Meeting the Needs of English Learners (ELs) 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 with disabilities known to date in the State of California. It is distributed with the understanding that neither the authors nor the SELPA Administrators of California is engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the services of an appropriate professional should be solicited.

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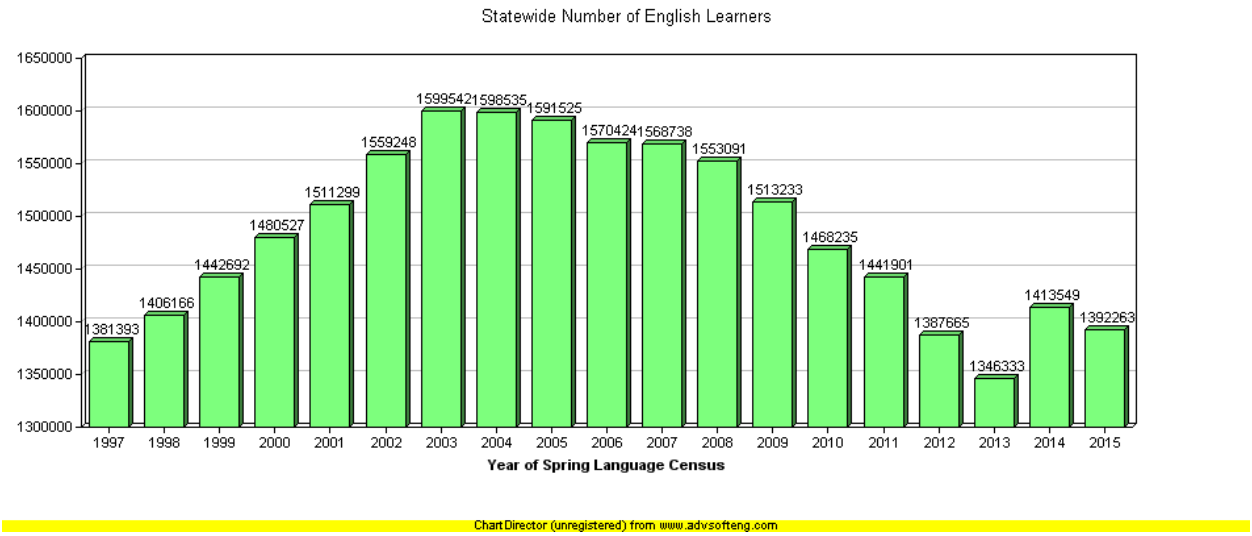
Section I: Introduction

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

Background Information On English Learners (ELs) With Disabilities

Census Bureau data (Public Policy Institute Center (PPIC) report 11-29-16) indicates English learners are historically the fastest growing subgroup of children in the public school population, with an increase of about 51% between 1997/98 and 2008/09. During that same time frame the general population increased by 7.2%. *In 2015* Limited English Proficient (LEP) students represent about *22.1%* of students in California and about *9%* of students nationwide. *The LEP population has fallen: 40% in 2015, compared to 44% in 1980. The LEP population has been largely stable for the past 5 years. (*www.migrationinformation.org*.* While EL students across the nation speak more than 150 different languages, *83.53%* of all LEP students have Spanish as their native language. The next two largest native language groups among LEP students are Vietnamese (2.20%) and Chinese (1.46%) (CDE Data Quest). The following graph shows how the EL population has shifted over time.



Data Quest reports indicate that, in ***2015*** there were ***1,392,263*** English learners; ***83.53%*** of these speak Spanish; 72.71% have been designated fluent English speaking (FEP); and that the total percent of enrollment that is EL and FEP is 33.92%. Further, it was reported in 2014-2015 that some 31 percent of students with special

needs in California are EL, substantially higher than the 22 percent in the K–12 population (taken from the CDE Casemis data 2014-2015).

Review of Laws & Regulations Governing Instruction for ELs California Laws & Regulations.

Proposition 227, enacted in 1998, was one of the most controversial policies affecting EL students in the State of California. Proposition 227 changed the way that "Limited English Proficient" (LEP) students are taught in California. Some educators were concerned this law "limited 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 left 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. In 2016 SB 1174 overturned Proposition 227. This bill deleted the *sheltered English immersion* requirement and waiver provisions of Proposition 227, and instead provides that school districts and county offices of education shall, at a minimum, provide ELs with a structured English immersion program, as specified. The bill authorizes parents or legal guardians of pupils enrolled in the school to choose a language acquisition program that best suits their child. Although IEP teams determine the language of instruction for ELs with disabilities, this law will most likely result in more availability of bilingual programs which will provide more access and greater benefit to this subgroup of learners with unique language learning needs (**Jepsen & De Alth, 2005).**

Federal Regulation - Every Student Succeeds Act (ESSA).

In 2015, Every Student Succeeds Act (ESSA) reauthorized the federal Elementary and Secondary Act and replaced *No Child Left Behind* (NCLB). Overall, the new law provides states more authority on standards, assessments, accountability, supports and intervention. The new reporting requirements under Title III requires that States and LEAs report the number and percentage of ELs who are making progress toward achieving English language proficiency in the aggregate and disaggregated by English learners with disabilities, as well as must separately report ELs with disabilities. Professional Development: Under ESSA, *professional development includes activities that are designed to give teachers of children with disabilities or children with developmental delays and other instructional staff, the knowledge and skills to provide instruction and academic support services including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations.*

In addition to professional development; under Section 3115 (c) (1)-(3), an LEA must also now conduct a third activity, which is providing and implementing other effective activities and strategies that enhance or supplement IEPs for EL students. This must include parent, family and community engagement activities, and may include strategies that serve to coordinate and align related programs prior to ESSA, an LEA was required to use its Title III funds for two required activities: professional development and providing an IEP. Under Section 3115(c)(1)-(3) of the ESEA, an LEA must still conduct these two required activities, but must also now conduct a third activity: providing and implementing other effective activities and strategies that enhance or supplement IEPs

for ELs, which must include parent, family, and community engagement activities, and may include strategies that serve to coordinate and align related programs.

An LEA may also use Title III funds for a number of permissible activities listed in Section 3115(d) of the ESEA. *These activities include, for example, providing community participation programs, family literacy services, and parent outreach and improving the instruction of ELs, which may include English learners with disabilities, by acquiring or developing educational technology and accessing electronic networks.* Under ESSA's Title I, *state accountability plans for elementary and middle schools must now include four components:*

1. *Students' achievement on academic content assessments;*
2. *A measure of student growth or other academic indicator;*
3. *A non-academic* ***indicator*** *of school quality; and,*
4. *ELLs' "progress in achieving English language proficiency"*

Additionally, under the **Every Student Succeeds Act** (ESSA), accountability for "ELLs'" performance shifted from **Title III** — which targets aid exclusively for English language acquisition programs — to **Title I**. This may potentially provide more funding to address the needs of ELs. Most of the provisions of ESSA will not take effect until 2017-2018.

Below is specific ESSA guidance from the US Department of Education regarding "ELLs" with Disabilities:

1) What are the new requirements under Title III for English learners with disabilities and how can States, LEAs, and schools use this data to improve instruction for English learners with disabilities?

The ESEA supports States' efforts to accelerate the progress of ELs in several ways. These include acknowledging the diversity of ELs and drawing attention to subgroups of ELs by requiring that certain data reported under Title III be disaggregated by English learners with disabilities. Specifically, the new reporting requirement under Title III of the ESEA requires that States and LEAs report the number and percentage of ELs in the programs and activities who are making progress toward achieving English language proficiency in the aggregate and disaggregated, at a minimum, by English learners with disabilities. It also requires that the data on former ELs be disaggregated by English learners with disabilities (ESEA Section 3121(a)(2), (a)(5)).

Additionally, although not required by Title III, States, LEAs, and schools are encouraged to consider further disaggregating the data on English learners with disabilities' attainment of English language proficiency, and the number and percentage of English learners with disabilities who have not attained proficiency within five years of initial classification as an EL. States, LEAs, and schools should use the Title III data on English learners with disabilities to inform program planning, staff professional development, and instructional decision-making. These data can also inform program improvements and help LEAs and States determine instruction to address gaps in achievement.

2) How do the new Title III reporting requirements differ from the IDEA reporting requirements for English learners with disabilities?

The new Title III reporting requirements are intended to track progress toward achieving English language proficiency for students identified as ELs, including English learners with disabilities. There is no similar reporting requirement under Section 618 of the IDEA. Rather, under Section 618 of the IDEA, States must continue to report data each year to the Secretary and the public on the number and percentage of children with disabilities by race, ethnicity, gender, limited English proficiency status, and disability category in specified areas, including the number and percentage of children who are receiving special education and related services on the State-designated child count date (Part B Child Count Data); the educational environment in which they are receiving services on the State-designated child count date (Part B Educational Environments Data); and how they exit special education (e.g., graduate with a regular high school diploma, receive a certificate, or dropout) (Part B Exiting Data). (IDEA Section 618, 20 U.S.C. §1418(a)(1)).

3) What should SEAs and LEAs consider when determining the effectiveness of teachers and professional development for teachers who teach English learners with disabilities?

Instruction for English learners with disabilities should take into account their specific special education and related services needs, as well as their language needs. Teachers should have an understanding of the second language acquisition process, and how this might be influenced by the child's individual development, knowledge of EL effective instructional practices and, if relevant, the child's disability. Note that under the IDEA, States and LEAs must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of Part B of the IDEA are appropriately and adequately prepared and trained, and that those personnel have qualifications and personnel development requirements apply to personnel serving English learners with disabilities.

4) What guidance and resources are available to assist States, LEAs, and school staff in providing appropriate instructional and assessment accommodations for English learners with disabilities?

Federal resources to support States in this area are available through Department-funded technical assistance centers such as the National Center for Educational Outcomes (NCEO) and the Center for Parent Information and Resources (CPIR). CPIR provides an annotated list of resources that address how to make determinations regarding accommodations; below are some examples.

- *Accommodations Manual: How to Select, Administer, and Evaluate Use of Accommodations for Instruction and Assessment of Students with Disabilities. This includes fact sheets and teacher tools. www.osepideasthatwork.org/toolkit/accommodations_manual.asp;*

- *Online Accommodations Bibliography: NCEO resource on the range of possible accommodations and what empirical research studies have to say about the effects of various testing accommodations for students with disabilities. www.cehd.umn.edu/NCEO/OnlinePubs/AccommBibliography/AccomStudies.htm;*

• *Special Topic Area: Accommodations for Students with Disabilities. NCEO answers frequently asked questions about testing accommodations for students with disabilities, discusses State policies and research in this area, and offers a number of research-based publications to guide policy and decision-making.* www.education.umn.edu/NCEO/TopicAreas/Accommodations/Accomtopic.htm

English Language Development Standards

In November 2012, the California State Board of Education adopted new English Language Development (ELD) Standards aligned with the Common Core State Standards. The state is in the process of transitioning from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC – see Section II).

Other federal regulations and case law related to English learners in special education have also been influential as noted below:

- Civil Rights Act (1964)
- 1970 – It is a violation to exclude children from effective participation in school because they can't understand English.
- Diana vs. State Board of Education (1970) – One cannot identify a child as mentally retarded based on IQ tests administered in English. The child must be assessed in his or her first language and in English or ~~use~~ nonverbal IQ tests utilized.
- Larry P. vs. Riles – One cannot use IQ tests with African American students – thus, tests must be validated for use with specific populations. Individuals with Disabilities Education Act (IDEA) (1975; 1997 & 2004 amendments) – *ELs are not eligible for services if their learning problems are primarily the result of environmental, cultural, or economic disadvantage. Evaluation and placement procedures must be conducted in the child's native language, unless it is not feasible to do so. Parents must understand proceedings of IEP meetings to provide informed consent. They must know they have the right to an interpreter at no cost. The multidisciplinary team must consider the language needs of ELs when developing, reviewing or revising IEPs*.
  (Artiles & Ortiz, 2002; IDEA 2004)

Intended Audience

LEAs (including school districts, county offices of education, and charter schools) are required by state and federal laws to implement programs and services to ensure that all ELs, 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 ELs who may have disabilities. This resource book provides information that may a) help prevent premature and/or inappropriate identification as students with disabilities; b) identify ELs who 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 individualized education program (IEP) team.

Since each child's language proficiency and academic needs differ so widely, it is inappropriate 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 EL program staff are working closely together can the needs of ELs 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. In order to ensure that there is the appropriate allocation of resources for program improvement efforts related to ELs 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 English Learners With Disabilities and IEP Requirements
- English Language 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

(*See Appendix #* B4 *Excerpts from English Learners and the Common Core Standards and B5 Proficiency Level Descriptors for California English Language Development Standards* (will be aligned to ELPAC beginning in 2018)

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 & Snow, 2000; Hamayan et al., 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 historical 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. Based on current theoretical constructs, second language acquisition is now viewed as a complex, gradual, nonlinear, and dynamic process versus being a linear process where students learn listening, speaking, reading and writing as separate processes (Larsen-Freeman & Long, 1991). We now know that second language learners progress from one level of proficiency to another with varying degrees.

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 months	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	Approximately 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	Approximately 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	Approximately 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

(Krashen, 1981)

A concept endorsed by most language acquisition theorists is 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 and Lapkin (1995) 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 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 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 and 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, Title III of the NCLB Act provides funding to help ELs and immigrant students. NCLB requires yearly improvements in academic achievement for EL students. Measurement of English learner achievement is tracked through "Annual Measurable Achievement Objectives" (AMAOs) each year. The performance targets for English learners are equal to those set for all students. AMAO 1 requires EL students to show progress in attaining English proficiency, as measured by the California English Language Development Test *(CELDT). AMAO 2 requires EL students to demonstrate Proficiency on the *CELDT. AMAO 3 requires the EL subgroup to meet Adequate Yearly Progress (AYP) objectives at the LEA level. EL students demonstrate annual growth on the *CELDT in one of 3 ways, depending on their CELDT performance the previous tested year*:

1) If an EL earned an Overall level of Beginning (1), Early Intermediate (2), or Intermediate (3) on the *CELDT the previous year, he or she must gain a minimum of one performance level Overall for the current year. For example, if an EL student scored Early Intermediate (2) on the CELDT Overall in 2009, he or she must score at least Intermediate (3) on the *CELDT Overall in 2010.
2) If an EL earned an Overall level of Early Advanced (4) or Advanced (5) on the *CELDT the previous year but was not yet classified as Proficient on the *CELDT, he or she must achieve proficiency on the *CELDT for the current year. A student in grades 2-12 is considered Proficient on the *CELDT only when he or she earns a performance level of 3 (Intermediate) or above in every domain and also a 4 (Early Advanced) or above Overall. K-1 students, however, only have to meet this criteria for Listening, Speaking, and Overall in order to score Proficient. Only when an EL student scores Proficient on the *CELDT should he or she be considered for reclassification.
3) If an EL earned the Proficient status on the *CELDT the previous year, he or she maintain that level for the current year. ELs with disabilities frequently do not show the required growth to meet the Title III accountability measures, and many

times this is due to their disabilities versus inadequacy in their English development instruction.

* Note: the CELDT English language proficiency test will be phased out in the spring of 2018 and will be replaced by the *English Language Proficiency Assessment in California (ELPAC)*

English learners with disabilities are expected to meet both the targets set for students in special education and English learners. Therefore, LEAS need to ensure that English learners in special education have access to and are provided English language development services with fidelity that are closely monitored.

Program Monitoring and Compliance for ELs With Disabilities
As per the California Department of Education (CDE) email communication, the following items are reviewed during an FPM review for ELs, to include ELs with disabilities:

- Each EL receives a program on instruction in English language development *(ELD) – **this includes ELs with an IEP***
- Each EL with disabilities is assessed annually for ELD using accommodations, modifications on CELDT or alternate assessment to CELDT
- For LEAs receiving Title III funds, within 30 days after beginning of school year,… the parents/guardians of initially identfied ELs and annuallly thereafter must be notified of program placement - ***this includes ELs with an IEP***

Note: Some LEAs have reported that reviewers will check compliance related to alternate assessment to CELDT and IEP team participants to ensure that persons with expertise in language development are present at the IEP**.**

Section II: Assessment, Identification, and Programs for English Learners

This section on assessment, identification, and programs for English learners (ELs) covers the following topics: California's Statewide Assessment System, the Home Language Survey (HLS), assessment of ELs in California, 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 certification requirements for teaching ELs.

California Assessment of Student Performance and Progress (CAASPP) System

The California Assessment of Student Performance and Progress (CAASPP) System was established on January 1, 2014. The CAASPP System replaced the Standardized Testing Reporting (STAR) Program, which became inoperative on July 1, 2013.

The California Assessment of Student Performance and Progress (CAASPP) was established on January 1, 2014. The CAASPP System replaced the Standardized Testing and Reporting (STAR) Program.

California required the State Superintendent of Public Instruction to consult with specific stakeholder groups in developing recommendations for the reauthorization of the statewide pupil assessment system to bring school curriculum, instruction, and the state assessment system into alignment with the common core state standards. AB 484 established the new California Assessment of Student Performance and Progress (CAASPP) System.

On January 1, 2014, California *Education Code* Section 60640 established the CAASPP system of assessments. The table below illustrates the overview of the California Assessment System.

	Formative Assessment	Diagnostic Assessment	Interim/Benchmark Assessment	Summative Assessment
Description	• Process teachers and students use to continuously gather evidence of student learning • Evidence is used to adapt instruction on moment-to-moment and day-to-day bases • Requires evidence gathering that provides diagnostic information	• Formal strategies and/or tools used to identify specific strengths and weaknesses in student learning relative to specific learning standards and/or goals • Focused on individual students	• Assessment administered at specified intervals over the course of the academic year • Compares student learning or performance against set of learning standards or objectives • May be common across classes or schools	• Measures students' knowledge and skills relative to specific learning standards or goals • Also referred to as a "culminating assessment" • May be "high-stakes"

It is important to note that Assembly Bill 484 exempts English learners who have been attending school in the United States less than 12 months from taking the Smarter Balanced English-Language Arts assessments. All English learners, including recently arrived English learners, are required to take the Smarter Balance mathematics assessments.

For additional information regarding AB 484, please consult the following web page for related questions and answers http://www.cde.ca.gov/ta/tg/sa/ab484qa.asp

Testing Accommodations and Modifications for ELs

The Smarter Balanced tests are designed so that all students—including students who are learning English or have special needs—can participate in the tests and demonstrate what they know and can do. Thus, the end-of-year test includes accessibility resources that address visual, auditory, and physical access barriers—allowing virtually all students to demonstrate what they know and can do.

The accessibility resources built in to the Smarter Balanced Assessment incorporate principles of *Universal Design for Learning* (UDL) – flexible learning environments that accommodate learning differences to include those of ELs. They include Braille, Spanish translations, videos in American Sign Language, glossaries provided in 10 languages and several dialects, as well as translated test directions in 19 languages. Each of these accessibility resources was built with students in mind and would be cost prohibitive for any state to create on its own.

The accessibility resources include:

- ✔ **A set of universal tools –** such as a digital notepad and scratch paper – are available to all students.

- ✔ **Designated supports –** like a translated pop-up glossary – are available to students for whom a need has been identified by school personnel familiar with each student's needs and testing resources.

- ✔ **Accommodations** are available to all students with a documented need noted in an Individualized Education Program (IEP) or 504 plan. Accommodations include Braille and closed captioning, among others.

- ✔ **The Individual Student Assessment Accessibility Profile** (ISAAP) tool and training module support educators in selecting accessibility resources that match student access needs.

All of the Smarter Balanced assessments were created through collaborative work with educators, students, and experts in the field to design and test the assessment system. The assessment authors work with advisory panels on English language learners and students with disabilities to ensure that the assessments are developed using principles of Universal Design and research-based best practices.

(*See Appendix # B2 English Learner Test Variations (2017) Matrix Two (CELDT Excerpts)*

Assessment of English Learners in California

Upon enrollment, every family completes a home language survey. There are two types of measures used with ELs: individual assessment such as the CELDT and group assessments like those used in the CAASPP.

Home Language Survey (HLS)

When parents or guardians first register their child for school, they complete a HLS that indicates what language(s) is spoken in the home. The 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 (Education Code *(EC)* 60810). A sample home language survey is available on the California Department of Education (CDE) English Learner Forms Web page at http://www.cde.ca.gov/ta/cr/elforms.asp. The California State Board of Education approved the following guidelines for interpreting the sample survey:

If a language other than English is indicated on:

- Any of the first three questions, student should be tested with the CELDT;
- The fourth question, student may be tested at the LEA's discretion (CELDT Information Guide).

ELP Assessment In California

The English Language Proficiency Assessments for California (ELPAC) will be the successor to the California English Language Development Test (CELDT). The CELDT is the current required state test for English language proficiency (ELP) that must be given to students whose primary language is a language other than English. State and federal law require that local educational agencies administer a state test of ELP to eligible students in kindergarten (or year one of a two-year kindergarten program, sometimes referred to as "transitional kindergarten") through grade twelve. The California Department of Education (CDE) is transitioning from the CELDT to the ELPAC as the state ELP assessment by 2018. The ELPAC will be aligned with the 2012 California English Language Development Standards, and will be comprised of two separate ELP assessments:

- An initial identification of students as English learners
- An annual summative assessment to measure a student's progress in learning English and to identify the student's ELP level

ELPAC Implementation Timeline.

