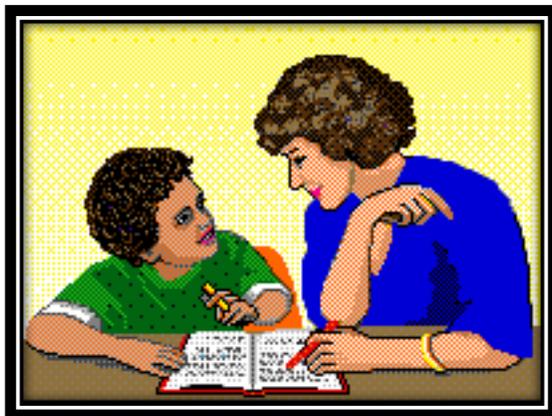


# Meeting the Needs of English Learners with Disabilities Resource Book



By

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This resource book provides regular and special educators information and resources regarding best practices and regulatory requirements for identifying, providing services, and reclassifying English Learners with disabilities. This publication was designed and written to provide the most current and accurate information in regard to English Learners and Special Education known to date in the State of California. It is distributed with the understanding that neither the authors nor the 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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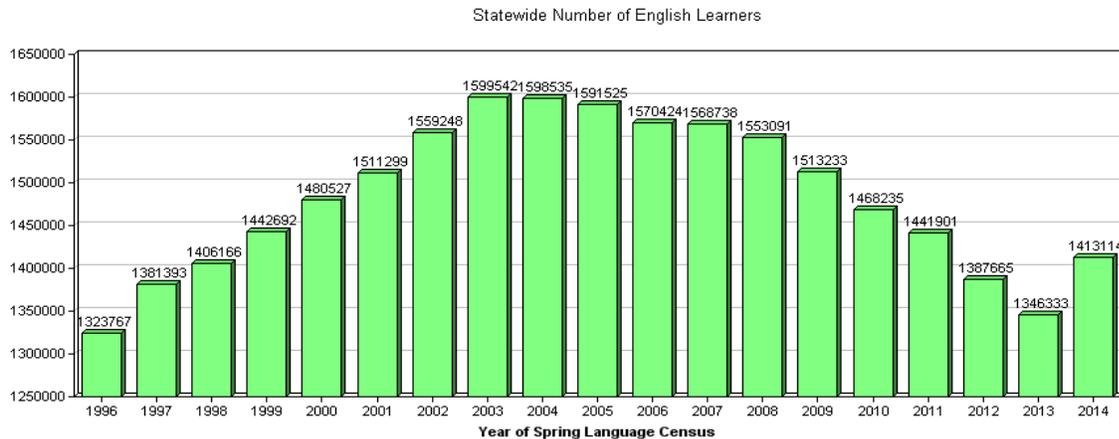
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## Section I: Introduction

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

### Background Information

Census Bureau data indicates English learners have historically been 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%. Limited English Proficient (LEP) students represent about 21.7% of students in California and about 10% of students nationwide. In 2002/03 nationwide they represented 8.7% increasing to 9.8% in 2010/11. While EL students across the nation speak more than 150 different languages, 73.1% of all LEP students have Spanish as their native language. The next two largest native language groups among LEP students are Chinese and Vietnamese (2.7%) ([www.migrationinformation.org](http://www.migrationinformation.org)). The following graph shows how the EL population has shifted over time.



Data Quest reports certified by CALPADS indicate that, in 2013-14, there were 1,346,333 English learners; 84.24% of these speak Spanish; 72.71% of them have been designated fluent English speaking (FEP); and that the total percent of enrollment that is EL and FEP is 33.92%.

Some studies indicate that there is disproportional representation of some categories of special education disabilities in California. Artiles, Rueda, Salazar, and Higareda (2005) found that ELs were overrepresented in intellectual disability, learning disabilities, and speech / language impairment categories in the upper elementary and secondary grades. ELs with limited language proficiency in both their native language and English were overrepresented in special education across all grade levels. Also, ELs with less native language support in their educational programs were overrepresented. However, it was not clear what shaped these placement patterns (i.e., due to lack of first-language proficiency, child poverty, literacy in first language, assessment procedures, referral bias, or lack of opportunity to learn in general education). Other research data indicates that there is a correlation between the decision to

identify ELs for special education and grade level. Before the fifth grade students with an IEP are underrepresented among ELs, and later they are overrepresented (Fetler, 2008). Local investigation must occur to help understand the many factors that may be contributing this disproportional trend of English learners being identified for special education.

