/evaluation warrants possible reclassification?
☐ Yes   ☐ No

3. Parent Opinion and Consultations was solicited through: ☐ Letter to Parent ☐ Parent Conference

☐ Other _____

_____

Does the Reclassification Team feel parent input warrants possible reclassification at this time?
☐ Yes ☐ No

Comments:_____

_____

4. Comparison of Performance in Basic Skills

Note: CST score in English/language arts (ELA) must be at least beginning of basic level to midpoint of basic - each district may select exact cut point; for pupils scoring below the cut point, determine whether factors other than English language proficiency are responsible and whether it is appropriate to reclassify the student.

Assessment taken: ☐ CST ☐ CMA ☐ CAPA   Date: _____

English/Language Arts Score_____

Student met the Performance on CST criteria?   ☐ Yes   ☐ No

If student took CMA, did they perform at the beginning basic level to the midpoint of basic in ELA?
☐ Yes   ☐ No

If performance in basic skills criteria based on CST or CMA was not met, answer the following questions to help determine if "factors other than English language proficiency are responsible for limited achievement in ELA" (CDE CELDT: Understanding and Using 2009-10 Individual Results?

☐ Student's Basic Skills assessment scores appear to be commensurate with his/her intellectual ability due to a disability such as an intellectual disability, language & speech impairment, etc., versus a language difference and primary language assessments indicate similar levels of academic performance (if available and applicable) or,

☐ Error patterns noted mirror the patterns of errors made by students with a particular disability versus a peers with language differences and student has manifests language proficiency in all other areas

Does the Reclassification Team feel analysis of Performance in Basic Skills (ELA) warrants reclassification? ☐ Yes ☐ No

Does the reclassification team feel the student should be reclassified at this time based on analysis of the four criteria above? ☐ Yes ☐ No

Signatures of Reclassification Team Members:

_____ Date: _____   _____ Date: _____
Parent (optional)   Classroom Teacher

_____ Date: _____   _____ Date: _____
Special Education Case Manager (optional)   EL Representative

_____ Date: _____   _____ Date: _____
Other   Other

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