- The current ELPAC timeline for upcoming school years is as follows:

2016–17 School Year

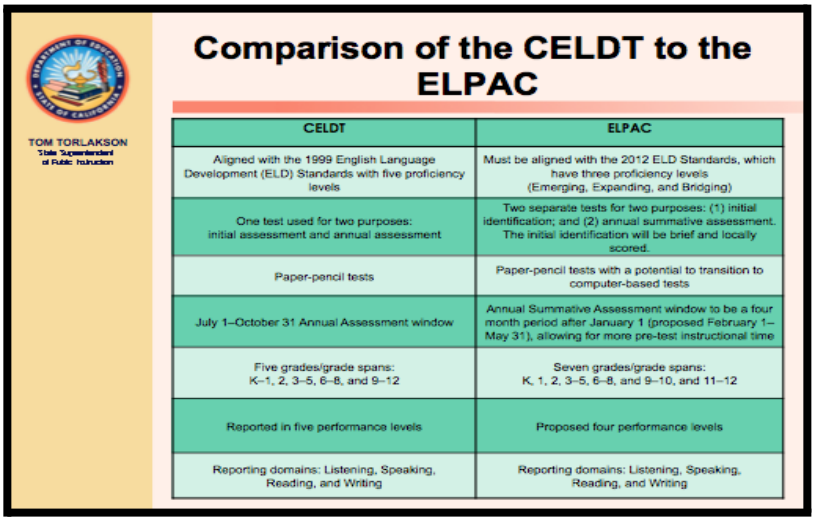
- Summative Assessment Field Test Window (for selected local educational agencies): March 6–April 14, 2017

2017–18 School Year

- Initial Assessment Field Test Window (for selected local educational agencies): August 28–September 22, 2017
- First Operational Summative Assessment Administration: proposed February 1–May 31, 2018
- Information about the Summative and Initial Field Tests is available on the Test Administration page.

2018–19 School Year

- First Operational Initial Assessment Administration: beginning July 1, 2018



The proposed first administration of the ELPAC in California public schools is slated to begin with the summative assessment in Spring of 2018. The first administration of the initial diagnostic ELPAC screener is slated to begin in the fall of 2018. http://www.elpac.org/

Alternative Assessment to CELDT / ELPAC

Most students with disabilities will be able to participate in the CELDT. For those students whose disabilities make it impossible for them to participate in one or more domains of the CELDT, their IEP teams may recommend accommodations, modifications, or an alternate assessment (See EC 56345). The current CELDT Information Guide available on the California Department of Education website includes a ***Participation Criteria Checklist for Alternate Assessments*** (see Appendix 1A) to assist LEAs and schools in planning for the administration of the CELDT to students identified with an IEP or Section 504 Plan and for reporting their results. Go to http://www.cde.ca.gov/ta/tg/ep/documents/celdt1618guide.pdf

Since modifications and alternate assessments "fundamentally alter what the CELDT measures", students taking alternative assessments receive the lowest obtainable scale score (LOSS) on each domain affected and Overall. In addition, "The LOSS will be used to calculate the AMAOs. If the student is not reclassified, the LOSS will be entered as the most recent previous scale score(s) at the next year's administration of the CELDT. In accordance with EC 56342(a) and 56345, the initial identification of English fluency, reclassification, and other instructional decisions should be made by the IEP team based on the results of the modified CELDT or, if used, the alternate assessment along with other local assessment information about the student's English language fluency" (CELDT Information Guide, p. 13). "The CDE does not make specific recommendations about which alternate assessment instruments to use. The appropriate alternate assessment must be identified annually in a student's IEP, and the IEP team should include an "ELD specialist" or person with second language expertise whenever possible" (see current CELDT Information Guide). Below is a list of

assessment tools that LEAs around the State of California may use as alternatives to CELDT for students that are precluded from taking one or more sections of CELDT.

POTENTIAL ALTERNATIVE ASSESSMENT OPTIONS TO STATEWIDE ELD ASSESSMENTS FOR ENGLISH LANGUAGE WITH MODERATE TO SEVERE DISABILITIES

Assessment Name	Skills Assessed	Publisher	Contact Information
*Alternative Language Proficiency Instrument (ALPI)	Listening, Speaking	Orange County Dept. of Education	714-966-4120
Ventura County Comprehensive Alternate Language Proficiency Survey (VCCALPS)	Listening, Speaking, Reading, Writing literacy	Ventura County SELPA	www.venturacountyselpa.com

Note: The ALPI does not include reading and writing language assessment; therefore, it alone may not be used as alternate assessment to CELDT. The VCCALPS includes the ALPI but reading and writing language assessment has been added. VCCALPS is the only known tool that meets State Department of Education requirements that is available to schools in California.

Identification of English Learners

One of the purposes of the CELDT is to identify students who are limited English proficient (LEP). EC Section 306(a) defines an LEP student as a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English. For all students in transitional kindergarten through grade twelve (TK–12), upon first enrollment in a California public school, the LEA uses a standardized procedure to determine a student's primary language. This procedure usually begins with a home language survey (HLS), which is completed by the parents or guardians at the time the student is first enrolled" (CELDT Information Guide).

All students in TK–12 whose primary language is not English must take the CELDT as an initial assessment to determine if they are English learners within 30 calendar days after they are first enrolled in a California public school or 60 days prior to instruction, but not before July 1, per CELDT regulations. The CELDT also must be given annually as an all to students identified as English learners until they are reclassified as fluent English proficient (RFEP) (CELDT Information Guide).

The following are the guidelines for meeting the CELDT criteria for English fluency:

Grades K-1 (includes Transitional Kindergarten students)

- Overall performance level is below early advanced

- Domain scores for Listening and Speaking are below the intermediate level

Note: For TK–1, if the above criterion is met, the domain scores for Reading and Writing are not required to be at the Intermediate level for an Initial Fluent English Proficiency (IFEP) designation

Grades 2-12

- Overall performance level is Early Advanced or higher, and
- Domain scores for Listening, Speaking, Reading, and Writing are at the Intermediate level or higher.
- The above criteria for students in grades 2–12 should be met for an IFEP designation.

LEAs may determine if a student with disabilities is not able to access the CELDT in order to provide meaningful data about language proficiency upon entry. The LEA must then utilize other assessment alternatives to determine proficiency at entry. Assembly Bill 2193, signed in September 2012, added new Education Codes to definitions and reporting requirements. A "long-term English learner meets the following criteria: is enrolled in any of grades 6-12, inclusive; has been enrolled in schools in the United States for more than six years; has remained at the same English language proficiency (ELP) level for two or more consecutive years as determined by the CELDT or any successor test (i.e., the ELPAC); and scores far below basic or below basic on the English-language arts standards-based achievement test or any successor test. An "English learner at risk of becoming a long-term English learner" means an EL who fits the following description: is enrolled in any of grades 5-11, inclusive; is in schools in the United States for four years; scores at the intermediate level or below on the CELDT or any successor test (i.e., the ELPAC); and scores in the fourth year at the below basic or far below basic level on the English-language arts standards-based achievement test or any successor test. If funding is provided, the CDE will have to report these EL numbers on its Website.

California English Language Development Standards

Assembly Bill 124, signed into law in October 2011, required the State Superintendent of Public Instruction (SSPI) to convene a group of experts in English language instruction, curriculum, and assessment to assist in updating, revising, and aligning the state's English language development (ELD) standards. As of November, 2012 there are now revised ELD Standards. Some key features of the 2012 ELD standards include:

- A set of ELD standards for each grade level, Kindergarten through grade 8, and for the high school grade spans 9-10 and 11-12;
- Correspondence to CCSS ELA (Common Core State Standards English Language Arts) standards noted for each ELD standard ;
- Three English language proficiency levels: Emerging, Expanding, and Bridging;
- Standards organized into:

- Three language modes: collaborative, interpretative and productive, and
- Three categories under the headings of learning about how English works: structuring cohesive texts, expanding and enriching ideas, and connecting and condensing ideas.

The 2012 ELD standards are designed to:

1) Be used in tandem with CCSS for ELA and Literature;
2) Highlight and amplify the critical language uses, knowledge about language, and skills using language in the CCSS necessary for ELs to be successful in school
3) Provide fewer, clearer, higher standards so teachers can focus on what's most important.

California's ELD Standards describe the knowledge, skills, and abilities in English as a new language that are expected at exit from each proficiency level, with the highest level, Bridging, being aligned to California's Common Core State Standards for English Language Arts, Literacy in History/Social Studies, Science, and Technical subjects. These exit descriptors signal high expectations for ELs to progress through all levels to attain the academic English language they need to access and engage with grade level content in all content areas. It is important to note that the proficiency level descriptors specifications at "early stages" and at "exit" for each of the three levels provide valuable information that can be used for determining meaningful performance level distinctions based on assessment results. Further information about The California ELD Standards and Proficiency Level Descriptors (rubric) for the standards are displayed in Appendix B4.

Instructional Programs & Methodology for English Learners in California

An English language classroom is the placement for all ELs in California, unless a parental exception waiver is granted for an alternate 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).

ELD consists of 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. LEAs must provide EL students at the secondary level a *prescriptive English language program* for not less than one full period a day or its equivalent (see E.C. 52163).

Specially Designed Academic Instruction in English (SDAIE).

SDAIE is 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 (RFEP).

Curriculum and Instruction for English Learners

ELs must be provided access to curricular materials aligned to the California Common Core State Standards. 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).

Common Core Standards support many aspects of what research promotes as needed for English Learners and open the door for implementation of powerful approaches that have been difficult to implement in the past. *Californians Together* (2014) stress the following related to implementation of the Common Core Standards for ELs:

- Common Core Standards call for attention to literacy and language across the curriculum both as subject and vehicle for learning. They call upon all academic content teachers to focus more explicitly upon the vocabulary, oral language and discourse patterns so essential to participation in academic work – and so foundational to the development of language among English Learners. As a result, all teachers (not just ELD teachers) will need an understanding of literacy and language, and the strategies to promote active engagement with language in the classroom.
- Common Core Standards call for collaboration and teamwork as a key component of instruction, and recognize that students need to develop the skills for collaborative engagement in academic work. (e.g., Anchor Standard #1 Speaking and Listening). This understanding of the role of “language in action” opens the door for more project based and inquiry-based teaching and learning, the active use of language in the context of inquiry and collaborative work, and for the integration of the 4C’s: communication, collaboration, critical thinking, creativity.
- Common Core Standards include language standards for all students, with a focus not just on the conventions of language, but how language functions in different contexts, and choices about uses of language. This elevates the study of language to new levels. In a linguistically diverse society, and for students who encounter and move through multiple language communities, this enhanced focus on language itself is an important development.

Staff Certification Requirements for Teaching English Learners (ELs)

The California Commission on Teacher Credentialing (CTC) requires that teachers of ELs, including special education teachers, attain English learner authorization. The type of certificate, permit, or credential required depends on the type of service or instruction being provided to ELs. As of the 2011-2012 school year the appropriate certificates, credentials, and permits required, according to the type of EL

service provided per EC 44258.9, are listed in the chart from the CTC *Administrator's Assignment Manual* (2007).

Beginning July 1, 2003 –CCTC may only grant initial teaching credentials that include preparation and authorization for instruction of English Learners

- Multiple Subject
- Single Subject
- Education Specialist

California Education Code §44259.5

Below is a chart of recent changes made to credentialing requirements for provision of *English language development (ELD)* through the CCTC.

Route	Authorization
Multiple Subject Teaching Credentials	SDAIE and ELD in **self-contained** and **core** settings
Single Subject Teaching Credentials	SDAIE and ELD **within the content area(s)** authorized on the credential
Education Specialist Instruction Credentials	SDAIE and ELD **for students with special needs** across the full continuum of placement options indicated in the students' IEPs and in alignment with the disability categories authorized by the teacher's credential and authorizations

Frequently Asked Questions

Question: Who can administer the CELDT?

Response: Employees of the school district, who 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 (CELDT Information Guide).

Question: What are the consequences for not administering 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 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 CELDT requirements for annual assessment? 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 (CELDT Information Guide).

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 CCTC chart above) to provide ELD services to students. It is not a requirement that the special education case manager or teacher provide the ELD services. Provision of services, to include English language development, should be decided by the IEP team.

Question: What if the parent(s) or guardian of a kindergarten student marks the home language survey (HLS) indicating that the student speaks another language in the home on question 4, 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: No, it is at the LEA's discretion whether or not to administer the CELDT to the pupil. When using the CDE sample HLS, the guidelines indicate that, if a parent or guardian marks "yes" to one of the first three questions on the HLS, the LEA is to administer the CELDT; however, if the parent(s) or guardian of a student marks "yes" on question 4, it is at the discretion of the LEA to administer or not to administer CELDT.

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

Response: No. ASL is not a trigger for identifying a student as an EL, unless parents indicate HLS that a language other than English is used in the home (e.g., Spanish, Korean). *Note: 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 a primary language to be used in the designation of the student as an EL.*

Question: Are students who are in a transitional kindergarten (TK) treated as kindergarten students for purposes of initial identification and ELs?

Response: Yes, students in TK are considered kindergarteners.

Section III: Interventions for English Learners Prior to Making a Referral to Special Education

This section provides an overview of prereferral interventions for ELs to include: 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 problem solving teams in the pre-referral process, and frequently asked questions.

Pre-Referral Interventions for English Learners

There are three categories of English learners who may experience academic difficulties:

1) Those with deficiencies in their teaching or learning environment; lack of effective ELD instruction and support;
2) Those experiencing academic difficulties not related to a learning disability; interrupted schooling, limited formal education, medical problems, low attendance, high transiency or other factors; and
3) ELs that truly have a disability and in need of special education (Artiles & Ortiz, 2002; Saunders, Goldenberg, & Marcelletti, 2013).

Frequently, children from diverse language backgrounds fall behind in English academic environments and are inappropriately labeled as needing special education. Many times ELs struggle academically because of more than one of the three reasons cited above. Therefore, it is the job of professionals that work with ELs to determine if continuing academic difficulties are truly the result of a disability or other factors, and if the student may need a referral to special education.

In many instances, students who are ELs may be struggling due to lack of receiving an appropriate education or other factors that serve as barriers to learning. What many ELs really need is more intensive 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). Artiles and Ortiz (2002) suggest that educators engage in the following two steps prior to referring ELs to special education: 1) analyze the school environment to see if there is appropriate curriculum and instruction for ELs; and, 2) provide prereferral intervention to ELs or RtI that includes screening, observing, intervening, and tracking progress over time. Based on the literature, the provision of research-based, intensive early intervention services for 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). Provision of intervention services above and beyond the "core", to include *English language development* (ELD) services, may be what many ELs require to be successful. It is recommended that the following steps be taken when it is determined that an EL student is struggling academically:

Step 1: Analyze the School Environment: Determine if there is appropriate curriculum and instruction for ELs being implemented.

Step 2: Provide Pre referral intervention, Multi-Tiered Systems of Support (MTSS) or Response to Intervention (RtI). Determine if prereferral interventions in areas of weakness have been implemented and documented over time, to include progress monitoring outcomes.

Step 3: Referral to Special Education. Assess in native language and English and other best practices for bilingual assessment to rule out language difference versus disability.

There is also evidence to support that ELs that are struggling in reading when compared to their like peers will benefit from intensive early reading intervention. 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 (Gersten, et al., 2007).

Snow, et al. (1998) 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.

Per Ortiz and Yates (2001), several factors are critical to the success of working with English language learners, they include:

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.

Per Ortiz and 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.

Best Practices for Promoting Reading Literacy in English Learners

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 (high level of positive correlation in the research) or low based (positive correlation evident in research but not as high of level) on the research-based evidence as a best practice. The five practices are included in the following chart on the next 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	**Low**

	training and professional development.	
Checklist for Carrying Out the	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**

Recommendations:

1) Screen for reading problems and monitor progress

- Districts should establish procedures and 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 pre-reading 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 one to three. Research shows that the “intensity” of an academic intervention is related to the size of the instructional group, how frequently intervention is provided (e.g., two to five times per week), the length of each session (e.g. 30–60 minutes), the duration of the intervention (i.e., number of weeks or months for which it is provided), and other factors, including the nature of the intervention, the knowledge and experience of the teacher, and how time is used during each session (Vaughn & Linan-Thompson, 2003).
- Provide training and ongoing support for the teachers via interventionists (i.e. reading coaches, Title I personnel, or para educators) 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

According to Francis and colleagues, most ELs do not demonstrate significant reading difficulties in the primary grades and only a small percentage of ELs struggle with acquiring automatic word reading skills. However, difficulties are seen when the emphasis shifts from learning to read to reading to learn and reading and comprehending written text becomes central to mastery of the curriculum and to overall academic success. ELs frequently perform poorly on assessments of reading comprehension. They can read words accurately, but they don't necessarily understand the meaning of the words and the overall understanding of the passage or text.

It appears there is emerging research in this area; however, it is limited and it is not entirely clear what causes these comprehension difficulties even though an EL student many have well-developed word recognition skills. There is a consensus that for the majority of struggling ELs, their reading fluency, vocabulary, and other skills linked to comprehension of texts (e.g., strategy use) are insufficient to support the effective

understanding of written material (Francis, et al., 2006).

ELs would benefit from a better fit between their instructional needs as ELs and their instructional environment in order to prevent some of their academic difficulties. Consideration must be given to school-level factors for ELs such as the fit between the learner and his or her environment and how this may influence his or her academic success. Francis, et al. (2006) provides the following examples of what must be considered: the learner's educational history, language and literacy ability in their native language, their socio-cultural backgrounds, as well as educational placements and the instructional contexts (e.g., grouping, curriculum) in U.S. schools each have an effect on academic achievement and outcomes in students' second language.

By the upper elementary years, ELs must be able to "read to learn", since the majority of the learning comes from written text. Francis and his colleagues propose five guiding principles based on a developmental, conceptual framework reading (there are many factors—individual, instructional, and contextual—that influence reading outcomes):

1) The crucial application for reading skills (reading comprehension) required in order to learn new concepts and to develop new knowledge across a range of content areas.
2) In order to plan for effective instruction, educators must have a clear understanding of the specific sources of difficulty or weakness for individual students and groups of students
3) Second language learners often lack the academic language necessary for comprehending and analyzing text.
4) The vast majority of ELs experiencing reading difficulties struggle with the skills related to fluency, vocabulary, and comprehension.
5) When planning instruction and intervention, there is a need to consider the function of the instruction (i.e., preventive, augmentative, or remedial). (Francis, et al., 2006)

Multi-Tiered Systems of Support (MTSS) and Response to Intervention for ELs

The California Department of Education Definition of MTSS is: "MTSS ensures equitable access and opportunity for all students to achieve the Common Core State Standards (CCSS). MTSS includes Response to Instruction and Intervention (RtI^2) as well as additional, distinct philosophies and concepts" and these include the interventions within the RtI^2 processes, supports for Special Education, Title I, Title III, support services for English Learners"…..

According to West Ed, 2012, MTSS is defined as "a coherent continuum of evidence based, system - wide practices to support a rapid response to academic and behavioral needs, with frequent data - based monitoring for instructional decision - making to empower each student to achieve high standards" (West Ed, 2012). In California the terms RtI and MTSS are sometimes used synonymous; however, MTSS refers to an overall system of support and approach to designing school systems that (1) efficiently and collaboratively focus resources to provide all students with high-quality core instruction and (2) respond to any student's need for differentiated instruction and/or targeted academic or behavioral interventions and supports (Special Edge, 2013).

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 and 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

Response to Intervention - RtI

RtI practices are proactive and should incorporate both prevention and intervention for all levels from early childhood to high school, for all students, including ELs. 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. One common, user-friendly assessment tool utilized for universal assessment in school systems is the Dynamic Indicators of Early Literacy Skills (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; Vanderwood, 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 (Vanderwood, 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 many 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 a student that is an EL 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 2 support.

Tier 2: Reading instruction at this level usually includes supplemental instruction and/or 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 (Vanderwood, 2009). Also, intervention should be delivered by a specialist or a trained, highly-skilled individual at teaching reading. Tier 2 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 with a student to instructor ratio that does not exceed 4:1 (Vanderwood, 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 (Vanderwood, 2009).

The Role of Multi-Disciplinary Problem Solving Teams in the Pre Referral Process

Many districts use existing teams of professionals such as Student Study Teams (SST), Educational Monitoring Teams (EMT), or Professional Learning Communities (PLCs) to monitor and track students as part of the RtI process. Such teams create a formal process by which a team of education professionals consult on the strengths and weaknesses of an individual student to help improve the child's academic skills. The role of the 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 such multi-disciplinary teams to have in-depth knowledge about second language acquisition. 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 problem solving team 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, person responsible for conducting probes, and the frequency of probes are determined.
- All information should be recorded.

Follow-up RtI or problem solving team meetings should occur. Some of the activities that may occur during these subsequent 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 student is making progress toward expected targets.
- The team decides whether 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 completion of 24 weeks of RtI intervention when 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 problem-solving meeting.

(*See Appendix # D1 English Learner Pre Referral Checklist).*

Frequently Asked Questions

Question: Is it advisable to group ELs with non-ELs for RtI intervention?

Response: It is best practice for ELs to be grouped according to their level of English proficiency for Structured English Immersion (EL services). For other types of targeted intervention, such as reading, writing, or math, ELs 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 ELs to receive high quality, research based interventions over a period of time long enough to determine if the student is struggling academically due to a disability or language difference and if the student's academic difficulties can be remediated in general education.

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

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.

Learning Disability versus Language Difference or Lack of Language Fluency

Some students who are English learners (ELs) are misidentified as having learning disabilities because of inadequate assessment tools and practices (Klingner & Artiles, 2003; Garcia & Ortiz, 2004; Klingner, et al., 2008; Rueda & Windmueller, 2006). Assessment tools for evaluating learning disabilities among students who are ELs are still in development (Baca, et al., 2008; Skiba, et al., 2002). One of the challenges is capturing the broad spectrum of bilingualism in assessment, which is difficult to capture with a set of assessment tools (Olvera, 2010).