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

It is imperative that LEAs focus on the underrepresentation or “missed representation” of ELs in special education. It is a dangerous practice for schools to wait until students are English proficient before examining a possible need for special education services as that practice that may result in unnecessarily denying service to students in need of special assistance (Hamayan, Marler, Sanchez-Lopez, & Damico, 2007).

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

## **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 English learners, including those with disabilities, become fluent in English and achieve academically in school. This resource book is intended to assist general and special education administrators and teachers, other special education staff, and English language support staff in fully understanding the needs of K-12 English learners who may have disabilities. This resource book provides information that may help a) prevent premature and/or inappropriate identification as students with disabilities; b) identify English learners who do have disabilities requiring special education services; c) implement the IEP process for these students; and d) monitor each student’s progress as they move toward meeting the linguistically appropriate goals established by their 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 English learner program staff are working closely together can the needs of English learners with disabilities be effectively supported in an education environment. This resource manual provides an overview of the key issues and a general process for effectively addressing their needs as learners.

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

- Principles of Second Language Acquisition
- Early Intervention & Response to Intervention for EL Students
- IDEA & State Legal Requirements Related to Identification of 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

### **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 2<sup>nd</sup> language acquisition are identified in the following chart.

## KRASHEN'S STAGES OF ENGLISH LANGUAGE DEVELOPMENT

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

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 due to their disabilities versus inadequacy in their English development instruction.

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.

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)

## **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, 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's Statewide Assessment System**

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 Academic Performance and Progress (CAAPP) system. Although the CAAPP system will eventually replace the Standardized Testing and Reporting (STAR) Program, the following tests will continue for now:

- CELDT will continue to be required for TK-12 newly enrolled students whose primary language is not English within 30 days after enrollment in a California public school for the first time. The CELDT must also be given once each year to English learners until they are reclassified.
- The California High School Exit Exam (CAHSEE) in ELA and Math is required for all 10<sup>th</sup> grade students. Students in grades 11 and 12 and adult students who have not previously passed also take this test. Students with disabilities may be exempted from meeting the CAHSEE requirement as a condition of graduation or receiving a diploma.
- The Physical Fitness Test (PFT) is required for all students in grades 5, 7 and 9. This test measures aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, and upper body strength, endurance and flexibility.
- The California High School Proficiency Exam (CHSPE) in reading, language, and mathematics is voluntary for ages 16 and up or completing grade 10.

- The General Educational Development (GED) in reading, writing, mathematics, science, and social studies is voluntary for 18 year olds and at age 17 if eligible.
- The National Assessment of Educational Progress (NAEP) is given to a sample of grade eligible students in grades 4, 8 and 12 in selected schools.

For the 2013–14 school year, CAAPP is comprised of the following:

- Field test of the consortium (i.e., Smarter Balanced\*) summative assessment for English–language arts (ELA) and mathematics in grades three through eight and grade eleven.
- Grade-level science assessments, including the California Standards Tests (CSTs), California Alternate Performance Assessment (CAPA), and the California Modified Assessment (CMA), will be administered in grades five, eight, and ten.
- California Alternate Performance Assessment (CAPA) for ELA and mathematics in grades two through eleven (and science in grades 5, 8 and 10) for each child with CAPA indicated on his or her IEP.
- The Early Assessment Program (EAP) in ELA and mathematics will be voluntary for eleventh graders.
- The Standards-based Tests in Spanish (STS) will be optional for LEAs to administer. Further information about grade levels and subjects will be forthcoming.

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 Balanced mathematics assessments. In addition, they are required to take the grade-level science assessment (the CST, CAPA, or CMA) in grades five, eight, and ten for 2013-2014. The current augmented CSTs for ELA and mathematics will continue to be used for the EAP Program in 2013–14. Beginning in the 2014–15 school year, the grade eleven Smarter Balanced computer adaptive assessments for ELA and mathematics will replace the augmented CSTs that are used for the EAP. Questions about AB 484 should be directed to the CDE Statewide Assessment Transition Office by phone at 916-445-8517 or by e-mail at [AB484@cde.ca.gov](mailto:AB484@cde.ca.gov).

Beginning with the 2014 test administration, LEAs may opt to administer the paper-based Standards-based Test in Spanish (STS) in reading English language arts (ELA) to students in grades 2-11. STS Math is not available for paper-based testing this year. Students that take the STS must have been enrolled in a US school less than 12 months or be receiving their core instruction in their native language. LEAs may contact the ETS STAR Technical Assistance Center by phone at 1-800-955-2954 or by e-mail at [star@ets.org](mailto:star@ets.org) for further information.

## **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 California CAAPP.

### **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).

### **CELDT**

California Education Code requires all students (in kindergarten through grade twelve) whose primary language is not English, based on the HLS, to take the CELDT within 30 calendar days after they are enrolled in a California public school for the first time to determine if they are English learners. All ELs must also be administered the CELDT annually. There are no parent waivers for taking CELDT. The CELDT has three purposes:

- 1) to identify students who are limited English proficient;
- 2) to determine the level of English language proficiency of students who are limited English proficient; and
- 3) to assess the progress of limited English proficient students in acquiring the skills of listening, reading, speaking, and writing in English.

Please note the following Memorandum from State Superintendent of Public Instruction Tom Torkelson on April 10, 2013:

*"Given the State Board of Education's adoption of new English Language Development (ELD) Standards in November 2012, the California Department of Education (CDE) must ensure that the state test of English language proficiency (ELP) is aligned to the 2012 ELD Standards. The current California English Language Development Test (CELDT) is aligned to the 1999 ELD Standards. The State Superintendent of Public Instruction (SSPI) proposes that the CELDT program be replaced by a new system called the English Language Proficiency Assessments for California (ELPAC). Until the ELPAC system is fully operational, local educational agencies (LEAs) must continue to administer the CELDT as the state's measure of ELP and for federal accountability under Title III of the Elementary and Secondary Education Act (ESEA).*

*As a result of the adoption of new ELD Standards, the state ELP test must be aligned to the new ELD Standards. The CDE, in consultation with the CELDT Technical Assistance Guide (TAG), will address several issues such as separate tests for Initial and Annual Assessment purposes, a specified Annual Assessment window in the spring, and moving from a paper-pencil test to an online test format with a paper-pencil option comparable to the Smarter Balanced Assessment Consortium (SBAC) system."*

The implementation of the ELPAC system allows for the development of a separate initial (diagnostic) screener to minimize test time and support a seamless move to a spring Annual Assessment window. The initial (diagnostic) screener will be used to help LEAs in identifying students who may be ELs. The summative assessment will be used to (1) determine the level of ELP of ELs and (2) assess the progress of ELs in acquiring the skills of listening, reading, speaking, and writing in English. The annual summative assessment will be administered in the spring with results reported to LEAs and parents per regulations, then used to meet state and federal accountability requirements. The ELPAC has a targeted administration

date of 2016-2017 (contingent on funding). For information about the CELDT and ELPAC, contact the ELPAC Office by phone at 916-319-0784 or by e-mail at [celdt@cde.ca.gov](mailto:celdt@cde.ca.gov). The CELDT Web page is available at <http://www.cde.ca.gov/ta/tg/el/>.

### **Alternative Assessment to CELDT**

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 CELDT Information Guide has a checklist 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.

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” (CELDT Information Guide, p. 13). 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**

<b>Assessment Name</b>	<b>Skills Assessed</b>	<b>Publisher</b>	<b>Contact Information</b>
Alternative Language Proficiency Instrument (ALPI)	Listening, Speaking	Orange County Dept. of Education	714-966-4120
Student Oral Language Observation Matrix (SOLOM)	Listening, Speaking	San Jose Unified School District	<a href="http://www.cal.org/twi/EvalToolkit/appendix/solom.pdf">http://www.cal.org/twi/EvalToolkit/appendix/solom.pdf</a>
Basics 2 (Checklist for functional reading and writing)	Listening, Speaking, Reading, Writing	Lakeshore	<a href="http://www.lakeshorelearning.com/home/home.jsp">http://www.lakeshorelearning.com/home/home.jsp</a>
Sandi (Checklist)	Listening, Speaking, Reading, Writing	Lakeshore	<a href="http://www.lakeshorelearning.com">http://www.lakeshorelearning.com</a>
Brigance IED II (B-7yrs) Brigance CIBS II (Pre K –9)	Listening, Speaking, Reading, Writing literacy	Curriculum & Associates	<a href="http://www.curriculumassociates.com">http://www.curriculumassociates.com</a>
Ventura County Comprehensive Alternate Language Proficiency Survey (VCCALPS)	Listening, Speaking, Reading, Writing literacy	Ventura County SELPA	<a href="http://www.venturacountysepa.com">www.venturacountysepa.com</a>

## 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 & 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).

### **Specialty 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).

### **Mandated Programs**

The two mandated program options (unless a parental exception waiver is granted) for EL students in the State of California are Structured English Immersion (SEI) and English Language Mainstream (ELM).