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: lack of professionals' knowledge of second language development and disabilities, poor instructional practices, weak intervention strategies, and inappropriate assessment tools (Sanchez et EL., 2010). ELs may also manifest attention deficit disorder (ADD) like symptoms of inattention and distractibility, due to language differences unrelated to a disability. This sometimes results in an inappropriate designation a student having a specific learning disability (SLD) or other health impairment (OHI) (E. Gomez-Cerrillo, 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 (Piper, 2003), development of syntax (Gopaul-McNicol & Thomas-Presswood, 1998; Kuder, 2003), or semantic development (Mercel, 1987) for a student who is a second language learner. Because of the time required to acquire cognitive academic language proficiency, educators may incorrectly identify delays as a learning disability rather than a language development or

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 may be 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?

(See Appendix # D2 *Learning Issues Frequently Seen In ELs (What it may seem like) and Language Difference Related Reasons for the Difficulty and #D3 Comparison of Language Differences Versus Disabilities*

Legal Requirements for Assessment of ELs

Assessment Plan.

It is required that a Local Education Agency (LEA) or School District complete an *assessment plan* as part of the process of referring an English learner for assessment to determine eligibility for special education.

Following are considerations for developing an assessment plan for ELs:

- Be written in language easily understood by general public
- Native language or other mode of communication of parent, unless clearly not feasible
- Explain types of assessment to be conducted
- State that no IE will result from assessment without consent of parent
- Describe any recent assessments conducted (including recent *Independent Education Assessments)*
- Include information parents request to be considered
- Include information indicating student's primary language and language proficiency status

34 CFR § 300.503

(Adapted from Presentation by Jonathan Read, ESQ. *The English Learner and Special Education: A Legal Overview* presented at Lemon Grove School District 1-3-17)

Prior Written Notice.

Following are considerations for providing *prior written* notice to the parent/guardian of ELs when proposing to assess:

- Notice must be in native language or other mode of communication, unless clearly not feasible to do so
- If native language or other mode of communication is not written, school district must:
  - Translate orally or by other means
  - Provide written documentation that translation has occurred

34 CFR § 300.503

(Adapted from Presentation by Jonathan Read, ESQ. *The English Learner and Special Education: A Legal Overview* presented at Lemon Grove School District 1-3-17)

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 a legal requirements to assess in the student's native language when feasible. Native language is defined as: *The language normally used by that individual, or in the case of a child, the language normally used by the parents of the child. In all direct contact with a child, the language normally used by the child in the home or learning environment.* As per California Code of Regulations Title 5, Section §3001 (m)(q) *"Primary language" means the language other than English, or other mode of communication, the person first learned, or the language which is used in the person's home.*

34 CFR § 300.29

Assessing in the student's native language 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. EC 56440 and 56441.11
Research suggests the following best practices to guide bilingual assessment decisions**:**

- 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.
34 CFR § 300.504; EC 56320; 71 Fed. Reg. 46,642 (2006)
It is best practice for a psychologist to conduct cognitive assessment of an EL student in English and his or her native language to determine which language the student is currently processing language in at a higher level. It is important to determine if the students is functioning at a *basic interpersonal communication skills (BICS)* level or *cognitive academic-language proficiency (CALPS)* level in English versus their native language (Cummins, 1984). The results of this preliminary assessment may help to guide future assessment decisions such as in which language to conduct academic and speech and language assessments. For example, a student may perform academically higher in English since he or she has had little or no academic instruction in the native 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 native 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.)

Based on the requirements in the regulations to assess students in their "native language" the follow hierarchy of best practices is recommended when conducting assessment of ELs to determine eligibility for special education:

First Best Option – It is best practice to engage in the follow steps "if feasible":

1) First administer cross cultural, non-discriminatory assessments that align to the referral concerns regardless of language difference in a standardized manner in English. If analysis of the data indicates the student is performing the average or above average range there is likely no disability; however, assess the student in their native language in relative or suspected areas of weakness to confirm scores using fully bilingual assessors. If student does not perform in the average or above average range in English then engage in native language assessment in all areas of concern.
2) Engage in structured interviews with parents and staff
3) Engage in observation of student in varied environments
1) Collect data from curriculum based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers

Second Option - If it is "not feasible" to engage in the above best practice assessment options for ELs above since there is no assessor available in the native language engage in the following:

1) Engage in structured interviews with parents and staff using an interpreter if necessary
2) Engage in observation of student in varied environments

2) Collect data from curriculum based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers
3) Using a trained interpreter, administer the native language assessments under the supervision a licensed assessor and document the limitations in assessment report of the student

Third Option - If it is "not feasible" to engage in either of the two above options for assessing ELs for determining eligibility for special education since there is no bilingual assessor available and there are no standardized assessment tools available in the native language engage in the following:

3) Engage in structured interviews with parents and staff using an interpreter if necessary
4) Engage in observation of student in varied environments
5) Collect data from curriculum based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers
6) Use an interpreter who speaks the native language to provide an oral translation of assessments normed and written in English – document limitations in assessment report and do not report standardized test scores but document the patterns of strengths and weaknesses seen.

Fourth Option (worst case scenario) – The worst case scenario is when none of the above options is "feasible":

1) Engage in structured interviews with parents and staff using an interpreter if necessary
2) Engage in observation of student in varied environments
7) Collect data from curriculum based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers
3) Assess in English, to include non-verbal areas of cognition. If student shows low cognition or there are patterns of weakness attempt to validate with non-standardized data collection

(Ortiz, et al., 2005; Butterfield & Read, 2011)

(see Appendix # D4 *Assessment of English Learners For Eligibility For Special Education Compliant Best Practices and* Appendix # D6 *English Learner Assessment for Special Education Checklist,* and D7 (Spanish) & D8 (English) *English Learner Parent Interview Questionnaire*

Academic Assessment Options for English Learners.

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 their country of origin,
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 their country of origin (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.

Many times a student from a second language background is born in the United States and has received most of their academic instruction in school in English; however, one cannot assume that this student is unable to think, read, or write their primary language.

If the EL's native language is other than Spanish and there are no bilingual assessment materials available, and the cognitive assessment result indicate the student has higher processing skills in their native language, the assessor should attempt to engage in informal assessment in the areas of reading, writing, and math in the native language to the extent possible. If the student has received little or no instruction in the native language then the assessor should document the level of native language assessment attempted and engage in assessment of academic skills in English.

Note that if an interpreter is used for assessing academic skills using English instruments that haven't been normed in the native language, then numerical standardized test scores should not be used and this test variation must be noted in the assessment report. 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. Many English learners have been educated "overwhelmingly in English) since kindergarten or upon entry and have received little to no formal academic instruction in their native language. The question always comes up "should we assess them in their native language if they have had no academic instruction in their native language. It is recommended that, "when feasible" English learners first be assessed cognitively in English and then their native language to obtain the most accurate levels of cognition and to determine if they are processing at a higher level cognitively in his or her native language or English. This information is important prior to engaging in academic assessment. If the EL student is processing higher in his or her native language, then some level of academic assessment (this may be done informally) should be conducted to determine if the student has any academic skills in their native language. For instance, an EL student may have higher levels of

verbal/oral language in their native language than in English and oral language is one area of academic consideration. Potential tools for making this determination for students that are native Spanish speakers are contained in CORE *Assessing Reading: Multiple Measures* includes informal assessments in all areas of languages arts in Spanish and English (available at https://www.corELearn.com/store/?modEL_number=SM-8467-2).

Once the academic assessor determines that the student has higher skills academically in English, standardized assessment tools in English only can be utilized. If it is determined a student has some level of academic skills in both languages, the assessor should continue assessment in English and the native language "when feasible". Academic assessors should document their rationale for assessing in both the native language and English at some level and what tools were utilized, as well as the rationale for assessing in English only in the assessment report.

(See Appendix # D10 for a comprehensive list of potential bilingual assessment tools in areas of cognitive, social emotional, language, academics, and speech & language)

Speech and Language Assessment for English Learners.

Speech and language assessors should practice caution since there may be some limitations with age norms, as with 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 student study team meetings for students who are ELs that may potentially be referred for assessment. The assessors 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. Sometimes students who talk to their family and peers in their native language conversationally may seem fluent in both languages (English and their native language); however, because the student's use of their native language is very simple and concrete they cannot understand more complex test directions in their native language. The same may be true of a student's use of English. Many speech and language assessors find it beneficial to conduct conversational sampling in both languages to check for functional language and pragmatic/social language issues.

a. When it appears that a student can't really understand directions in his or her primary language and/or responds to test items consistently in English, it may be appropriate 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.

Below is a list of the 2016-2017 California Department of Education Compliance Checklist items for English learners related to assessment:

Compliance Test	Guidance
1) Does the written assessment report include the results of test administered in the student's primary language by qualified personnel?	Statement on the Assessment Report and on the IEP that addressed the student whose primary language is not English
2) Does the LEA assess all students identified as English learners annually using the California English Language Development Test (CELDT)?	Children with disabilities who are English learners are assessed and participate in CELDT.

Recommended Use of Interpreters for Assessment in Bilingual 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.

Recommended Components of the Assessment Report for an English Learner

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; and

4) Examiner's level of language proficiency in language of student and the effect on test results and overall assessment.
5 CCR 3023; 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 assessment reports must be translated into the primary language if requested by the parent/guardian in order to substantiate that the parent is fully informed and has had the opportunity to meaningfully participate in the IEP process. Often parents will indicate that verbal translation is sufficient. Remember to document all requests and LEA/district responses.

Determining Eligibility for Special Education

It is important to note – limited English proficiency cannot be the primary determining factor for making an English learner eligible 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. 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, 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: There is no regulatory requirement; 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 4-6 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 misconception. 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 & Menke, 2010).

Section V: Development of Linguistically Appropriate IEP for English Learners with Disabilities

To properly meet the complex needs of students identified as English learners (EL) with

disabilities, education professionals from various disciplines must effectively collaborate and involve families in the process. This requires that general education teachers, special educators, and EL specialists consult and collaborate to design and implement effective individualized programs (IEPs) and services for ELs 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. 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 alternate assessment 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)).

California Code of Regulations Title 5, Section §3001 (m*)* "Linguistically appropriate goals, objectives, and programs" means:

(1)(A) those activities which lead to the development of English language proficiency; and

(1)(B)*Those instructional systems which lead to the language development needs of English language learners.*

(m)(2) *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 alternate 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*

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 learner for purposes of the IEP and include linguistically appropriate goals and services. For purposes of IDEA's requirement to write IEPs that meet the language needs of the student, IEP teams must determine if students in Pre K are English Learners and ensure that their IEPs are linguistically appropriate. This is not a formal EL identification that is entered in the LEA/district student database.

Role of the IEP Team for English Learners With Disabilities

As per the CDE 2016-17 and 2017-18 CELDT Information Guide the IEP team for ELs with Disabilities has the following responsibilities:

- **IEP Team Membership and Meetings** - Convene IEP team meetings that include school officials and the child's parents/guardians as IEP team members
- **Parent Participation** - Ensuring the parent/guardians of students understand and are able to meaningfully participate in the IEP meeting

- **ELP Assessment** - Making decisions about whether or not the student takes the ELP assessment (CELDT) with or without appropriate accommodations, or an alternate assessment in lieu of the CELDT
- **IEP Contents –** The IEP team must ensure the content of the IEP for English learners addresses the students language needs

(See Appendix # D5 *IEP Checklist Form for English Learners*)

Required IEP Team Members for ELs

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, linguistically appropriate goals, objectives, programs and services" (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.

A person specialized in ELs should be one of the IEP team members with special expertise under number 6 above (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 (see CDE 2016-17 and 2017-18 CELDT Information Guide pg. 12 and 13 and ED July, 2014 FAQ #7).

Parent Participation

The IEP team must also ensure that parents are provided copies of the IEP notice in their primary language. The parent also must be provided notice they have the right to an interpreter if their primary language is other than English. 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 in order to allow them to meaningfully participate in the IEP meeting.

IEP Team Decisions Regarding English Language Proficiency (ELP) Assessment

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 must be considered when preparing or updating the IEP:

1) The IEP team determines 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). The IEP Team completes the CDE's ***Participation Criteria for Alternate Assessments*** **(**See Appendix # B1 and the CDE 2016-17 and 2018 *CELDT Information Guide*).

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: Since modifications and alternate assessments fundamentally alter what the test measures, students receive the lowest obtainable scale score (LOSS) on each domain affected and Overall. The LOSS will be used for Title III accountability purposes.

   Results from a modified or alternate assessment should be used for instructional, initial designation and reclassification decisions, since the LOSS does not reflect the student's English proficiency level.

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

IEP Contents

Below is a sample IEP 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 alternate assessment scores/levels)
- ✔ The IEP indicates if testing accommodations or modifications are needed for the student to take CELDT or if the student requires an alternate assessment to CELDT and, if so, what the alternate assessment(s) utilized will be
- ✔ The IEP addresses programs and services / instructional systems 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 (LAGOS)

(See Appendix # D5 for a sample *IEP Checklist* that can be utilized by when drafting IEPs for ELs)

Documenting Classification as an English Learner (EL) in the IEP.

The current El status of students must be documented in the IEP. If a student has been redesignated, then the student is not marked (√) as an English learner; however, the IEP should indicate the student has been "redesignated".

Documenting Current Levels of Language Proficiency in the IEP.

The IEP must indicate the English learner's current levels of language proficiency. If the student takes CELDT, then the CELDT scores should be documented in the IEP. If the student takes an alternate assessment to CELDT (as indicated in the IEP), then the IEP must indicate what *English language assessment (ELP)* the student took and the levels of proficiency. If a student has no ELP levels documented in their cumulative file, then it is recommended that the IEP team should administer a language proficiency assessment or work with the EL staff to seek assessment.

Documenting Programs and Services / Instructional Systems in the IEP.

The IEP must include the type of program the student will be served in per California and federal regulations. The program options in California are:

1) English Language Mainstream (ELM) – an educational setting for ELs where they are integrated with English only students for the majority of the day and receive *English language development (ELD)*,

2) Structured English Immersion (SEI) – this is an educational setting or classroom for ELs that are typically functioning below an overall level 3 on CELDT or have low levels of English proficiency. The criteria may be set by the local District, and

3) Alternate program (bilingual program with primary language instruction).

(34 C.F.R. 300.320; 5 CCR 3001)

Documenting Primary Language Support in the IEP.

Most English learners would benefit from some level of primary language support. Primary language support is not to be confused with "primary language instruction" or bilingual education. Primary language support refers to a means of using the student's native language strategically to assist them in accessing the core curriculum. It should be noted on the IEP if a student requires primary language support and how it will be provided. Examples of providing primary language support would be:

- Preview/review or directions on tests or assignments in the student's native language

- Translation of test or assignment directions provided to the student in native language by an interpreter or use of a translation device
- A written translation of a new math concept in the native language or an oral interpretation

Documenting the Language of Instruction in the IEP

It is the jurisdiction of the IEP team to determine what the language of instruction in the core curriculum is for the student. The IEP team determines if instruction will be in "English" or the student's "Native Language". This should be based on the student's needs relative to research related to language acquisition for individuals with disabilities that affect language. As per IDEA no waiver is required when the IEP team determines that a student will receive primary language instruction in the core curriculum or "bilingual education." Remember, this is also relevant for students in preschool.

It is recommended that IEP teams also indicate who by title (such as general education or special education teacher) who will provide the student's English language development (ELD) services. Remember, ELD is not a special education service (*specialized academic instruction)* and it should not be documented on the IEP on the "supports and services page". They may be provided by special education staff in a pull out setting, push in model or through a collaboration model in general education. Note that formal "ELD" services are not required for students in preschool; however, it is recommended that staff incorporate principles of *Universal Design for Instruction,* to include SDAIE.

Linguistically Appropriate IEP Goals and Objectives (LAGOS)

Why is it important to write linguistically appropriate IEPs? It is required that the IEP for an English Learner include linguistically appropriate goals and objectives *(objectives are only required for students receiving a functional skills level curriculum).*

The IEP team must ensure that IEP goals that involve language are linguistically appropriate. Linguistically appropriate IEP goals should align to the student's current linguistic level in English or assessed level on the CELDT (or designated alternate assessment). This means the goals must reflect the student's current linguistic level in order to ensure the student can access the goal. When drafting IEP goals, IEP teams should consider the following:

- Cognitive level of the student;
- Linguistic level of the student;
- The developmental level of the student's primary (L1) and secondary (L2) language match;
- Access to the student's prior knowledge and experiences;
- Inclusion of culturally relevant materials and experiences; and
- The student's cultural heritage.

In developing linguistically appropriate goals and objectives (LAGOS), IEP teams must first determine the linguistic levels of the student. Once the team has determined

the linguistic needs of the student (by analyzing progress towards attaining the ELD Standards and reviewing CELDT or other language assessment results), the next step is to draft goals based on assessed areas of need related to the disability that align to the student's linguistic needs.

It is important to note that there is no requirement under federal or state laws and regulations to include English language development goals for students with disabilities since being an English learner in and of itself is not a disability.

IEP teams may find it useful to utilize ELD standards* as a starting point for developing LAGOS and as part of the baseline data for each; however LAGOS are not "English language development (ELD) goals".
Remember, IEP teams must take into consideration the student's assessed areas of need due to the disability or present levels of performance (PLOPS), language proficiency level, and learning style when selecting developing LAGOS for EL students.

*CELDT is aligned to the prior California English Language Development (ELD) Standards so IEP teams may find it useful to use the prior standards as a guide for developing LAGOS.

Note: A minimum of two (2) benchmark objectives must be developed for each goal if the curriculum the student uses is considered an alternate-curriculum that focuses on life-skills.

The following are samples of linguistically appropriate goals (LAGOS) that are aligned to CELDT data and prior ELD standards for a hypothetical student.

Sample Goal 1

Domain: Listening and Speaking

Strand: Strategies and 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 and Systematic Vocabulary Development

Sub Strand: Vocabulary and 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 intermediate level in reading vocabulary. This goal was adapted from the CDE ELD Standards published in 1999.

Sample Goal (Based on New ELD Standards)

Current ELD Levels

Age/Grade	*Level of Student*	*Mode of Communication*	*Proficiency Level*
1st Grade	*CAPA Level*	*Collaborative*	*Exit Emerging*
			Participates in simple, face-to-face conversations with peers and others

Appropriate ELD and IEP Target Level

Age/Grade	*Level of Student*	*Mode of Communication*	*Proficiency Level*
1st Grade	*CAPA Level*	*Collaborative*	*Early Stage Expanding*
			Initiates simple conversations on social and academic topics

Goal Baseline*:* The student manifests a disability separate from language differences or being EL in the area of verbal expression. The student currently is able to initiate non-verbal gestures of simple one-word nouns to communicate wants and needs or engage in simple conversations in English and one or two word utterances in his or her native language.
Goal: By (date), (student) will initiate simple conversations (3 to 5 word utterances) on social and academic topics to peers or adults; on 2 consecutive trials as demonstrated by classroom observation and data tracking records.

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 to be successful in an educational setting.
Examples of accommodations that may be 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 be 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
- Alternate testing formats such as use of visuals or drawings

Other Legal Requirements Related to IEPs for ELs
Section 3302 of Title III of NCLB requires school districts receiving Title III funds states: "no later than 30 days after the beginning of the school year 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." "Parents or guardians of English learners with an IEP must be notified how the recommended placement will help their child to meet the objectives of the IEP." This

requirement is typically met through a letter that is sent out through the English Learner Department (see sample letter in Appendix B2).

California Department of Education (CDE) 2016-2017 Compliance Items for IEPs of English Learners

Compliance Test	Guidance
Does the IEP team consider language needs of the student, as such needs relate to the student's IEP, and does the IEP include linguistically appropriate goals, programs and services? **Compliance Standard**: IEP consideration must be evident.	Look in the assessment report and any other documentation that the LEA has assessed the child's language needs; look in the IEP for a statement that the IEP team has considered the child's language needs. Look for linguistically appropriate goals, programs, and services
Does the LEA assess all students identified as ELs annually using the CELDT or an alternate to determine English Language Proficiency?	Review policies and procedures to ensure that children with disabilities who are English learners are assessed (with CELDT or alternate assessment) **Compliance Standard**: The District must annually assess all children identified as ELs and maintain a record
Does the IEP of students identified as ELs include a determination of whether the CELDT will be administered with or without modifications or accommodations, or whether English proficiency will be measured using an alternate assessment?	Review policies and procedures to ensure that children with disabilities that are ELs are assessed. **Compliance Standard**: The District must annually assess all children identified as ELs and maintain a record of all pupils who participate in CELDT.
Compliance Test	**Guidance**
Does the IEP of students identified as ELs include activities which lead to the development of English language proficiency?	Review the student's IEP. Compliance Standard: The IEP must include linguistically appropriate goals, objectives, programs and services including language development activities.
Does the IEP of students identified as ELs include a determination of whether the CELDT will be administered with our without modifications or accommodations,	Review district policies and procedures. Review the child's IEP (including notes) to determine if the IEP team determined how the CELDT would be administered.

or whether English proficiency will be measured using an alternate assessment?	
Does the IEP of students identified as ELs include instructional systems which meet the language development needs of the student and ensure access to the general education curriculum?	Review the student's IEP for language of instruction and instructional delivery systems (Mainstream English, Specially Designed Instruction in English, Primary language instructional support). **Compliance Standard**: The IEP must include linguistically appropriate goals, objectives, programs and services including instructional systems that meet the language development needs of the student.
Does the IEP of students identified as ELs include instructional systems which meet the language development needs of the student and ensure access to the general education curriculum?	Review the student's IEP for language of instruction and instructional delivery systems (Mainstream English, Specially Designed Instruction in English, Primary language instructional support) **Compliance Standard**: The IEP must include linguistically appropriate goals, objectives, programs and services including instructional systems that meet the language development needs of the student.

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 students in preschool as ELs. 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: Contrary to a common myth, there is research that indicates that the student may acquire language 2 (L2) more early if they are proficient in language 1 (L1) (Fortune & Menke, 2010). The IEP team needs to carefully consider the individual needs of the student when making decisions about the language of instruction.

Section VI: Programs, Services and Instructional Strategies for English Learners (ELs) with Disabilities

This section provides information regarding required programs for English learners, including English-language development (ELD) service delivery options for students in special education, best practice instructional strategies for English learners (ELs) with disabilities, and frequently asked questions.

Collaboration between Special and General Education

Expectations for achievement and learning have increased for 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 the ELD and other academic needs of the student. Research indicates that collaboration between general and special education professionals is an effective way to support EL students with mild disabilities. One such strategy is referred to as "cooperative planning" (Hudson & Fradd, 1990). 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

A key feature that strengthens the collaborative process is ensuring that general and special education teachers receive training in how to apply multicultural concepts when addressing the needs of ELs with disabilities.

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.

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.

It is beneficial for collaborative teams providing services to ELs to engage families in the process. The school experience for ELs 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.

Programs and Services for EL Students with Disabilities

Appropriate instructional strategies that focus on language acquisition, scaffolding techniques, proven methodology effective with ELs, and collaboration between the EL programs and Special Education programs promotes academic success for all.

To ensure that all students are being educated adequately and effectively, the under-identification and over-identification of ELs must be examined and closely monitored.

Klinger and Artiles (2003) concluded 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". As part of monitoring programs that serve EL students, it is imperative to assess for eligibility for special education when there is a suspected disability when it is impacting their educational performance.

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 students who do not have disabilities. The continuum of potential 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 pullout or collaborative in-class specialized academic instruction (SAI) with or without related supports and services
- Regular education classroom combined with SAI in a special education classroom with or without related supports and services
- Special education self-contained classroom or the majority of the day
- Home or hospital settings
- Nonpublic, nonsectarian school (NPS) with or without residential treatment
- State special schools

Students may receive their English-language development (ELD) in any of the above program options as is determined most 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" IEP goals as well as who will be responsible for monitoring English-language development and annual measurable achievement objectives (AMAOs). Some recommended best practices for meeting the education needs of EL students with disabilities are:

1) Provide special and general educators professional development in evidence-based best practices for working with ELs;
2) Collaboration between the English Learner and Special Education staff; and,
3) Native language core instruction be provided (Bilingual special education programs) and taught by dually certificated teachers if the IEP team determines it is FAPE for a student.

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 level depending on LEA decision)	*Structured English Immersion* (SEI) to include daily *specially designed academic instruction in English* (SDAIE)	Student is receiving intensive language development support all day in their classroom setting; ELD services are intensive; 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
Reasonable Fluency Attained (Usually Intermediate or Above depending on LEA decision)	English-language Mainstream (ELM) to include SDAIE	General education classroom; ELD services are provided but are less intensive than those provided in a SEI setting	Regular classroom teacher or other qualified instructor such as a special education teacher

Following are examples of possible of EL program service delivery options for students with disabilities.

Sample Elementary School ELD/SPED Service Delivery Models
Some districts implement the use of an ELD rotation system that groups students (including EL students with disabilities) for instruction by CELDT levels. ELs with disabilities are fully included in the ELD groups based on their language levels and needs. The ELD instruction is provided to all ELs during a designated time of the school day by various staff members, to include special educators. 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 common model for providing ELD services at the elementary level is where the ELD services are provided in a pullout special education setting by an education specialist (special education teacher). In this model the special education case managers/teacher engages in ongoing consultation with the general education teacher and ELD department. This model is more restrictive and should only be considered by IEP teams if the student cannot access a less restrictive ELD setting in general education with like EL peers.

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 may go in to the general education classroom and work with a group or groups of EL student(s) that function at similar levels of language acquisition. It is important that not only special education students are included in the groups led 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 or targeted ELD 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 integrated with the CORE curriculum.

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 in a 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. This is model is more typical for providing ELD to a student that has moderate to severe disabilities and would have difficulty accessing ELD services with non disabled peers. An appropriately credentialed education specialist may provide ELD services in a special education setting.

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.

English-language Development (ELD) Best Practices for ELs with Disabilities

According to Saunders, Goldenberg, and Marcelleti (2013), ELD instruction should include the following elements:

1) Explicitly teach linguistic elements of English (vocabulary, syntax, grammar, functions, and conventions)
2) ELD should integrate meaning and communication via explicit, direct teaching of language (academic & conversational)
3) ELD instruction should include interactive activities among students that are carefully planned and carried out.
4) Provide students corrective feedback on form.
5) Use of English during ELD instruction should be maximized with native language strategically incorporated.
6) ELD instruction should include communication and language-learning strategies.
7) ELD instruction should be planned and delivered with specific language objectives in mind

Core instructional strategies such as “Systematic ELD” as proposed by Dutro (2013) have been found effective for teaching English learners with disabilities. Systematic ELD:

- provides a time for English learners to learn and practice language they need in order to navigate rigorous content instruction and a myriad of adult and peer interactions, such as discussions and collaborative work,
- challenges students to explore language in compelling and playful ways, continually growing their ability to use English flexibly, fluently, and accurately to have agency over their own language use. Ultimately, the goal of Systematic ELD is for English to be a bridge to academic success rather than a barrier,
- puts language learning and exploration in the foreground.
- groups students by assessed proficiency level as determined by multiple sources,
- uses a functional language approach organized around essential purposes for communication. Language tasks are highly applicable to real world and academic interactions,

- provides an organized method of language instruction to help prevent gaps and fill existing gaps in language knowledge that can hinder students' achievement, and
- explicitly emphasizes oral language development through structured, purposeful interaction.

Best Practice Instructional Strategies for ELs with Disabilities

An important component of the educational program for ELs with disabilities is to ensure they are provided linguistically appropriate programs and services that are designed to meet their unique learning needs. 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. LEAs must provide ongoing professional development and support on what linguistically-appropriate instruction looks like and on how to implement that instruction.

Curriculum and materials should be carefully selected for ELs with disabilities that facilitate individualized, differentiated instruction to meet the varying levels of their linguistic and learning needs. 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 ELs.

In order to meet the educational needs of ELs with disabilities, it is recommended that teachers (special and general educators) received training in the following skills:

1) How to build upon the familiar (what the student already knows)
2) How to scaffold unfamiliar information through explicit activities
3) How to 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, as well as gear instruction so that each learner can access instruction.

Universal Design for Learning (UDL)

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 (RFEP).

UDL is a research based, proven framework found to assist educators in providing instruction to ELs (especially ELs with disabilities) that incorporates specially designed academic instruction in English (SDAIE). UDL improves educational outcomes for ALL students by ensuring meaningful access to the curriculum within an inclusive learning environment. UDL is a set of principles for delivering instruction and designing curricular materials in order to ensure that all individuals are provided equal opportunities to learn regardless of their disabilities or language differences. UDL is grounded in research related to learner differences and effective instructional settings. UDL principles call for **varied and flexible ways** to present information so all students

can access learning or the “what” of learning, plan learning tasks or the “how” of learning, as well as ways to provide engagement for students, or the “why” of learning Meyer (2002); CAST (2017).

The UDL framework is grounded in three principles:

1) **Multiple means of representation** – using a variety of methods to present information and provide a range of means to support various types of learners
2) **Multiple means of action and expression** – providing learners with alternative ways to act skillfully and demonstrate what they know
3) **Multiple means of engagement** – engage and motivate learners by offering choices of content and tools as well as by offering varying levels of challenge

UDL (SDAIE) SUPPORT STRATEGIES FOR ELS WITH DISABILITIES

Linguistic Supports	Graphic Supports	Kinesthetic/Audio-Visual Supports
Frontload and provide definitions to key vocabulary; provide primary language support as needed	**Use of charts**	**Modeling and demonstration of procedures**
Modify verbal input/speech (shorter phrases; slower rate; frequent pauses)	**Use of tables, graphs and charts that link key concepts to words**	**Use gestures/facial expressions "total physical response"**
Provide repetition and rephrasing or paraphrasing	**Use visual supports for key vocabulary - use real objects** (such as realia or photographs)	**Use of multi-media/videos; podcasts**
Provide opportunities for interaction with adults and peers	**Use word walls**	**Use manipulatives; hands on activities**
Use variety of input materials (such as songs, poetry, videos, modeling, role play)	**Use semantic webs/Venn diagrams**	**Use of audio books or read alouds; allow student to audio record versus writing thoughts**

By Jarice Butterfield, Ph. D. Revised 2017

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 Section 2). Frequently special

education teachers will provide this service during English Language Arts (ELA) or as a support pull out period.

Question: When developing goals for students in special education, is it required that the ELD or "linguistically appropriate" goal (LAGOS) be a separate goal from the (ELA) goal?

Response: The regulations require that the IEP team include "linguistically appropriate" goals (and objectives if appropriate) in the IEPs of all students that are ELs. The LAGOS needs to reflect the student's present levels of performance in English Language Acquisition (ELA) but target the student's identified areas of need based on the disability. This information can be taken from the latest CELDT results, or an alternate to CELDT, or other recent language assessment data such as an *ADEPT* assessment.

Section VII: Reclassification/Redesignation of English Learners with Disabilities

Under current state law (EC Section 313), identified students who are English Learners (ELs) must participate in the annual administration of the *CELDT until they are reclassified (redesignated) as RFEP (2016-2017 & 2017-18 *CELDT Information Guide*). It is important that school personnel understand reclassification of English learners as Fluent English Proficient (RFEP), the California Education Code reclassification criteria guidelines, the issues related to reclassification of English

learners, and how the reclassification criteria apply to students with disabilities. This section also includes sample reclassification scenarios and frequently asked questions.

It is not appropriate for an IEP team to reclassify a student with disability simply because they "have a disability". IEP teams must follow the guidance provided in the California Department of Education *2016-2018 & 2017-2018 CELDT Information Guide* when reviewing the four reclassification criteria to determine whether or not a student with an IEP should be reclassified. With that said, there is some flexibility within the four criteria and how you apply them to making decisions about when and how to reclassify ELs with Disabilities. Recent guidance at both the state and federal level indicates that an IEP team may make decisions about reclassification/redesignation as RFEP. This is a LEA/district level decision. Some LEAs/school districts allow the IEP team to make reclassification/redesignation decisions, and others allow the IEP team to provide input to a "reclassification committee". Regardless of what team makes the decision, they should include personnel from both the special education and English learner department, or a person that has expertise in second language acquisition.

*Beginning in the Spring of 2018 the annual ELP assessment will be ELPAC and CELDT will no longer be used to monitor progress and determine language proficiency for purposes of reclassification.

Below is an excerpt taken from the July, 2014 Questions and Answers federal guidance received from the US Department of Education:

Question:

11. When and how can an EL with a disability be exited from EL status? An EL with a disability can be "exited" from EL status when he/she no longer meets the definition of an EL?

Answer:

This occurs when the student meets the State's definition of "proficient" in English. Depending on the State's definition of proficiency, the LEA, school personnel, and/or the IEP Team may have input into the decision of whether a student is proficient in English. However, there is no provision in the IDEA that would authorize the IEP Team to remove the "EL" designation before the student has attained English proficiency. In addition, other LEA and/or school personnel do not have the authority under Federal law to remove a student's EL designation before the student has been deemed proficient in English solely because the student has an IEP.

US Department of Education 2016-2017 *Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives*

Understanding Reclassification of English Learners

Reclassification/redesignation is the process used by districts/LEAs to determine whether or not an EL student has acquired sufficient English skills to successfully access curriculum being delivered without English development 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 EC Section 313(d). The reclassification guidelines 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 to remember that reclassification of ELs is a local decision. The *CELDT Information Guide* states: "Reclassification is a local decision to be established by the local school board in accordance with state law (EC Section 313). School districts must use individual CELDT results as one of four criteria when considering reclassifying English learners. Additional measures that must be considered are the comparison of the student's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age, teacher evaluation, and parent or guardian opinion and consultation."

Further, the *CELDT Information Guide* states students with disabilities are to be provided the same opportunities to be reclassified as students without disabilities. Therefore, local IEP teams may determine appropriate measures of English language proficiency and performance in basic skills, in accordance with local and SBE approved reclassification guidelines. LEAs/districts are to establish local reclassification policies and procedures based on the four criteria below:

1) *Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELD test that is developed or acquired pursuant to EC 60810 (i.e., the CELDT);*
2) *Teacher evaluation including, but not limited to, a review of the student's curriculum mastery;*
3) *Parental opinion and consultation; and*
4) *Comparison of the performance of the student in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English.*

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

As per the *CELDT Information Guide: Use CELDT as the primary criterion. Consider for reclassification those students whose Overall performance 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. Those students whose overall performance 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.*

Note: This may be applicable to students with an IEP.

In July 2010, the State Board of Education (SBE) modified the definition of the English proficiency level for K–1 students on the CELDT to require an Overall score of Early Advanced or Advanced, with the domain scores for Listening and Speaking at the Intermediate level or above. The domain scores for Reading and Writing would not need to be at the Intermediate level (CELDT Information Guide). For students that take an alternate assessment to CELDT as per their IEP, this assessment data may be utilized to determine if the student has acquired English as per the first criteria.

Criterion 2: Teacher Evaluation
General or special education teachers shall make recommendations about whether the student has acquired the English language skills 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 classroom performance. It may be a helpful to provide teachers with a checklist such as the *Student Oral Language Observation Matrix* (*SOLOM)* in order for them to provide more objective information regarding the student's skills in English.

Criterion 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.

Criterion 4: Comparison of Performance in Basic Skills
Definitions per the *2016-2017 & 2017-28 CELDT Information Guide*:

1. "Performance in basic skills" means the score and/or performance level resulting from a recent administration of an objective assessment of basic skills in English (e.g., Smarter Balanced assessments, district benchmarks).
2. "Range of performance in basic skills" means a range of scores on the assessment of basic skills in English that corresponds to a performance level or a range within a performance level.
3. "Students of the same age" refers to students who are enrolled in the same grade as the student who is being considered for reclassification.

Note: As of the 2013-2014 school year California Standards Test (CST) and California Modified Assessment (CMA) are no longer applicable to the 4th criterion as they are no longer administered. The CDE has transitioned from STAR to the Smarter Balance Assessment System (SBAC) and at the date of revising this guide book the *CELDT Information Guide* indicates ***LEAs may use other objective assessments of basic skills in English to determine if students have met criteria four.***

1. *"Students of the same age" refers to students who are enrolled in the same grade as the student who is being considered for reclassification.*

Basic skills criteria per the *2016-2017 & 2017-18 CELDT Information Guide*:

1. *LEAs may identify local assessments they are going to use to determine whether English learners are meeting academic measures that indicate they are ready to reclassify. (See "Academic Criteria for Reclassification" letter [August 2014] located on the CDE Reclassification Web page at http://www.cde.ca.gov/sp/el/rd/index.asp).Students with scores above the cut point selected by the LEA should be considered for reclassification.*
    - *The LEAs may identify cut scores, or a range of scores, on the selected assessment instrument to determine the skill levels.*
    - *The LEAs may identify a cut point on the selected assessment instrument, which is comparable to the midpoint of the Basic level of the ELA CST, to determine skill levels.*
2. *Students with scores above the cut point selected by the LEA should be considered for reclassification.*
3. *For students scoring below the cut point, LEAs should attempt to determine whether factors other than ELP are responsible for low performance on the test of basic skills and whether it is reasonable to reclassify the student.*
4. *The LEAs must monitor student performance for two years after reclassification in accordance with existing California regulations and Title III of the ESEA.*

EC 3131(f)(4)

Application of the Four Criteria to Students with Disabilities

The CELDT Information Guide provides guidance to professionals regarding decisions about whether to reclassify a student with disabilities as follows:

For the Criterion 1, *The Assessment of Language Proficiency Using an Objective Assessment Instrument*, the CDE guide states *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 *CELDT Information Guide* 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. The use of "alternate assessments" may be considered to determine if the student meets the first criteria (*2017-2018 & 2017-18 CELDT Information Guide*).

2017-2018 & 2017-18 CELDT Information Guide:

> For purposes of AMAO 1 and 2 calculations and Title III accountability requirements, a student assessed with an alternate assessment or the CELDT with modifications will receive the LOSS on the CELDT for each domain tested with an alternate assessment or the CELDT with modifications. The IEP team, however, may use results from the alternate assessment or CELDT with modifications in conjunction with the other required criteria (i.e., teacher evaluation, parental opinion and consultation, and student's score on an assessment of basic skills) to determine a student's eligibility for reclassification. Although the alternate assessment tests the student's ELP in accordance with the student's IEP, the alternate assessment results are not comparable to CELDT results, in general, or for the purposes of Title III accountability, in particular. They can be used, however, for reclassification consideration, as outlined in this section.

For Criterion 2, *Teacher Evaluation,* the CELDT Information Guide stipulates that the reclassification team should consider that "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." 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.

> Use the student's classroom performance information based on his or her IEP goals for academic and ELD.

For the Criterion 3, *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.

As per the *2016-2017 & 2017-18 CELDT Information Guide*: *The parent or guardian is a participant on the IEP team.*

For Criterion 4, *comparison of performance in basic skills*, *the CELDT Information Guide 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 or CMA (or other statewide test measures from SBAC) in English Language Arts (ELA) 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 contributing factor to the student's low achievement on standardized tests of basic skills (once guidance on the current statewide assessment performance indicators becomes available or other tool being currently utilized). 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 the fourth criteria. In addition, some students with disabilities, as designated in their IEP, take the alternate statewide tests such as the *California Alternate Assessment (CAA).* Reclassification/IEP teams may results from alternate test measure to whether a student has acquired the basic skills in English at their functional level.
It is important for reclassification teams (be it the IEP team or other multi-disciplinary reclassification team) 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. It is not advisable for educators to make hasty decisions when deciding whether or not to reclassify a student based solely on the student having a disability. 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 the CDE if they have questions about reclassification of students with disabilities.

As per the *2016-2017 & 2017-18 CELDT Information Guide*:

> The IEP team should specify in the student’s IEP an assessment of basic skills to meet the guidelines for reclassification (e.g., the California Alternate Assessment). The IEP team may consider using other assessments that are valid and reliable and designed to compare basic skills of English learners with disabilities to native speakers of English with similar disabilities to determine if the English learner with disabilities has sufficiently mastered the basic skills for reclassification consideration.

Students with disabilities, including severe cognitive disabilities, are to be provided the same opportunities to be reclassified as students without disabilities. Local IEP teams, therefore, may determine appropriate measures of ELP and performance in basic skills and minimum levels of proficiency on these measures that would be equivalent to an English proficient peer with similar disabilities, in accordance with local reclassification policies based on the state definition of ELP (*EC* Section 313[f]).

In accordance with federal and state law, the local IEP team may address the individual needs of each English learner with a disability using multiple criteria in concert with the four reclassification criteria in *EC* Section 313(f). These four criteria are the minimal required components that LEAs must include in their local reclassification policy. Other criteria may be used to supplement the four required criteria to ensure the most appropriate decision is made for each student. Additional information about assessing students with disabilities is available on pages 11–23.

(See Appendix #D11 for a sample *Reclassification Worksheet)*

Sample Reclassification Scenarios

SCENARIO 1: Student with Autism Takes an Alternate Assessment to CELDT

Lupe 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 Lupe will take an alternate assessment to CELDT, the VCCALPS. Below is an analysis of Lupe's English language development based on the four reclassification criteria.

Criterion 1: Assessment of Language Proficiency Using Objective Assessment Instrument

Since Lupe took an alternate assessment to CELDT, the reclassification team used the scores on the alternate measure Basics 2 and VCCALPS to determine if Lupe meets this criterion.

Results of Lupe's Alternate Assessment (VCCALPS) in Spanish

Skill Areas (Primary Language)	Points (25 pts) per domain
I. Listening Total Score (25 Points Possible)	24
II. Speaking Total Score	22
III. Reading Total Score	7
IV. Writing Total Score	6

Overall Score = 59 (Intermediate level in Spanish)

Results of Lupe's Alternate Assessment (VCCALPS) in English

Skill Areas (Primary Language)	Points (25 pts) per domain
I. Listening Total Score (25 Points Possible)	23
II. Speaking Total Score	23
III. Reading Total Score	13
IV. Writing Total Score	8

Overall Score = 67 (Upper End of Intermediate level in English)

The IEP team felt that even though Lupe's VCCALPS scores are not all in the "intermediate" range (writing is not), the team felt that since all other scores on the VCCALPS indicate the she has comparable skills in her primary language and English in receptive language, and her **overall** proficiency level is in the upper end of intermediate, the relative weakness in writing is reflection of her disability versus being an English learner and that she met the first criteria for English proficiency.

Criterion 2: Teacher Evaluation Lupe's teachers indicated that 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 CELDT Information Guide.

Criterion 3: Parent Opinion and Consultation

Lupe's parents indicate that they feel she communicates well in English with other English speakers, that she is able to read books in English, and that she seems to be able to comprehend information from T.V. and radio in English and believe she is ready to exit the program.

Criteria 4: Comparison of Performance in Basic Skills As per the *CELDT Information Guide Performance in basic skills means the comparison of the student's performance in basic skills against an empirically established range of performance in basic skills.* Lupe took an alternate to SBAC (for her 6th grade level). The IEP team determined that they would use her alternate assessment scores to determine if she met the basic skills criteria. Lupe scored at the mid range of Basic level on her alternate assessment. The IEP team took Lupe's cognitive levels into consideration and determined that she did perform basic skills in English similar to her like peers that are not ELs and her English language proficiency is commensurate with her cognitive levels. In this scenario the reclassification team felt that Lupe 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 Other Objective Test Measures

Jorge is an 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:

Criterion 1: Assessment of Language Proficiency Using 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 IEP 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 CELDT Information Guide recommendations the IEP team took into consideration other measures to determine if Jorge is proficient since his overall CELDT level is in the upper end of intermediate.

The reclassification team also 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 towards achieving his IEP goals in reading and writing.

Criterion 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 *CELDT Information Guide* recommendations, *incurred deficits in motivation and academic success unrelated to English language proficiency do not preclude a student from reclassification.*

Criterion 3: Parent Input

Jorge's parent(s) indicate that he is able to communicate with other English speakers fluently and understands his English school work; and therefore, should be reclassified.

Criterion 4: Comparison of Performance in Basic Skills *Performance in basic skills* – Jorge's standardized test scores indicate his academic functioning in areas of English language arts fall below the average range; however, the reclassification team felt that "factors other than English language development" were the reason his scores were low (his learning disability) and that he is functioning at a level similar to other like peers that have learning disabilities but are not an EL.

As per the *2016-2017 & 2017-18 CELDT Information Guide*, "for pupils scoring below the cut point, LEAs/districts may attempt to determine whether factors other than English language proficiency (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".

Note: LEAs/districts have not been provided guidance on the use of SBAC statewide testing data to inform reclassification/redesignation decisions for criterion four at this time, so LEAs/districts may use other objective measures of academic performance in English language arts to make reclassification/redesignation decisions.

Frequently Asked Questions

Question: Is reclassification to RFEP the responsibility of the IEP team for EL students in special education?

Response: Each district/LEA must establish policies and procedures to designate which staff or the team members that are responsible for reclassification of EL students. As per the *CELDT Information Guide,* the IEP team may be the most appropriate group of professionals to make reclassification decisions. It is important to note that an EL specialist should be in attendance at the IEP where reclassification decisions may be made since they have the specialized knowledge relevant to second language acquisition.

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

Response: No. There is no provision that allows an LEA to use "alternate reclassification criteria." LEAs must follow the four criteria established by the CDE as per Ed Code Section 313(d). However, as per the CELDT Information Guide, LEAs ultimately make final decisions about reclassification and may determine how to best apply the reclassification guidelines.

Question: May a school classify a student that has severe disabilities and is non-verbal as FEP upon entry without testing the student?

Response: No, not if the student's primary way to communicate is with a language other than English as indicated by a mark of "yes" by the parent(s) or guardian on the first three answers of the HLS. The LEA must assess the student's English proficiency using CELDT or another alternate assessment (as per the IEP) to determine if the student is FEP upon entry or EL. If the parent(s) or guardian indicate that a language other than English is used in the home on the fourth question, then it is up to the LEA whether to administer the CELDT or an alternate assessment to determine EL status.

It is also important to note that if the IEP team reviews the CELDT or alternate language proficiency results and determines that the student's scores are not a valid reflection of the student's English proficiency, the team may take into consideration other data and make a determination about whether the student is FEP upon entry or EL.

Question: According to the CDE's first reclassification criterion, 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 "alternate assessment" to CELDT that was designated by the IEP team as the "objective assessment instrument?"

Response: Yes, the reclassification team may use the results of an alternate 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 criterion "comparison of performance in basic skills," may the reclassification team use data from an *alternate assessment* if the student does not take SBAC or the current statewide assessment?

Response: Yes, if that is the alternate assessment recommended by the IEP team.

APPENDICES

Appendix A
ELD Programs / Curricular Materials & Resources

Appendix A1:

What Works Clearinghouse (WWC) EL Reading Programs

http://ies.ed.gov/ncee/wwc/findwhatworks.aspx#accessibletabscontent0-0

English Language Development

- Fast ForWord® Language Instructional Conversations and Literature Logs
- Instructional Conversations and Literature Logs
- Read Well®
- Peer Tutoring and Response Groups (note this program had ++)
- Vocabulary Improvement Program for English Language Learners and Their Classmates (VIP)
- Bilingual Cooperative Integrated Reading and Composition (BCIRC)
- Arthur

Reading Achievement for ELs

- Instructional Conversations and Literature Logs
- Reading Mastery
- Bilingual Cooperative Integrated Reading and Composition (BCIRC)
- Vocabulary Improvement Program for English Language Learners and Their Classmates (VIP)
- Peer-Assisted Learning Strategies (PALS)

Appendix A2:

Publishers Listing Programs as Appropriate for ELD

Success for All http://www.successforall.org/ 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 http://www.sraonline.com or http://www.mheducation.com/prek-12 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/index.cfm?locator=PS2qJ3&PMDbSiteId=2781&PMDbSolutionId=6724&PMDbSubSolutionId=&PMDbCategoryId=806&PMDbSubCategoryId=933&PMDbSubjectAreaId=&PMDbProgramId=143493 The extensive courses in Success Maker Enterprise 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 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 https://mypearsontraining.com/products/ellis-essentials

SEACO Curriculum http://www.lakeshorelearning.com/product/productDet.jsp?productItemID=1%2C689%2C949%2C371%2C931%2C481&ASSORTMENT%3C%3East_id=1408474395181113&bmUID=1493679040846 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 with moderate to severe disabilities. The *Curriculum Guide for Students with Severe to Moderate Disabilities,* developed by State Education Administrators of County Offices (SEACO), has been updated from a two-volume document with one section on Instructional Best Practices and one Section on Core Content Access to a PDF document full of rich resources to support student learning of the California Common Core State Standards. It is aligned to the California Alternate Assessment (CAA) http://www.cde.ca.gov/ta/tg/ca/altassessment.asp. It is a curriculum framework for EL students with moderate to severe disabilities.

Basics 3 Curriculum Lakeshore Publishers http://www.lakeshorelearning.com/product/productDet.jsp?productItemID=1%2C689%2C949%2C371%2C930%2C439&ASSORTMENT%3C%3East_id=1408474395181113&bmUID=1493679627749 Focused on students with the most significant disabilities, this new version is intended to help educators more easily navigate and align goals and strategies to the current State Standards. It was developed by a committee of highly experienced California special education professionals. It is designed for students who will be taking the Alternative Assessments - Basics3 charts measurable growth and provides a developmental progression of skills that support IEP goals—all with the goal of getting students on a path to independence. Presented in a step-by-step format, Basics3 was developed by San Bernardino City USD for students of up to 22 years. 320 pg. Benchmarks

Waterford Early Learning Pearson Publishers http://www.waterford.org/waterford-early-learning/ Waterford Early Learning Comprehensive, technology-based early reading, math and science program with integrated assessments and teacher tools for K-2May be appropriate for students with moderate disabilities; early computer- assisted literacy program that also targets ELs.

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 and Current List of Instructional Materials Programs, Grades Kindergarten through Eight

Adopted by the State Board of Education on November 5, 2008.

Note: Recommendations to the SBE for the 2015 English Language Arts/English Language Development Instructional Materials Adoption to take place in November, 2015

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*

Program Type 1 – Basic

Publisher	Program Name (Grade-level)
Glencoe/McGraw-Hill	*Glencoe Literature, California Treasures* (6-8)
Holt, Rinehart and Winston1	*Holt Literature and Language Arts* (6-8)
Houghton Mifflin Company	*HM California Reading* (K-6)2
Houghton Mifflin Harcourt	*CA Excursions* (K-6)
Macmillan/McGraw-Hill	*California Treasures* (K-6)
McDougal Littell1	*McDougal Littell California Literature* (6-8)5
Pearson Prentice Hall3	*Pearson Literature CA Reading and Language (6-8)*3
Pearson Scott Foresman3	*Pearson CA Reading Street (K-5)*3
SRA/McGraw-Hill	*Imagine It!* (K-6)

Program Type 2 – Basic with English Language Development

Publisher	Program Name (Grade-level)
Glencoe/McGraw-Hill	*Glencoe Literature, California Treasures* (6-8)
Holt Rinehart & Winston1	*Holt Literature and Language Arts* (6-8)
Houghton Mifflin Harcourt School Publishers	*CA Excursions* (K-6)
Macmillan/McGraw-Hill	*California Treasures English Language Development* (K-6)
McDougal Littell1	*McDougal Littell California Literature* (6-8)5
Pearson Prentice Hall4	*Pearson CA Language Central* (6-8)4
Pearson Scott Foresman4	*Pearson CA Language Central (K-5)*4
SRA/McGraw-Hill	*Imagine It! English Language Development* (K-6)

Program Type 3 – Primary Language with English Language Development

Publisher	Program Name (Grade-level)
Macmillan/McGraw-Hill	*Tesoros de lectura* (K-6)

Pearson Scott Foresman	*Pearson Calle de Lectura para California* (K-3)
SRA/McGraw-Hill	*Imaginalo!* (K-6)

Program Type 4 – Intervention

Publisher	Program Name (Grade-level)
Houghton Mifflin Company	*HM California Portals* (4-8)
National Geographic / Hampton Brown	*Inside Language, Literacy and Content* (4-8)
Pearson Longman ELT	*Longman Keystone* (4-8)
Scholastic, Inc.	*Scholastic READ 180 California Enterprise Edition* 4-8)
Sopris West Educational Services	*Language! The Comprehensive Literacy Curriculum, 4th Edition* (4-8)
Steck-Vaughn	*California Gateways* (4-8)

Program Type 5 – Intervention for English Learners

Publisher	Program Name (Grade-level)
Heinle/Cengage Learning	*Milestones* (4-8)
Houghton Mifflin Company	*HM California Portals* (4-8)
National Geographic / Hampton Brown	*Inside Language, Literacy and Content* (4-8)
Pearson Longman ELT	*Longman Keystone* (4-8)
Scholastic, Inc.	*Scholastic READ 180 California Enterprise Edition* (4-8)
Sopris West Educational Services	*Language! Focus on English Learning, 4th Edition* (4-8)
Steck-Vaughn	*California Gateways* (4-8)

Appendix A5: Resources for Working with EL Students

Child Speech and Language American Speech-Language-Hearing Association (ASHA) website: http://search.asha.org/default.aspx?q=English%20learners - 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.

Dynamic Assessment: http://calper.la.psu.edu/dyna_assess.php - This resource helps

speech-language pathologists assess culturally and linguistically diverse students through *dynamic assessment*.

Encyclopedia of Language and Literacy Development Canadian Language and Literacy Research Network: http://literacyencyclopedia.ca/?switchlanguage=ENThis online resource launched in 2007 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.

Autism and Foreign Language Learning by V. Wire: http://www.hilarymccoll.co.uk/autismMFL.html 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.

Encyclopedia of Language and Literacy Development Canadian Language and Literacy Research Network: http://literacyencyclopedia.ca/?switchlanguage=EN 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.

*The Oral Language Acquisition Inventory (OLAI), PreK-3 L. M. Gentile*Available for purchase at http://www.pearsonassessments.com/HAIWEB/Cultures/en us/Productdetail.htm?Pid=PAolai&Mode=summaryThis 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.

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

Strategy Training for Second Language LearnersA. Cohen, 2003. http://www.cal.org/resources/digest/0302cohen.html

Teaching Learning Strategies in Immersion Classrooms A. U. Chamot, 2001. http://www.carla.umn.edu/immersion/acie/vol5/nov2001.pdf

The Elementary Immersion Learning Strategies Resource Guide (2nd Ed.) A.U. Chamot, K. Anstrom, A. Bartoshesky, A. Belanger, J. Delett, V. Karwan, et al. http://www.nclrc.org/eils/index.html

Styles- and Strategies-Based InstructionA. Cohen, n. d. http://www.carla.umn.edu/*strategies/sbiinfo.html*

Helping struggling Students Become Good Language LearnersJ. Robbins:

http://www.nclrc.org/eils/index.html

Descubriendo La Lectura: An Application of Reading Recovery in Spanish.K. Escamilla, 1992: http://www.readingrecovery.org/reading_recovery/descubriendo/index.asp 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.

*Parents Guide to Reading and Language Public Broadcasting Systems (PBS), 2008:*http://www.pbs.org/parents/readinglanguage/ 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.

*Recognizing Reading Problems Colorín Colorado, 2007:*http://www.colorincolorado.org/article/14541 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.

Appendix B California Department of Education (CDE) English Learner Documents

Appendix B1:

Participation Criteria Checklist for Alternate Assessments

To assist an IEP team in determining whether or student should use alternate assessments, the criteria below may be considered. If the answer to one or more of the criteria is "Disagree," the team should consider administering the CELDT to the student with the use of any necessary test variations, accommodations, and or modifications.

Circle "Agree" or "Disagree" for each item:

Agree Disagree The student requires extensive instruction in multiple settings to acquire, maintain, and generalize skills necessary for application in school, work, home, and community environments.

Agree Disagree The student demonstrates academic/cognitive ability and adaptive behavior that require substantial adjustments to the general curriculum. The student may participate in many of the same activities as his/her nondisabled peers; however, the student's learning objectives and expected outcomes focus on the functional applications of the general curriculum.

Agree Disagree The student cannot take the CELDT even with test variations, accommodations, and/or modifications.

Agree Disagree The decision to participate in an alternate assessment is not based on the amount of time during which the student is receiving special education services.

Agree Disagree The decision to participate in an alternate assessment is not based on excessive or extended absences.

Agree Disagree The decision to participate in an alternate assessment is not based on language, cultural, or economic differences.

Agree Disagree The decision to participate in an alternate assessment is not based on visual, auditory, and/or motor disabilities.

Agree Disagree The decision to participate in an alternate assessment is not based primarily on a specific categorical program.

Agree Disagree The decision for using an alternate assessment is an IEP team decision rather than an administrative decision.

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Appendix B2:

English Learner Test Variations (2017)

Matrix Two (CELDT Excerpts):

Matrix of Variations, Accommodations, and Modifications for Administration of the California High School Exit Examination, California English Language Development Test and the Physical Fitness Test

Test Variation (1) Accommodation (2) Modification (3)	CAHSEE	CELDT	PFT
Administration of the test at the most beneficial time of day to the student	2	2	2
Arithmetic table or formulas (not provided) on the mathematics tests	3	Not Applicable	Not Applicable
Arithmetic table or formulas (not provided) on the science tests	Not Applicable	Not Applicable	Not Applicable
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	2	Not Applicable
Assistive device that interferes with the independent work of the student on the multiple-choice and/or essay responses	3	3	Not Applicable
Audio amplification equipment	1	1	1
Braille transcriptions provided by the test contractor	2	2	Not Applicable
Calculator on the mathematics tests	3	Not Applicable	Not Applicable
Calculator on the science tests	Not Applicable	Not Applicable	Not Applicable

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

Test Variation (1) Accommodation (2) Modification (3)	CAHSEE	CELDT	PFT
Colored overlay, mask, or other means to maintain visual attention	1	1	Not Applicable
Dictionary	3	3	Not Applicable
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	2	Not Applicable
Essay responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe audio recorder, or speech-to-text converter (scribe provides spelling, grammar, and language conventions)	3	3	Not Applicable
Extra time on a test within a testing day	ALL	ALL	ALL
Large-print versions or test items enlarged (not duplicated) to a font size larger than that used on large print versions	2	2	Not Applicable
Manually Coded English or American Sign Language to present directions for administration (does not apply to test questions)	1	1	1
Math manipulatives on the mathematics tests	3	Not Applicable	Not Applicable
Manually Coded English or American Sign Language to present test questions and answer options	2 Math	2 Writing	Not Applicable
	3 ELA	3 Reading, Listening, Speaking	
	2 Writing Task		
Math manipulatives on the science tests	Not Applicable	Not Applicable	Not Applicable
Noise buffers (e.g., individual carrel or study enclosure)	1	1	Not Applicable

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

Test Variation (1) Accommodation (2) Modification (3)	CAHSEE	CELDT	PFT
Special lighting or acoustics; special or adaptive furniture	1	1	Not Applicable
Student dictates multiple-choice question responses orally, or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter for selected-response items	2	2	Not Applicable
Student marks in test booklet (other than responses) including highlighting	ALL	ALL	Not Applicable
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	2	Not Applicable
Supervised breaks within a section of the test	2	2	Not Applicable
Test administered at home or in hospital by a test examiner	2	2	2
Test administration directions that are simplified or clarified (does not apply to test questions)	ALL	ALL	ALL
Test individual student separately, provided that a test examiner directly supervises the student	1	1	1
Test over more than one day for a test or test part to be administered in a single sitting	2	2	Not Applicable
Test questions and answer options read aloud to student or used audio CD presentation	2 Math	2 Writing	Not Applicable
	3 ELA	3 Reading	
	2 Writing Task		
Test students in a small group setting	ALL	ALL	ALL
Visual magnifying equipment	1	1	Not Applicable

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

Test Variation (1) Accommodation (2) Modification (3)	CAHSEE	CELDT	PFT
Word processing software with spell and grammar check tools enabled on the essay responses writing portion of test	3	3	Not Applicable
Word processing software with spell and grammar check tools turned off for the essay responses (writing portion of the test)	2	2	Not Applicable
Unlisted Accommodation	Check with CAHSEE/PFT Office prior to use	Check with CELDT Office prior to use	Check with CAHSEE/PFT Office prior to use
Unlisted Modification	Check with CAHSEE/PFT Office prior to use	Check with CELDT Office prior to use	Check with CAHSEE/PFT Office prior to use

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

Appendix B3:

INITIAL PARENT NOTIFICATION LETTER
Federal Title III and State Requirements

Note: ELPAC will replace CELDT in 2018 so this letter will be changed at that time

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

Student ID #: _____Date of Birth: _____Grade: _____Primary language: _____

Dear Parent(s) or Guardian(s): When your child enrolled in our school, a language other than English was noted on your child's Home Language Survey. The law requires us to test your child's English. The results of this test are used to decide the best program placement for your child. We are required to inform you of the test results, our program recommendation, and all the placement options available for your child. We have also listed the information our district uses to decide when a student is ready to exit the English learner program. (20 *United States Code,* Section 7012; California *Education Code* sections 52164.1[b]; and Title 5 of *California Code of Regulation* sections 11307[a] and 11511.)

Language Assessment Results

Domain	California English Language Development Test (CELDT)* Performance Level (Beginning, Early Intermediate, Intermediate, Early Advanced, Advanced)	Primary Language Proficiency Level** Test: Date Administered:
Listening		
Speaking		
Reading		
Writing		
Overall		
*A scoring guide, developed by the testing contractor, has been used to determine these results. Parents will receive their child's official results within 30 days after the district has received individual student reports from the contractor. ** Optional		

Reclassification (Exit) Criteria
The goal of the English learner program is for students to become fully proficient in English and to master state standards for academic achievement as rapidly as possible. This district's reclassification criteria are listed below:

Required Criteria (California Education Code Section 313[d])	LEA Criteria [District inserts local board-approved reclassification criteria]
English Language Proficiency Assessment (CELDT)	
Comparison of Performance in Basic Skills	
Parental Opinion and Consultation	
Teacher Evaluation	
	Optional: Other district multiple measures

Graduation Rate
[For unified or secondary school districts, insert the expected rate of graduation for students in this program.]
District graduation rate displayed on the Adequate Yearly Progress report, available on the California Department of Education Dataquest Web page at http://dq.cde.ca.gov/dataquest/

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Please telephone the school at [Insert telephone number.] if you would like to schedule a parent conference to discuss your child's options for program placement.

Appendix B4:

Excerpts from English Learners and the Common Core Standards

Background for the Californians Together
"Raise Your Voice for English Learners in the Common Core Standards" Toolkit.

#1. THE OPPORTUNITIES IN THE COMMON CORE

Common Core Standards support many aspects of what we know to be research-based strategies needed for English Learners, and open the door for implementation of powerful approaches that have been difficult to implement in the past.

A. Common Core Standards call for attention to literacy and language across the curriculum both as subject and vehicle for learning. They call upon all academic content teachers to focus more explicitly upon the vocabulary, oral language and discourse patterns so essential to participation in academic work – and so foundational to the development of language among English Learners. As a result, all teachers (not just ELD teachers) will need an understanding of literacy and language, and the strategies to promote active engagement with language in the classroom.
B. Common Core Standards call for collaboration and teamwork as a key component of instruction, and recognize that students need to develop the skills for collaborative engagement in academic work. *(e.g., Anchor Standard #1 Speaking and Listening).* is understanding of the role of "language in action" opens the door for more project based and inquiry-based teaching and learning, the active use of language in the context of inquiry and collaborative work, and for the integration of the 4C's: communication, collaboration, critical thinking, creativity.
C. Common Core Standards include language standards for all students, with a focus not just on the conventions of language, but how language functions in different contexts, choices about uses of language, etc., it elevates the study of language to new levels. In a linguistically diverse society, and for students who encounter and move through multiple language communities, this enhanced focus on language itself is an important development.

#2. CONCERNS ABOUT ENGLISH LEARNER NEEDS THAT ARE MISSING IN THE COMMON CORE STANDARDS

A. Common Core Standards assume all students have a basic level of English proficiency. The standards call for students to be engaged, for example, in close reading of academic texts, to be able to construct and deliver (speaking and in writing) effective arguments, to be able to identify a speakers' key points and elaborate on those ideas in group settings, etc. These are sophisticated language skills in speaking, listening, reading and writing. Yet there is no provision for building the basic foundation in English needed by students who are English Learners. English Learners face the double challenge of learning English and acquiring the more complex academic language skills and academic content in and through a language they don't yet know. The Common Core Standards do not speak to the study of English as a second language or to how English Learners will acquire the

foundational English they need. Despite the focus on language in the Common Core Standards for all students, the standards don't attend to the foundation of language in the communicative, expressive and social domains needed by a second language learner – and the aspects of the English language that are known by native English speakers. It has been left up to states to develop their own English Language Proficiency standards. The guidance and expectation is that states will backwards map from the Common Core English Language Arts standards to ensure the scaffolds needed for English Learners. That is important, but is not enough. English Learners will require standards that attend to the full foundation of language skills and English Language Development needed by someone for whom English is a second language.

B. The Common Core Standards are wholly defined in terms of relevance to college and career readiness. They do not address other realms of "relevance" so essential for young people to develop in the 21st century – and especially important for English Learners and other cultural and linguistic minority students. The purposes of education for all students should embrace identity development, empathy and cultural connection and understanding. Without these being attended to, motivation and engagement support, and important knowledge and aspects of human development are not addressed. Workforce preparation for the 21st century, diverse and global world should include a focus on the competencies of intercultural communication and biliteracy. While the Common Core Standards set out some skills relevant to college and career readiness – it is important (at least here in California) that education attend to the broader set of skills, competencies and relevance students will need.
C. Superintendent Torlakson's Blueprint for Great Schools calls for biliteracy for all students. While not an explicit goal of the Common Core Standards, in California, this requires a multilingual approach to the Common Core. The intentional focus on language in the Common Core would be more fully realized if students study two or more languages.
D. Common Core Standards define skills and competencies, and is neutral with regards to the setting, program or language on instruction in which those skills and competencies are taught. The Standards by themselves are not adequate as guidance for delivery in the different programmatic contexts for English Learners (e.g., dual language immersion, biliteracy programs). They must be supplemented with standards and objectives related to language transfer, contrastive analysis, skills of translation, and the learning opportunities present when students are studying in and across two languages.

#3. CRUCIAL ISSUES IN THE IMPLEMENTATION OF THE COMMON CORE STANDARDS

The Common Core Standards are simply standards. Whether and how English Learners are provided the supports needed to access and master those standards will be a function of how the standards are implemented – at the state and local levels.

A. Common Core Standards represent significantly ramped up rigor from our current standards and practices. The language and literacy demands are high. Currently many English Learners are not achieving even the low bar of CELDT proficiency or the academic language needed for redesignation. The focus on academic language has been inadequate, the provision of ELD has been generally weak statewide, and both teaching and curriculum materials have been insufficient for moving English Learners to the levels of English needed for successful academic engagement. To ramp up instruction to get English Learners to the bar of linguistic complexity called for in the Common Core Standards will require a major intensification, strengthening and focus on English Language development and scaffolding strategies across the curriculum to provide English Learners access to the Common Core.
B. Common Core Standards imply engagement with more complex text. Common practices now include relegating English Learners to much simplified text. Implementation of the Common Core will require both investment in materials that more appropriately provide the scaffold into academic rigorous text, and changes in teaching practices so that students are provided support for engaging with more complex text.
C. Common Core Standards position academic language development within the study of history, social science and academic disciplines. The prevalent practices in California schools have greatly narrowed the curriculum that English Learners receive to just language arts and math – without the social studies, science, history and arts that build the necessary background knowledge to engage with academic text. English Learners will need instruction that builds the background knowledge needed to comprehend the references, cultural knowledge and academic concepts in more rigorous and complex text. Time needs to be spent in the curriculum building background knowledge. We cannot assume that English Learners have that knowledge. The Common Core requires that we take the time to build it, end the narrowing of the curriculum and ensure English Learners receive a full curriculum.
D. The Common Core Standards are dense. One standard frequently requires multiple language demands that must be focused upon. Teachers of English Learners, faced with the multi-layered standards will have to unpack each standard for its linguistic demands, and then prioritize and sequence the parts – making decisions about key power aspects of the standards.
E. Common Core Standards do not address the issue of the student's level of English proficiency. They don't define or build in the scaffolds to address the needs of English Learners. This means that access to the Common Core will rely upon quality professional development for teachers on scaffolding, differentiation, and pacing accommodations for the different levels of English proficiency. Many people apparently perceive that English Language Development standards represent a lowering of the rigor of the Common Core standards, and there is pervasive inadequate understanding of the importance of scaffolding for English Learners. Although professional papers call for addressing the complexity of the Common Core for English Learners by pacing accommodations, there is little guidance about what this implies. We are concerned that instead of providing appropriate scaffolding, differentiated strategies and pacing for English Learners, the response will be placing them into interventions and over-remediation.

F. English Language Development Standards that will align to the Common Core will clearly be a critical component of addressing English Learner needs. However, the widespread roll-out and focus on the Common Core Standards is occurring now without the ELD standards and without explanation about the role and relationship of those ELD standards to the Common Core. We are concerned that the ELD standards will be overshadowed, unknown and unimplemented. This is a matter of leadership. It is crucial that state leadership and professional leadership underscore the importance of the ELD standards and provide guidance and monitoring to ensure they will be understood and implemented as a core element of English Learner education in the state.

G. Linguistic complexity in the Common Core assessment is very likely to be an issue and present a barrier to English Learners being able to demonstrate what they know. It is essential that the new assessments control for linguistic complexity and be sure the computer adaptability controls for it.

H. For valid and reliable results, and to ensure accountability for English Learner achievement of the Common Core, the new assessment/accountability system must continue a focus on English Learners as a subgroup and include measures of performance and progress in English Language Proficiency. Data on English Learner achievement must be analyzed by the number of years an English Learner has been in our schools so we can monitor for the development of Long Term English Learners. Finally, we need a primary language assessment for both math and Language Arts.

I. Bilingual programs, an effective and important program option for English Learners, will only remain an option if the state and districts adopt primary language materials for implementing the Common Core, and if the state develops primary language assessments. There is danger that the advent of the Common Core could spell another deathblow to bilingual education options without adequate materials and assessments.

J. Teachers are absolutely key to making the implementation of the Common Core Standards a reality for English Learners. It appears that the Common Core rollout and planning are occurring by Districts, county offices and providers with little input from teachers about the implications for instruction, the supports needed to pull off the transition, and the kind of professional development that will make it possible for teachers to teach the Common Core Standards. Meaningful and well-designed professional development needs to be rolled out statewide that focus on scaffolding access, differentiating instruction, working with the linguistic demands of academic text, and developing language across the curriculum. Highly effective training empowers teachers rather than scripting. It includes coaching, lesson study for change of behavior, and is based upon the science of implementation.

K. Common Core Standards call for demanding and complex text that pose higher hurdles for English Learners. The state needs to plan for English Learner accessibility and scaffolded text, and ensure the availability of supplementary materials including more of a focus on oral and written language.

L. Common Core Assessment needs to incorporate assessment of skills of the 4 Cs

(creativity, collaboration, critical thinking and communication). These are skills that are incorporated into the standards, but less likely to be incorporated into assessment. In professional development as well as assessment, it is essential that there be leadership and active voices keeping these crucial 21st century skills on the table.

M. Common Core Standards call for uses of digital technology as a skill in research and presentation. English Learners are a population with disproportionately limited access and familiarity with digital technology – and disproportionately attend schools with limited technology. Access to the Common Core requires a Technology. Plan to address the disparities and the digital divide.

Appendix B5:

Proficiency Level Descriptors for California English Language Development Standards (will be aligned to ELPAC beginning in 2018)

See http://www.cde.ca.gov/sp/el/er/documents/eldstndspublication14.pdf
Pages 21-24

Proficiency Level Descriptors

Mode of Communication	ELD Proficiency Level Continuum			
	→ Emerging →		→ Expanding →	
	At the *early stages* of the Emerging level, students are able to perform the following tasks:	Upon *exit* from the Emerging level, students are able to perform the following tasks:	At the *early stages* of the Expanding level, students are able to perform the following tasks:	Upon *exit* from the Expanding level, students are able to perform the following tasks:
Collaborative	• Express basic personal and safety needs and ideas, and respond to questions on social and academic topics with gestures and words or short phrases. • Use basic social conventions to participate in conversations.	• Express basic personal and safety needs and ideas, and respond to questions on social and academic topics with phrases and short sentences. • Participate in simple, face-to-face conversations with peers and others.	• Express a variety of personal needs, ideas, and opinions and respond to questions using short sentences. • Initiate simple conversations on social and academic topics.	• Express more complex feelings, needs, ideas, and opinions using extended oral and written production; respond to questions using extended discourse. • Participate actively in collaborative conversations in all content areas with moderate to light support as appropriate.
Interpretive	• Comprehend frequently occurring words and basic phrases in immediate physical surroundings. • Read very brief grade-appropriate text with simple sentences and familiar vocabulary, supported by graphics or pictures. • Comprehend familiar words, phrases, and questions drawn from content areas.	• Comprehend a sequence of information on familiar topics as presented through stories and face-to-face conversation. • Read brief grade-appropriate text with simple sentences and mostly familiar vocabulary, supported by graphics or pictures. • Demonstrate understanding of words and phrases from previously learned content material.	• Comprehend information on familiar topics and on some unfamiliar topics in contextualized settings. • Read independently a variety of grade-appropriate text with simple sentences. • Read more complex text supported by graphics or pictures. • Comprehend basic concepts in content areas.	• Comprehend detailed information with fewer contextual clues on unfamiliar topics. • Read increasingly complex grade-level text while relying on context and prior knowledge to obtain meaning from print. • Read technical text on familiar topics supported by pictures or graphics.
Productive	• Produce learned words and phrases and use gestures to communicate basic information. • Express ideas using visuals such as drawings, charts, or graphic organizers. • Write or use familiar words and phrases related to everyday and academic topics.	• Produce basic statements and ask questions in direct informational exchanges on familiar and routine subjects. • Express ideas using information and short responses within structured contexts. • Write or use learned vocabulary drawn from academic content areas.	• Produce sustained informational exchanges with others on an expanding variety of topics. • Express ideas in highly structured and scaffolded academic interactions. • Write or use expanded vocabulary to provide information and extended responses in contextualized settings.	• Produce, initiate, and sustain spontaneous interactions on a variety of topics. • Write and express ideas to meet most social and academic needs through the recombination of learned vocabulary and structures with support.

Proficiency Level Descriptors Chapter 2 | 21

Proficiency Level Descriptors *(continued)*

Mode of Communication	ELD Proficiency Level Continuum → Bridging →	
	At the ***early stages*** of the Bridging level, students are able to perform the following tasks:	Upon ***exit*** from the Bridging level, students are able to perform the following tasks:
Collaborative	• Express increasingly complex feelings, needs, ideas, and opinions in a variety of settings; respond to questions using extended and more elaborate discourse. • Initiate and sustain dialogue on a variety of grade-level academic and social topics.	• Participate fully in all collaborative conversations in all content areas at grade level, with occasional support as necessary. • Participate fully in both academic and non-academic settings requiring English.
Interpretive	• Comprehend concrete and many abstract topics and begin to recognize language subtleties in a variety of communication settings. • Read increasingly complex text at grade level. • Read technical text supported by pictures or graphics.	• Comprehend concrete and abstract topics and recognize language subtleties in a variety of communication settings. • Read, with limited comprehension difficulty, a variety of grade-level and technical texts in all content areas.
Productive	• Produce, initiate, and sustain interactions with increasing awareness of tailoring language to specific purposes and audiences. • Write and express ideas to meet increasingly complex academic demands for specific purposes and audiences.	• Produce, initiate, and sustain extended interactions tailored to specific purposes and audiences. • Write and express ideas to meet a variety of social needs and academic demands for specific purposes and audiences.

Proficiency Level Descriptors

Knowledge of Language	ELD Proficiency Level Continuum → Emerging →		→ Expanding →	
	At the *early stages* of the Emerging level, students are able to perform the following tasks:	Upon *exit* from the Emerging level, students are able to perform the following tasks:	At the *early stages* of the Expanding level, students are able to perform the following tasks:	Upon *exit* from the Expanding level, students are able to perform the following tasks:
Metalinguistic Awareness	Apply to their learning of English an emerging awareness of: • differences and similarities between their native language and English; • ways in which different kinds of language are appropriate for different tasks, purposes, and audiences; • how to intentionally and purposefully use a limited range of everyday vocabulary, phrases, and memorized statements and questions in English.	Apply to their learning of English an awareness of: • differences and similarities between their native language and English; • ways in which different kinds of language are appropriate for different tasks, purposes, and audiences; • how to intentionally and purposefully use mostly everyday and a limited range of general academic vocabulary and domain-specific vocabulary, phrases, and memorized statements and questions in English related mostly to familiar topics.	Apply to their learning of English an expanding awareness of: • differences and similarities between their native language and English; • ways in which language may be different based on task, purpose, and audience; • how to intentionally and purposefully use mostly everyday vocabulary, and an expanding range of general academic and domain-specific vocabulary in English related mostly to familiar topics; • how to extend discourse in limited ways in a range of conversations; • how to recognize language differences and engage in some self-monitoring.	Apply to their learning of English an awareness of: • differences and similarities between their native language and English; • ways in which language may be different based on task, purpose, and audience; • how to intentionally and purposefully use both everyday vocabulary and a range of general academic and domain-specific vocabulary in English related to familiar and new topics; • how to extend discourse in a variety of ways in a range of conversations; • how to recognize language differences, engage in self-monitoring, and adjust oral and written language.
Accuracy of Production	• Be comprehensible when using memorized or copied words or phrases. • Produce English but may exhibit **frequent errors** in pronunciation, grammar, and writing conventions that **often** impede meaning.	• Be comprehensible when using simple or learned phrases and sentences. • Produce English but may exhibit **frequent errors** in pronunciation, grammar, and writing conventions that **sometimes** impede meaning.	• Be comprehensible when using simple and some expanded sentences and discourse or texts. • Produce English but may exhibit **fairly frequent errors** in pronunciation, grammar, and writing conventions that **may sometimes** impede meaning.	• Be comprehensible when using expanded sentences, discourse, or texts. • Produce English but may exhibit **fairly frequent errors** in pronunciation, grammar, and writing conventions that **usually do not** impede meaning.

Proficiency Level Descriptors *(continued)*

Knowledge of Language	ELD Proficiency Level Continuum → Bridging →	
	At the ***early stages*** of the Bridging level, students are able to perform the following tasks:	Upon ***exit*** from the Bridging level, students are able to perform the following tasks:
Metalinguistic Awareness	Apply to their learning of English a sophisticated awareness of: • differences and similarities between their native language and English; • ways in which language may be different based on task, purpose, and audience; • how to intentionally and purposefully use a range of precise and varied grade-level general academic and domain-specific vocabulary in English related to new topics; • how to extend grade-level academic discourse in a variety of ways in a range of conversations and written texts of varying lengths and complexities; • how to recognize language differences, engage in self-monitoring, and adjust oral and written language in a range of contexts.	Apply to their learning of English a sophisticated awareness of: • differences and similarities between their native language and English; • ways in which language may be different based on task, purpose, and audience; • how to intentionally and purposefully use a range of precise and varied grade-level general academic and domain-specific vocabulary in English related to new topics across the disciplines; • how to extend grade-level academic discourse in a variety of ways in a range of conversations and written texts of varying lengths and complexities across disciplines; • how to recognize language differences, engage in self-monitoring, and adjust oral and written language in a range of contexts across disciplines.
Accuracy of Production	• Be comprehensible when using a variety of grade-level expanded discourse or texts. • Produce English but may exhibit **some errors** in pronunciation, grammar, and writing conventions that **usually do not** impede meaning.	• Be comprehensible when using a variety of grade-level expanded discourse or texts on a variety of topics. • Produce English but may exhibit **some minor errors** in pronunciation, grammar, and writing conventions that **do not** impede meaning.

Appendix C
Federal Documents / Opinion Letters

Appendix C1:

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" alternate criteria for students with disabilities.

Appendix C2:

United States Education Department (ED)
Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives

Purpose and Background:

Education personnel in States, local educational agencies (LEAs), and schools across the nation have described challenges in developing and administering English language proficiency (ELP) assessments required under Titles I and III of the Elementary and Secondary Education Act of 1965, as amended (ESEA), to students who are both English Learners (ELs) and students with disabilities. Some of these challenges include:

1) ensuring that all ELs with disabilities participate in the annual State ELP assessment;
2) administering an annual State ELP assessment that accurately measures the English language proficiency of students with disabilities, including providing individual appropriate accommodations in accordance with a student's individualized education program (IEP), as required by the Individuals with Disabilities Education Act (IDEA);
3) administering appropriate alternate assessments to the annual State ELP assessment in accordance with the student's IEP, as required by the IDEA; and
4) determining how to include the results of annual State ELP assessments for students with disabilities in making accountability determinations under the ESEA.

The questions and answers included in this document are intended to help States and LEAs address these challenges, and more broadly, to understand how Part B of the IDEA and Titles I and III of the ESEA address the inclusion of ELs with disabilities in annual State ELP assessments. These are assessments designed to measure the progress of ELs in attaining English language proficiency.

In this document, the term "English Learner" (EL) means students who are considered limited English proficient (LEP) as defined in section 9101(25) of the ESEA. The term "students with disabilities," as it is used in this document, refers to "children with disabilities" who are eligible for services under the IDEA, as defined in section 602(3) of that Act and 34 CFR §300.8. While students with disabilities are also protected under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (ADA), which are civil rights. The Department has determined that this document is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007).

Questions and Answers:

General Obligations

1. What are the Federal requirements for including ELs with disabilities in the annual State ELP assessment?

The IDEA requires each State and its LEAs to ensure that a free appropriate public education (FAPE) is made available to all eligible children with disabilities residing in the State in mandatory age ranges, beginning at age 3 and possibly lasting to a child's 22nd birthday, depending on State law or practice (34 CFR §§300.101-300.102). These entities also must ensure that the IDEA's rights and protections are extended to eligible children and their parents (34 CFR §§300.100 and 300.201). The IDEA and its regulations require that all students with disabilities be included in all general State assessment programs, including assessments described under section 1111 of the ESEA, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs (section 612(a)(16)(A) of the IDEA, 34 CFR §300.160(a), and section 1111(b) of the ESEA). Both Titles I and III of the ESEA require States and LEAs to annually assess the English proficiency of all ELs in the State enrolled in public schools in grades kindergarten through twelve in the domains of speaking, listening, reading, and writing (sections 1111(b)(7) and 1123(b)(3)(D) of the ESEA). Accordingly, as part of a general State assessment program, all ELs with disabilities must participate in the annual State ELP assessment with or without appropriate accommodations or by taking an alternate assessment, if necessary, consistent with their IEPs. The IDEA, Titles I and III of the ESEA, and Federal civil rights laws require that all children, including children with disabilities, take Statewide assessments that are valid and reliable for the purpose for which they are being used, and this includes the annual ELP assessment.

2. What are the ways that ELs with disabilities can participate in the annual State ELP assessment?

a) ELs with disabilities can participate in the annual State ELP assessment in the following ways, as determined by their respective IEP Teams: in the regular State ELP assessment without accommodations (in the same way as ELs without disabilities take the assessment);
b) in the regular State ELP assessment through the use of one or more appropriate accommodations as indicated in the student's IEP; or
c) in an alternate assessment aligned to State ELP standards, if the IEP Team determines that the student cannot participate in the regular State ELP assessment, with or without appropriate accommodations. Because the annual ELP assessment is a general State assessment administered to all ELs and is an assessment described in section 1111 of the ESEA, this document will refer to the IDEA's requirement for including all children with disabilities, including ELs with disabilities, in all general State assessment programs. (See questions eight through ten for more details.)

3. What steps can States take to ensure that all ELs with disabilities are included in the annual State ELP assessment?

Consistent with 34 CFR §300.160(b)(2)(i) and (c)(1), States must develop guidelines for the provision of appropriate accommodations, for each assessment, that do not invalidate test scores, and guidelines for the participation of children with disabilities in alternate assessments who cannot take the regular assessment, even with accommodations. (See question 8.) These guidelines apply to all alternate assessments, not just to Title I alternate assessments in reading/language arts, math, and science, and should include criteria for IEP Teams to use in determining which ELs with disabilities should take an alternate assessment to the regular annual State ELP assessment. In developing such guidelines, States should seek input from appropriate individuals with expertise in language acquisition and in the provision of services to students with disabilities (such as speech-language pathologists who are knowledgeable about second language acquisition and the language needs of students with disabilities), bilingual/English as Second Language (ESL) teachers, or other professionals with expertise in language acquisition. States should also ensure through monitoring that these policies are being implemented at the LEA and/or school levels. In carrying out the steps described above, it would be permissible for States to use a portion of their IDEA Part B funds reserved for State-level activities to support the development and provision of appropriate accommodations for children with disabilities, or for the development and provision of alternate assessments that are valid and reliable for assessing the performance of students with disabilities, in accordance with sections 1111(b) and 6111 of the ESEA (34 CFR §300.704(b)(4)(x)).

Role of the IEP Team

4. What is the responsibility of the IEP Team in determining how ELs with disabilities participate in the annual State ELP assessment?

Decisions about the content of a student's IEP, including whether a student must take a regular State assessment (in this case, the ELP assessment), with or without appropriate accommodations, or an alternate assessment in lieu of the regular ELP assessment, must be made by the student's IEP Team. These decisions cannot be made unilaterally by a single teacher or other school employee outside of the IEP process described in 34 CFR §§300.320 through 300.324. The IEP Team is responsible for developing the IEP for each student with a disability, including each EL with a disability, at an IEP Team meeting which includes school officials and the child's parents. In question five below, we provide more information about IEP Team participants. Under the IDEA regulations at 34 CFR §300.320(a)(6), the IEP must include:

(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments consistent with section 612(a)(16) of the Act;

(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why
(A)The child cannot participate in the regular assessment; and
(B) The particular alternate assessment selected is appropriate for the child; IEPs for ELs with disabilities must comply with all of the other IDEA requirements in 34 CFR §§300.320-300.324.

5. Should IEP Teams for ELs with disabilities include persons with expertise in second language acquisition?

Yes. It is important that IEP Teams for ELs with disabilities include persons with expertise in second language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between limited English proficiency and a disability. The participation of these individuals on the IEP Team is essential in order to develop appropriate academic and functional goals for the child and provide specially designed instruction and the necessary related services to meet these goals. The IDEA regulation in 34 CFR §300.321(a) specifies that the participants on each child's IEP Team include:

1) The parents of the child;
2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
3) Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child;
4) A representative of the public agency who –
   (i.) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
   (ii.) Is knowledgeable about the general education curriculum; and
   (iii.) Is knowledgeable about the availability of resources of the public agency.
5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;
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.

It is important that IEP Teams for ELs with disabilities include a public agency representative, as described previously, who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of ELs with disabilities. This representative should be knowledgeable about the availability of agency resources needed to enable ELs with disabilities to meaningfully access the general education curriculum. This will ensure that the services included in the EL student's IEP are appropriate for the student and can actually be provided.

Under the IDEA, the IEP Team must consider a number of special factors in developing, reviewing, or revising a child's IEP. Under 34 CFR §300.324(a)(2)(ii), the IEP Team must "[i]n the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP." Therefore, to implement this requirement, the IEP Team should include participants who have the requisite expertise about the student's language needs.

An IEP Team that includes appropriate members should be able to make thoughtful decisions about the content of an EL's IEP, including the manner in which the student participates in the annual State ELP assessment. In addition, States and LEAs are encouraged to provide other IEP Team members with appropriate training in language acquisition and the unique needs of ELs with disabilities.

6. What must an LEA and IEP Team do to ensure that limited English proficient parents understand and are able to meaningfully participate in IEP Team meetings at which the child's participation in the annual State ELP assessment is discussed?

The IDEA requires that the parents of a child with a disability be given the opportunity to participate in meetings with respect to the identification, evaluation, or educational placement of a child with a disability, or the provision of a FAPE to the child (34 CFR §300.501(b)(1)). Regarding the participation of a parent whose native language is other than English in IEP Team meetings, the IDEA regulations require each public agency to take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter. (34 CFR §300.322(e)). When parents themselves are LEP, Title VI of the Civil Rights Act of 1964 also requires that the LEA must effectively communicate with parents in a manner and form they can understand, such as by providing free interpretation and/or translation services. Under Title VI, an LEA is required to provide LEP parents with meaningful access to the same information that is provided to non-LEP parents.

7. Can an IEP Team determine that a particular EL with a disability should not participate in the annual State ELP assessment?

No. All ELs, including those with disabilities, must participate in the annual State ELP assessment, with or without accommodations, or must take an appropriate alternate assessment, if necessary (section 1111(b)(7) of the ESEA and section 612(a)(16)(A) of the IDEA). (See the response to question one above.)

Accommodations and Alternate Assessments
8. What actions must States take to meet the IDEA requirements related to accommodations and alternate assessments for the annual State ELP assessment?

Under the IDEA, a State must:

1) Develop guidelines for the provision of appropriate accommodations. The State's guidelines must identify only those accommodations for each assessment that do not invalidate the score, and instruct IEP Teams to select, for each assessment, only those accommodations that do not invalidate the score (34 CFR §300.160(b)); and
2) Develop and implement alternate assessments and guidelines for the participation of students with disabilities in alternate assessments for those students who cannot participate in regular assessments, even with accommodations, as indicated in their respective IEPs (34 CFR §300.160(c)(1)). Because the annual ELP assessment is a State assessment, these guidelines must also address the participation of ELs with disabilities in alternate assessments to the regular ELP assessment.

9. How can an IEP Team determine whether an EL with a disability should receive accommodations in order to take the annual State ELP assessment?

An IEP Team must make this determination on a case-by-case basis in light of the particular needs of an EL with a disability. As part of the process of determining the appropriate accommodations for ELs with disabilities on the annual State ELP assessment, the IEP Team must consider the student's language needs as they relate to his or her IEP (34 CFR §300.324(a)(2)(ii)). The IEP Team then needs to determine if there is an appropriate State approved accommodation(s) for the annual State ELP assessment that would not invalidate the test score, which would allow the student to participate in the assessment to demonstrate what the student knows and can do. If the IEP Team determines that the student needs accommodations to take the regular ELP assessment or an alternate assessment, then the student's IEP must contain a statement of the individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on that State assessment (34 CFR §300.320(a)(6)(i)). Appropriate and allowable accommodations used for testing should generally be the same as those used in the classroom in accordance with the student's IEP.

An IEP Team could determine that accommodations need to be used for the entire ELP assessment, or only for part of the assessment. For example, an accommodation that is appropriate for only one of the four domains of language (speaking, listening, reading, or writing) would be used just for that particular subtest. The IEP Team will need to ensure that the student is familiar with the accommodations to be used for the ELP assessment, that the student is using similar accommodations in classroom instruction, and that the student could benefit from similar accommodations on the ELP assessment.

10. How can an IEP Team determine whether an EL with a disability should take an alternate assessment instead of the regular ELP assessment?

An IEP Team must make this determination on a case-by-case basis in light of the particular needs of an EL with a disability. If an IEP Team for a particular EL with a disability determines that the student cannot participate in the regular State ELP assessment, even with individual appropriate accommodations, then the IEP Team would determine that the student needs to take an alternate assessment to the regular ELP assessment. In this situation, the Team must include in the child's IEP a statement of:

1) Why the child cannot participate in the regular ELP assessment; and
2) Why the particular alternate assessment selected is appropriate for the child (34 CFR §300.320(a)(6)(ii)).

Consistent with applicable State guidelines for alternate assessments, States need to identify how an EL with a disability can be appropriately and validly assessed through an alternate assessment to guide IEP Team decisions in this area. An alternate ELP assessment could be a traditional paper and pencil assessment, or another appropriate method for assessing the student's language proficiency, such as a computer-based adaptive assessment. Regardless of what alternate assessment is used, it must be a valid and reliable assessment that: 1) provides evidence of progress toward the attainment of English proficiency; 2) is aligned with State ELP standards; and 3) yields a valid score. ESEA section 3122(a)(3); Notice of Final Interpretations for Title III, Interpretation #2 (Oct. 17, 2008), 73 Fed. Reg. 61828, 61831-61833. States should examine their alternate assessment guidelines to ensure that they address the participation of ELs with disabilities in alternate assessments if those students cannot be appropriately assessed with the regular ELP assessment, even with individual appropriate accommodations.

Exit from EL Status

11. When and how can an EL with a disability be exited from EL status?

An EL with a disability can be "exited" from EL status when he/she no longer meets the definition of an EL (see footnote on page 1). This occurs when the student meets the State's definition of "proficient" in English. Depending on the State's definition of proficiency, the LEA, school personnel, and/or the IEP Team may have input into the decision of whether a student is proficient in English. However, there is no provision in the IDEA that would authorize the IEP Team to remove the "EL" designation before the student has attained English proficiency. In addition, other LEA and/or school personnel do not have the authority under Federal law to remove a student's EL designation before the student has been deemed proficient in English solely because the student has an IEP. 10 Annual Measureable Achievement Objectives (AMAOs)

12. Must the ELP assessment results for all ELs with disabilities be included in Title III AMAOs 1 and 2?

Yes. Title III AMAOs have three parts, two of which (AMAOs 1 and 2) are based upon the State ELP assessment. Results from ELP assessments for all ELs, including students with disabilities, must be included in both AMAO 1 (making progress in English) and AMAO 2 (attaining ELP), as described in section 3122(a)(3) of the ESEA. For some ELs with disabilities, accommodations may be necessary on the ELP assessment (see question nine), and an alternate ELP assessment may be necessary for an even smaller group of ELs with disabilities (see question ten), but all ELP assessment results must be included in the Title III accountability calculations under AMAOs 1 and 2.

13. Are the ELP assessment results for ELs with disabilities relevant to AMAO 3 of Title III?

No. Under Title III, the third AMAO (AMAO 3) is based on making adequate yearly progress (AYP) under Title I for the EL subgroup. AYP is comprised of meeting annual measurable objectives (AMOs) based on proficient achievement on State reading/language arts and mathematics assessments, achieving 95 percent participation on those assessments, and meeting the other academic indicator, which is graduation rate for high schools. The ELP assessment results are not a factor in AYP calculations.

A State that is participating in ESEA flexibility may have received a waiver of making AYP determinations. For purposes of measuring AMAO 3, therefore, the State would determine whether the EL subgroup met the State's AMOs in reading/language arts and mathematics, the 95 percent participation rate requirement, and, for an LEA that includes one or more high schools, graduation rate.

Under the Title I regulations in 34 C.F.R. §200.13(c)(2)(i), in calculating AYP or accountability determinations under ESEA flexibility, a State may include the proficient and advanced scores of students with the most significant cognitive disabilities who take an alternate assessment in reading/language arts or mathematics based on alternate academic achievement standards described in 34 C.F.R. §200.1(d), provided that the number of such scores at the LEA level and at the State level, separately, does not exceed 1.0 percent of all students in the grades assessed. Some ELs with disabilities may be among the students with the most significant cognitive disabilities covered by these regulations. These regulations, however, do not apply to ELP assessments and, consequently, to AMAOs 1 and 2. In reporting under Title I and targeting interventions in Title I schools, States must take into account the performance of student subgroups, including ELs and students with disabilities, on reading/language arts and mathematics assessments. Similarly, States must report the graduation rate of each subgroup for high schools. Thus the scores and, if applicable, graduation rate of an EL with a disability would be included under both the EL subgroup and the students with disabilities subgroup (as well as under any other subgroup to which the student belongs). The ESEA does not require subgroup reporting for the ELP assessment under Title III.

Appendix D
Sample
EL Forms / Documents

Appendix D1

ENGLISH LEARNER (EL) PREREFERRAL CHECKLIST

Directions: It is recommended that the school site multi-disciplinary team responsible for making assessment referrals to special education complete this checklist to help determine if the referral of an EL student may or may not be possibly appropriate.

1) ❒Yes ❒No Has the student received appropriate core curriculum instruction that is appropriate for EL students (check all that apply)?

- ❒ ELD services delivered with fidelity at least 30 minutes daily
- ❒ Thematic instruction / collaborative learning opportunities
- ❒ Use of advance organizers, spiraled curriculum
- ❒ Use of SDAIE strategies or *universal design for learning* (UDL)

Describe:

2) ❒Yes ❒No Has the student received evidence-based intensive (4 to 5 days weekly for a minimum of 45 or more minutes) interventions in academic areas of difficulty using appropriate materials and strategies designed for ELs implemented with fidelity over time (recommended minimum of 6 months to 1 year) and demonstrated little or no progress as evidenced by data tracking?

Describe:

3) ❒Yes ❒No Does the team have data regarding the rate of learning over time (compared to like EL peers) to support that the difficulties are most likely due to a disability versus a language difference?

Describe:

4) ❒Yes ❒No Has the team consulted with the parent regarding learning patterns and language use in the home and community?

Comments from parent(s):

5) ❒Yes ❒No Are the error patterns seen in the native language (L1) similar to the patterns seen in English (L2)? If not, are the error patterns seen in English typical of second language learners versus a learning disability? Describe:

6) ❒Yes ❒No Are the learning difficulties and/or language acquisition patterns manifested over time similar in different settings and in different contexts (home, school, and community)?
Describe

7) ❒Yes ❒No Competing hypothesis have been ruled out - extrinsic factors have been considered (physical, personal, cultural, learning environment.

Adapted from Jarice Butterfield's ELLs With Disabilities Training Materials
Revised 11-30-16 © Jarice Butterfield Ph. D.

Appendix D2:

Learning Issues Frequently Seen In ELs (What it may seem like) and Language Difference Related Reasons for the Difficulty

Adapted by Jarice Butterfield, Ph. D.

Academic Learning difficulties
ELs often have difficulty with grade level academic language and concepts because it takes at least five years for non-native speakers to display native-speaker like functioning in academics.
Language disorder
Lack of fluency and correct syntax is a natural part of learning a new language. Students may require more "wait time" as they process an utterance in one language and translate into another. This "wait time" - may be misinterpreted as a language processing issue.
Attention and memory problems
ELs may have difficulty paying attention and remembering if they cannot relate new information to their previous experiences in their respective cultures. ELs may also be experiencing exhaustion due to the task of learning in a language in which they are not yet proficient.
Withdrawn behavior
When students are learning a new language and adapting to a new culture a "silent period" is normal.
Also, this behavior might be appropriate in the student's culture.
Aggressive behavior
The student may not understand appropriate school behavior and language in the US. Also this behavior may be appropriate in the students' culture.
Social and Emotional problems
When students are learning to live in a new culture and using a new language, social and emotional problems often develop.

When It is Appropriate to Make A Referral of An EL to Special Education

Even though it takes time to learn a language, we need to recognize that some ELs, just as students in the English speaking population, do have disabilities that may make them eligible for special education. As mentioned above, because it is difficult to determine if an EL's difficulties stem from learning a new language or having a true disability, some school districts are reluctant to consider referring ELs for special education services until the student has been learning English for a predetermined number of years -- usually two or three. **This practice of waiting a number of years before referring a student for special education services is detrimental to ELs who may truly have disabilities**

.

Below some possible reasons for initiating a special education referral for an EL:

- The EL student is exhibiting the academic/behavioral difficulties in both first and second languages
- The EL teacher and other general education staff indicate that the EL is performing differently from his/her "like peers".

- The EL student displays very little or no academic progress resulting from appropriate instructional strategies, alternative instruction, or academic interventions.
- Parents confirm the academic/ behavioral difficulties seen in the school setting (lack of response to intervention documented over time.
- School personnel such as tutors and aides confirm the academic/behavioral difficulties seen in the classroom setting

Appendix D3

Comparison of Language Differences Versus Disabilities

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
Oral Comprehension/Listening		
1. Student does not respond to verbal directions	1. Student lacks understanding of vocabulary in English but is demonstrates understanding in L1	1. Student consistently demonstrates confusion when given verbal directions in L1 and L2; may be due to processing deficit or low cognition
2. Student needs frequent repetition of oral directions and input	2. Student is able to understand verbal directions in L1 but not L2	2. Student often forgets directions or needs further explanation in L1 and L2 (home & School); may be due to an auditory memory difficulty or low cognition
3. Student delays responses to questions	3. Student may be translating question in mind before responding in L2; gradual improvement seen over time	3. Student consistently takes a longer time period to respond in L1 & L2 and it does not change over time; may be due to a processing speed deficit
Speaking / Oral Fluency		
1. Student lacks verbal fluency (pauses, hesitates, omits words)	1. Student lacks vocabulary, sentence structure, and/or self-confidence	1. Speech is uncomprehensible in L1 and L2; may be due to hearing or speech impairment
2. Student is unable to orally retell a story	2. Student does not comprehend story due to a lack of understanding and background knowledge in English	2. Student has difficulty retelling a story or event in L1 and L2; may have memory or sequencing deficits
3. Does not orally respond to questions or does not speak much	3. Lacks expressive language skills in English; it may the silent period in 2nd language acquisition	3. Student speaks little in L1 or L2; student may have a hearing impairment or processing deficit
Phonemic Awareness/Reading		
1. Student does not remember letters sounds from one day to the next	1. Student will initially demonstrate difficulty remembering letter sounds in L2 since they differ from the letter sounds in L1, but with repeated practice over time will make progress	1. Student doesn't remember letters sounds after initial and follow-up instruction (even if they are common between L1/L2); may be due to due a visual/auditory memory or low cognition

Comparison of Language Differences Versus Disabilities

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
2. Student is unable to blend letter sounds in order to decode words in reading	2. The letter sound errors may related to L1 (for example, L1 may not have long and short vowel sounds); with direct instruction, student will make progress over time	3. Student makes letter substitutions when decoding not related to L1; student cannot remember vowel sounds; student may be able to decode sounds in isolation, but is unable to blend the sounds to decode whole word; may be due to a processing or memory deficit
3. Student is unable to decode words correctly	3. Sound not in L1, so unable to pronounce word once decoded	3. Student consistently confuses letters/words that look alike; makes letter reversals, substitutions, etc. that are not related to L1; may be processing or memory deficit
Reading Comprehension & Vocabulary		
1. Student does not understand passage read, although may be able to read w/ fluency and accuracy	1 Lacks understanding and background knowledge of topic in L2; is unable to use contextual clues to assist with meaning; improvement seen over time as L2 proficiency increases	1. Student doesn't remember or comprehend what was read in L1 or L2 (only applicable if student has received instruction in L1); this does not improve over time; this may be due to a memory or processing deficit
2. Does not understand key words/phrases; poor comprehension	2. Lacks understanding of vocabulary and meaning in English	2. The student's difficulty with comprehension and vocabulary is seen in L1 and L2
Writing		
1. Errors made with punctuation/capitalization	1. The error patterns seen are consistent with the punctuation and capitalization rules for L1; student's work tends to improve with appropriate instruction in English	1. Student consistently makes capitalization and punctuation errors even after instruction or is inconsistent; this may be due to deficits in organization, memory or processing
Handwriting		
1. Student is unable to copy words correctly	1. Lack of experience with writing the English alphabet	1. Student demonstrates difficulty copying visual material to include shapes, letters, etc. This may be due to a

Comparison of Language Differences Versus Disabilities

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
		visual/motor or visual memory deficit
2. Student has difficulty writing grammatically correct sentences	2. Student's syntax is reflective of writing patterns in L1; typical error patterns seen in 2nd language learners (verb tense, use of adverbs or adjectives); improves over time	2. The student makes more random errors such as words omissions, missing punctuation; grammar errors are not correct in L1 or L2; this may be due to a processing or memory deficit
3. Student has difficulty generating a paragraph or writing essays but is able to express his or her ideas orally	3. Student is not yet proficient in writing English even though they may have developed verbal skills; student makes progress over time and error patterns are similar to other 2nd language learners	3. The student seems to have difficulty paying attention or remembering previously learned information; the student may seem to have motor difficulties and avoids writing; student may have attention or memory deficits
Spelling		
1. Student misspells words	1. Student will "borrows" sounds from L1; progress seen over time as L2 proficiency increases	1. Student makes errors such as writing the correct beginning sound of words and then random letters or correct beginning or ending sounds; may be due to a visual memory or processing deficit
2. Student spells words incorrectly; letters are sequenced incorrectly	2. Writing of words if reflective of English fluency level or cultural thought patterns; words may align to letter sounds or patterns of L1 (sight words may be spelled phonetically based on L1)	2. The student makes letter sequencing errors such as letter reversals that are not consistent with L1 spelling patterns; may be due to a processing deficit
Mathematics		
1. Student manifests difficulty learning math facts and/or math operations	1. Student lacks comprehension of oral instruction in English; student shows marked improvement with visual input or instructions in L1	1. Student has difficulty memorizing math facts from one day to the next and requires manipulatives or devices to complete math

Comparison of Language Differences Versus Disabilities

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
		problems; may have visual memory or processing deficits
2. Student has difficulty completing multiple-step math computations	2. Student lacks comprehension of oral instruction in English; student shows marked improvement with visual input or instructions in L1	2. Student forgets the steps required to complete problems from one day to the next even with visual input; student reverses or forgets steps; may be due to a processing or memory deficit
3. Student is unable to complete word problems	3. Student does not understand mathematical terms in L2 due to English reading proficiency; student shows marked improvement in L1 or with visuals	3. Student does not understand how to process the problem or identify key terms in L1 or L2; may be a processing deficit/reading disability
Behavior		
1. Student appears inattentive and/or easily distracted	1. Student does not understand instructions in English due to level of proficiency	1. Student is inattentive across environments even when language is comprehensible; may have attention deficits
2. Student appears unmotivated and/or angry; may manifest internalizing or externalizing behavior	2. Student does not understand instruction due to limited English and does not feel successful; student has anger or low self esteem related to 2nd language acquisition	2. Student does not understand instruction in L1 or L2 and across contexts; may be frustrated due to a possible learning disability
3. Student does not turn in homework	3. Student may not understand directions or how to complete the homework due to lack of English proficiency; student may not have access to homework support at home	3. Student seems unable to complete homework consistently even when offered time and assistance with homework during school; this may be due to a memory or processing deficit

Adapted from Jarice Butterfield's ELLs With Disabilities Training Materials

Appendix D4:

Assessment of English Learners For Eligibility For Special Education Compliant Best Practices

1st Best Option – Engage in the following steps:

1) First administer cross cultural, non-discriminatory assessments that align to the referral concerns regardless of language difference in a standardized manner in English. If analysis of the data indicates the student is performing the average or above average range there is likely no disability; however, assess the student in their native language in relative or suspected areas of weakness to confirm scores using fully bilingual assessors. If student does not perform in the average or above average range in English then engage in native language assessment in all areas of concern.

2) Engage in observation of student in varied environments.

3) Collect data from curriculum based and other criterion assessment measures; analyze student performance compared to like EL peers.

4) Engage in structured interviews with parents and staff using an interpreter if necessary.

2nd Option if Option 1 is "not feasible" – Engage in the following steps:

1) If there is no assessor available in the native language; assess in English and use interpreter to administer the assessment in the native language under the supervision of licensed assessors and document limitations in assessment report.

2) Engage in steps numbers 2-4 above.

3rd Option if Options 1 and 2 are "not feasible" – Engage in the following steps:

1) If there is no assessor or assessment tools available in the native language; assess in English in a standardized format and use an interpreter who speaks the native language to provide an oral translation of assessments normed and written in English in the native language in areas of relative weakness as a comparison to the results in English. Document the non-standardized use of the assessments in the assessment report.

2) Engage in steps numbers 2-4 above.

Note: do not use standard scores - The data should only be used to confirm information regarding patterns of strengths and weaknesses

Last Option if Options 1, 2 and 3 are "not feasible" – Engage in the following steps:

1) If there is no assessment tool or interpreter available in the native language Assess in English in a standardized format, to include several non-verbal measures of cognition. If student shows low cognition or there are patterns of weakness attempt to validate with non-standardized data collection.

2) Engage in steps numbers 2-4 above.

Appendix D5:

IEP TEAM CHECKLIST FOR ENGLISH LEARNERS (ELs)

Directions: The school IEP team should complete this checklist to ensure that all areas pertinent to English language learners (ELLs) are considered.

1) ☐ Yes ☐ No The IEP indicates if the student is classified as an English learner

Comments:

Comments:

2) _____ ☐ Yes ☐ No The IEP includes the student's current level of English language proficiency in listening, speaking, reading, and writing (CELDT or alternative assessment scores/levels).

Comments:

3) ☐ Yes ☐ No The IEP indicates if the student requires alternate assessments to required statewide ELD assessments by domain, and if so, what the alternate assessments will be administered.

Comments:

4) ☐ Yes ☐ No The IEP includes linguistically appropriate goals and objectives in areas of disability that involve language (if objectives are required) that reflect assessed English development levels).

Comments:

5) ☐ Yes ☐ No The IEP indicates who will provide the ELD services (in general education or special education.

Comments:

6) ☐ Yes ☐ No Was the student assessed in their native language at the initial or triennial IEP (unless there is documentation that the student is processing commensurate in native language and English)?

Comments:

7) ☐ Yes ☐ No The parent was offered an interpreter if their native language is not English (signature on IEP of interpreter, IEP note on IEP invite or referenced in IEP notes).

Comments:

8) ☐Yes ☐ No There is evidence the parent was informed they could request a written translation of the IEP in their native language.

Comments:

Appendix D6:

ENGLISH LEARNER (EL) ASSESSMENT FOR SPECIAL EDUCATION ELIGIBILITY CHECKLIST

9) ☐ Yes ☐ No Current assessment incorporates information from multiple contexts as follows:

- ☐ Comprehensive, norm-referenced assessments in English and native language (if native language assessments are available), to include non-verbal assessments – cross-battery recommended in all areas of suspected disability
- ☐ Information from multiple contexts (i.e. Criterion referenced and curriculum-based assessment/work samples)
- ☐ Systematic observation in educational environments
- ☐ Structured interviews (i. e. with student, parent, teachers)

2) ☐ Yes ☐ No Health assessment is completed, including vision and hearing to rule

out environmental factors

3) ☐ Yes ☐ No Comprehensive academic assessment is completed, including review of ELD progress, work samples, response to interventions implemented, strength and weakness patterns across content areas, and classroom observations

4) ☐ Yes ☐ No Student is assessed in all areas of suspected disabilities and concerns such as language-communication, cognition-general ability, abilities of intellectual processing, adaptive behavior and social-emotional functioning

5) ☐ Yes ☐ No Tools are selected and administered as to not be discriminatory on a linguistic, racial or cultural basis

6) ☐ Yes ☐ No The IEP and assessment report(s) document the following: Assessments completed in the native language

☐ English and native language cognitive assessments were completed by qualified personnel competent in student's primary language with knowledge and understanding of the cultural and ethnic background of the student
(note: a school psychologist may start the assessment process in English and native language and at the point it is determined the student is commensurate in both languages or stronger cognitively in English native language other assessments may continue in English. Document that native language assessment occurred and why it was discontinued)

Or

☐ An interpreter (provided training on how to interpret psycho-educational assessment) was used to assist the assessor(s) assess in the native language and the assessment report notes that this may have affected the validity of the assessment

OR

☐ No native language assessment was conducted as it was not feasible (i. e. no assessment tools in native language or available assessor/interpreter in native language)

Checklist by Jarice Butterfield, Ph. D. with adaptations from Gaviria/Jones and Cristiani/Tipton materials

Appendix D7:

CUESTIONARIO DE PADRES DE ESTUDIANTES DE INGLES (Spanish)
Direcciones: Un miembro del quipo de evaluación debe completar esta lista de verificación para todos los estudiantes de ingles, cuando hacen decisiones de referirse a la educación especial, determinar la elegibilidad para educación especial, o para reclasificar el aporte de los padres.

Nombre del Estudiante:		**DOB: Fecha de Nacimiento:**		**Grade Grado**		**Date: Fecha**	
Nombre de Padre/Tutor:		**Escuela:**					
Idioma Nativa		**Asesor:**					

Estudiante:			

1) ¿Cual idioma aprendió su hijo/a primero a hablar?

Comentarios:

2) ¿Ha recibido su hijo/a instrucción en lectura o escritura en su lengua materna?

Comentarios:

3) ¿Cuando comenzó su hijo/a a aprender ingles?

Comentarios:

4) ¿Que idioma(s) hablan los adultos en la casa y que idioma se usa mas para hablar con el niño?

Comentarios:

5) ¿Hay otros hermanos/as en la casa: Si ☐ No ☐ Si es así, cuales son sus edades?

Comentarios:

6) ¿El desarrollo del lenguaje de sus hijo/a en su lengua materna era similar al de sus hermanos u otros parientes cercanos? Si ☐ No ☐ Si no es así, explique como fue diferente.

Comentarios:

7) ¿Hay áreas de dificultad que usted haya notado que su hijo/a tiene, como recordar las instrucciones orales en el idioma nativo? Si es así, de un ejemplo.

Comentarios:

8) ¿Que idiomas(s) usa su hijo/a principalmente en casa?

Comentarios:

9) ¿Que idioma(s) usa su hijo/a en la comunidad?

Comentarios:

10) ¿Que idioma(s) usa su hijo/a para ver la televisión, computadora, etc.?

Comentarios:

11) ¿Hay otros comentarios o áreas de fuerza o debilidad en relación con el aprendizaje de su hijo/a? Si es así, por favor explique.

Comentarios:

Appendix D8:

ENGLISH LEARNER (EL) PARENT INTERVIEW QUESTIONNAIRE

Directions: A member of the assessment team should complete this checklist for all ELs when making the decision to refer to special education, determining eligibility for special education, or for reclassification parental input.

Name of Student:		**DOB:**		**Grade:**		**Date:**	
Parent/Guardian Name:				**School:**			
Student's Native Language:				**Assessor:**			

1) Which language did your child first learn to speak?

Comments:

2) Has your child received instruction in reading or writing in his/her native language?

Comments:

3) When did your child first start to learn English?

Comments:

4) What language(s) do the adults in the home primarily speak and what language is used the most often to speak to the child?

Comments:

5) Are there other siblings in the home: ☐Yes ☐ No if yes, what are their ages?

Comments:

6) Was your child's language development in his/her native language similar to his/her siblings or other close relatives? ☐Yes ☐ No If not, explain how they were different.

Comments:

7) Are there areas of difficulty you have noticed your child has, such as remembering oral directions in the native language? ☐Yes ☐ If yes, give an example.

Comments:

8) What language(s) does your child use primarily at home?

Comments:

9) What language(s) does your child primarily use when out in the community?

Comments:

10) What language(s) does your child primarily use to watch television, on the computer, etc.?

Comments:

1) Are there any other comments or areas of strength or weakness relative to your child's learning?

☐Yes ☐If yes, explain.

Comments:

By Jarice Butterfield 10-9-16

Appendix D9

Potential Bilingual Assessment Tools

Compiled by Jarice Butterfield, Ph. D.

I. POTENTIAL LANGUAGE ASSESSMENT TOOLS

Test Name & Publisher	Age/Grade	Description
Peabody Picture Vocabulary Test 3rd Ed. (PPVT) Pearson Assessment	Ages 2.5-40	Receptive verbal and non verbal language assessment
Dos Amigos Academic Therapy Publications	Ages 6-12	Verbal language & dominance assessment
Test de Vocabulario en Imagenes Peabody (TVIP)	Ages	A measure of Spanish vocabulary based on the PPVT

Western Psychological Services (WPS)	2.6-17;11 mo.	
The Bilingual Verbal Ability Test (BVAT) Riverside Publishing	Ages 5-adult	Verbal ability measure in 17 languages
Expressive One-Word Picture Vocabulary Test-R (EOWPVT-R-SBE) Spanish- Bilingual Edition Riverside Publishing	Ages 2-18+	Expressive vocabulary assessment in Spanish
Receptive One-Word Picture Vocabulary Test-R (ROWPVT-R-SBE) Spanish Bilingual Edition Riverside Publishing	Ages 2-18+	Receptive vocabulary assessment in Spanish
Clinical Evaluation of Language Fundamentals (CELF IV) Pearson Assessment	Ages 5 -21	Receptive & expressive language assessment in Spanish and English
Test of Auditory Processing 3 (TAPS 3) Academic Therapy Publications	Ages 5-0-18-11	Assessment of auditory processing skills in Spanish and English
Goldman-Fristoe La Meda (articulation) Pearson Assessment	Ages 2-90	Assessment of articulation in Spanish and English
Woodcock-Munoz Language Survey (WMLS-R) Riverside Publishing	Ages 2-90	Language proficiency assessment in English, Spanish, & other languages
Idea Proficiency Test (IPT II) Ballard & Tighe Publishers	Grades 7-12	English oral language proficiency assessment of students who are native speakers of other languages
Contextual Probes of Articulation Competence – Spanish (CPAC-S) Super Duper Publications	Ages 3-8;11 mo.	Test of phonology and articulation skills in Spanish
Dos Amigos Academic Therapy Publications	Grades 6-12	Verbal language & language dominance assessment
ADEPT	Grades	Aligned to CELDT http://www.cfep.uci.edu/crlp/adept.php

	K-8	

II. POTENTIAL BILINGUAL COGNITIVE ASSESSMENT TOOLS

Test Name & Publisher	Age/Grade	Description
The Bilingual Verbal Ability Test (BVAT) Riverside Publishing	Ages 5-adult	Verbal ability assessment in 17 languages
K-ABC (English & Spanish) Pearson Assessment	Ages 3-18	Cognitive & achievement assessment
Bateria' III Woodcock-Munoz - Riverside Publishing Riverside Publishing	Ages 2-90	Cognitive & achievement assessment in Spanish
WISC IV – Spanish Pearson Assessment	Ages 6-16;11 mo.	Cognitive / intellectual ability assessment
Southern California Ordinal Scales of Cognition (SCOSC) Foreworks Publisher (for the California Department of Education)	Ages Unspecified	Developmental language assessment – oral and gestural (for exceptional learners)
Cognitive Assessment System CAS Riverside Publishing	Ages 5-17;11 mo.	Cognitive ability assessment and predictor of achievement – appropriate for culturally diverse children

III. POTENTIAL NON-VERBAL COGNITIVE ASSESSMENT TOOLS

Test Name & Publisher	Age/Grade	Description
The Universal Nonverbal Intelligence Test (Unit) Riverside Publishing	Ages 5-17+	Non-verbal ability test
Bender Visual Motor Gestalt Test Pearson Assessment	Ages 3-adult	Visual-motor integration test
Naglieri Nonverbal Abilities Test (NNAT) Pearson Assessment	Ages 5-18	Non-verbal ability test

Test of Non-verbal Intelligence (CTONI) Pearson Assessment	Ages 6-89	Non-verbal ability test
Leiter Western Psycholigical Services (WPS)	Ages 2-20	Totally non verbal measure of non-verbal ability (for both examiner and student)
Test of Visual Perceptual Skills (TPVS) III Western Psycholigical Services (WPS)	Ages 4-18	Perceptual skills assessment separate from motor skills
DAYC – 2	0-5 years	Measures Social, Cognitive, Adaptive, and Communication Functioning http://www4.parinc.com/Products/Product.aspx?ProductID=DAYC-2

IV. POTENTIAL BILINGUAL SOCIAL-EMOTIONAL RELATED ASSESSMENTS

Test Name & Publisher	Age/Grade	Description
Behavior Assessment System for Children (BASC-2) Spanish Pearson Assessment	Ages 2-2;11 mo.	Comprehensive rating scales and forms to assess behavior and emotionality
Vineland Adaptive Behavior Scales II – Spanish Pearson Assessment	Ages 3-18;11 mo.	Assessment of personal adaptive and social skills
Acculturation Rating Scale for Mexican Americans II (ARSMA-II) Israel Cuellar, Ph. D.	Ages 11-18+	Multi-factorial assessment of cultural orientation
Social Skills Input System (SSIS) - Spanish Pearson Assessment	Ages 3-18	Social skills and behavior assessment
Connors-3 Spanish (CPT-3; CBRS, CDI-2, and EC) Pearson Assessment	Ages 6-17	Assessment of attention deficit (ADD) and behavior

V. POTENTIAL ACADEMIC BILINGUAL ASSESSMENT TOOLS

Test Name & Publisher	Age/Grade	Description
Bateria III Woodcock-Muñoz Riverside Publishing	Ages 2-90+	Cognitive, achievement, and oral language in Spanish
Language Assessment Scales (LAS) CTB McGraw-Hill	Ages 6-18	Listening, speaking, reading, writing
Brigance Assessment of Basic Skills – R Spanish Edition Curriculum Associates	Grades PreK-9	Assesses 26 criterion referenced academic skills areas in Spanish to include reading, writing, and math
Kaufman Assessment Battery for Children (K-ABC) Pearson Assessment	Ages 3-18	Cognitive, achievement, and oral language in Spanish
Dibels (IDEL) in Spanish University of Oregon	Grades K-6	Measures reading skills in Spanish
Boehm Test of Basic Concepts Revised (BTBC-R) Spanish Edition The Psychological Corporation	Grades K-2	Assesses basic conceptual development in Spanish
Bracken Basic Concept Scale – 3 Revised Spanish Edition Pearson Assessment	Ages 3.0-6:11	Basic concept acquisition and receptive language assessment
Aprenda 3: La prueba de logros en espanol, Segunda edicion Pearson Assessment	Grades K-12	Standardized assessment of achievement I Spanish

VI. POTENTIAL SPEECH & LANGUAGE ASSESSMENT TOOLS

Test Name	Publisher	Age/ Grade	Description
Peabody Picture Vocabulary Test (PPVT - 4)	Pearson Assessment	2.5 - 90	Receptive language verbal/non-verbal skills
Dos Amigos	Academic Therapy Publications	6 -12	Verbal language & language dominance
Test de Vocabulario en Imagenes Peabody (TVIP)	Western Psychological Services (WPS)	2.6 – 17-11	Vocabulary of Spanish-speaking and bilingual students
The Bilingual Verbal Ability Test (BVAT)	Riverside Publishing	5 - adult	Verbal ability in 17 languages

Woodcock-Munoz Language Survey	Riverside Publishing	2 - 90	Language proficiency in English, Spanish & other languages
Clinical Evaluation of Language Fund. (CELF IV)	Pearson Assessment	5 - 21	Receptive & expressive language in Spanish
Contextual Probes of Articulation Competence - Spanish (CPAC-S)	SuperDuper Publications	Pre K - adult	Test of phonological / articulation skills in Spanish
Expressive One Word Picture Vocabulary Test (EOWPVT-SBE) Spanish- Bilingual Edition	Academic Therapy Publications	4 - 12	Expressive vocabularies of individuals bilingual in Spanish
Receptive One word Picture Vocabulary Test (ROWPVT-SBE) Spanish -Bilingual Version	Academic Therapy Publications	4-12	Receptive vocabularies of individuals bilingual in Spanish
Test of Auditory Processing (TAPS 3) English & Spanish	Academic Therapy Publications	5-0 – 18-11	Auditory processing skills; reviewed by Spanish-bilingual testing professionals.
Idea Proficiency Test (IPT – II)	Ballard & Tighe Publishers	Grades 7-12	English oral language proficiency of students who are native speakers of other languages
Speech Pre School Language Schools (PLS – 5) Spanish & English	Pearson Assessment	Birth – 7:11	Total language, auditory comprehension, expressive communication, standard scores, growth scores, percentile ranks, language age equivalents
Bilingual English Spanish Assessment (BESA)	http://www.ar-clinicalpubl.com/	Ages 4 – 6:11	Assessment of language development (phonology, morphosyntax, semantics) in Spanish-English bilingual children
Systematic Analysis of Language Transcripts (SALT)	http://www.saltsoftware.com	All ages and grades	Analysis of language samples compared to a norm in Spanish and English

Appendix D10

SAMPLE EL/SPED RECLASSIFICATION WORKSHEET

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

Note: that this will change to ELPAC in 2018

❒ **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 an objective assessment of basic skills in English, such as the California English–Language Arts Standards Test (CST for ELA) and the California Modified Assessment for ELA (CMA for ELA).

The California Department of Education (CDE) Assessment system no longer includes CST and CMA. The new assessment system in California as of 2014 is the Smarter Balance Assessment Consortium (SBAC).

(1) "Range of performance in basic skills" means a range of scores on the assessment of basic skills in English that corresponds to a performance level or a range within a performance level.

(2) "Students of the same age" refers to students who are enrolled in the same grade as the student who is being considered for reclassification" (for students with disabilities the comparison may be at the student's cognitive or functional age level).

(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 *(or other selected objective assessment*) in English–language arts and whether it is reasonable to reclassify the student." (CDE CELDT: Understanding and Using 2009-10 Individual Results).

Basic Skills Criteria:

(1) A student's score on the test of basic skills (e.g., the CST for ELA or the CMA for ELA, *or other selected objective assessment*) in the range from the beginning of the Basic level up to the midpoint of the Basic level suggests that the student may be sufficiently prepared to participate effectively in the curriculum and should be considered for reclassification. The LEAs may select a cut point in this range.

(2) Students with scores above the cut point selected by the LEA should be considered for reclassification.

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

Appendix D11:

ENGLISH LEARNER WITH SPECIAL NEEDS RECLASSIFICATION WORKSHEET

Student 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 Federal and State 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

   If alternate assessment, name of assessment:_____

   _____

   Current School Year Data Date: _____
   □ CELDT: Overall Score: _____ Listening: _____ Speaking: _____

Reading: ____ Writing: _____

   □ Alternate Assessment (VCCALPS): Overall Score: _____ Listening: _____

   Speaking: _____ Reading: ____ Writing: _____

□ Other Alternate Assessment: _____ Listening: _____ Speaking: _____

Reading: _____ Writing: _____

Previous School Year Data (optional) Date: _____

□ CELDT: Overall Score: _____ Listening: _____ Speaking: _____

Reading: _____ Writing: _____

□ Alternate Assessment: Overall Score: _____ 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:
If there were indicators of low performance in listening, speaking, reading or writing, does the team feel the student is proficient in English and low performance areas were a reflection of the student's disability versus language difference? □ Yes □ No

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 aligned to their level of functioning?
□ 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 based on: □Classroom performance □District-wide assessments

□IEP Goal Progress □ Other: _____

Does the Reclassification Team feel teacher input/evaluation indicate the student is proficient in English?
□ Yes □ No

Comments:_____

_____

_____

3. **Parent Opinion and Consultations** was solicited through: □ Letter to Parent □ Parent Conference □ Other: _____

_____

Does the Reclassification Team feel parent input student is proficient in English?
□ Yes □ No

Comments:_____

_____

_____

4. **Comparison of Performance in Basic Skills**

Note: "Assessment of language proficiency using an objective assessment instrument (statewide assessment or other alternate assessment) score in English/language arts (ELA) must be at least beginning of basic level to midpoint of basic or low average to average range - <u>each district may select exact cut point;</u> 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. For students that do not take statewide assessment, the team may use other empirical data to determine if the student has acquired English based on their ability level.

Assessment Data Utilized: □ SBAC ELA □ Statewide Alternate Assessment

□ Other (name):_____ Date: _____

English Language Arts (ELA) assessment results:_____

_____

Do objective assessment measures ELA indicate the student is performing in a range that enables them to compete effectively with English-speaking peers in a mainstream class (note that a "mainstream class" may not be applicable to a student with disabilities if they do not attend a mainstream class or function at a level lower than same age peers)? □ Yes □ No

If performance in basic skills in ELA on objective assessment measures <u>was not</u> at a range that allows student to compete with English-speaking peers, answer the following questions to help determine if "factors other than English language proficiency are responsible for limited achievement in ELA"?

□ Student's basic skills in ELA assessment 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 similar disability versus a peers with language differences and student manifests language proficiency in all other areas.

Does the Reclassification Team feel the student's performance in ELA warrants reclassification? □ Yes □ No

Does the reclassification team (this may be the IEP team) feel the student should be reclassified at this time based on analysis of the four criteria above? □ Yes □ No

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