#### **Structured English Immersion (SEI)**

SEI is to be provided to ELs who have not yet acquired reasonable fluency in English (as defined by the LEA - usually scoring at the Beginning or Early Intermediate level on the CELDT). SEI is an intensive ELD program. This program can be administered in a variety of settings such as in a regular classroom or as a pull out program. A student may be transferred from an SEI program when he or she has acquired a reasonable level of proficiency (usually scoring at the Intermediate to Advanced level on the CELDT or as determined by the LEA). Classroom instruction is “overwhelmingly in English” and should include access to the core content through provision of SDAIE and primary language support as needed. For more information go to <http://www.cde.ca.gov/ds/sd/cb/cefelfacts.asp>

#### **English Language Mainstream (ELM)**

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

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

### **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, choices about uses of language, etc. 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, to include special education teachers, attain English learner authorization. The type of certificate, permit, or credential required depends on the type of service and/or instruction being provided to ELs. 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).

#### California Commission on Teacher Credentialing (CCTC) Requirements

	English Language Development (ELD) 1	Specially Designed Academic Instruction in English (SDAIE) 1	Instruction in Primary Language (Bilingual) 1
1	Bilingual Specialist Credential	Bilingual Specialist Credential	Bilingual Specialist Credential
2	Bilingual Certificate of Competence (BCC) 2	Bilingual Certificate of Competence (BCC) 2	Bilingual Certificate of Competence (BCC) 2
3	BCLAD Certificate or BCLAD Emphasis	BCLAD Certificate or BCLAD Emphasis	BCLAD Certificate or BCLAD Emphasis
4			Sojourn Tchg. Cred.
5	Language Development Specialist (LDS) Certificate 2	Language Development Specialist (LDS) Certificate 2	
6	CLAD Certificate or CLAD Emphasis	CLAD Certificate or CLAD Emphasis	
7	Multiple or Single Subject Credential with AB 1059 English Learner Content	Multiple or Single Subject Credential with AB 1059 English Learner Content	

8	Multiple or Single Subject SB 2042 Credential	Multiple or Single Subject SB 2042 Credential	
9	Education Specialist Credential 3	Education Specialist Credential 3	
10	General Teaching Credential 4		
11	Supplementary Authorization in English as a Second Language 2		
12	Certificate of Completion of Staff Development 5	Certificate of Completion of Staff Development 5	
13	SB 1969 Certificate of Completion 6	SB 1969 Certificate of Completion 6	
14	In training for Certificate of Completion of Staff Development 5	In training for Certificate of Completion of Staff Development 5	

## 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 column one on the CTC chart) to provide ELD services to students. It is not a requirement that the special education case manager or teacher provide the ELD services. 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 treated as kindergarten students for purposes of initial identification and ELs?

**Response:** Yes, therefore all regulations regarding ELs would apply.

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

This section provides an overview of pre-referral 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:

- Those with deficiencies in their teaching or learning environment; lack of effective ELD instruction and support;
- Those experiencing academic difficulties not related to a learning disability; Interrupted schooling, limited formal education, medical problems, low attendance, high transiency, etc.; and
- True ELs with disabilities 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. What these students may really need is academic support and the opportunity to learn in an appropriate, culturally responsive environment. Meeting the instructional and second language development needs of students who are ELs in the general education setting is a critical first step in determining whether a student's academic struggle is due primarily to a disability or to inadequate instruction (Gersten & Baker, 2000). Artiles and Ortiz (2002) suggest that educators engage in the following two steps prior to referring ELs to special education: Analyze the school environment to see if there is appropriate curriculum and instruction for ELs; and, provide pre-referral intervention to ELs or RtI that includes screening, observing, intervening, and tracking progress over time

The provision of research-based, early intervention services that are intensive in nature provided to ELs with disabilities can minimize their being at risk for later school failure. Early intervention means that "supplementary instructional services are provided early in students' schooling, and that they are intense enough to bring at-risk students quickly to a level at which they can profit from high-quality classroom instruction" (Madden, Slavin, Karweit, Dolan, & Wasik, 1991). These services are above and beyond the "core" ELD services an English learner receives. 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 pre referral 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 & 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, Baker, Shanahan, Linan-Thompson, Collins & Scarcell, 2007).

Snow, Burns and Griffin (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.

“Several factors are critical to the success of working with English language learners, including the following:

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

Per Ortiz 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.

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.	<b>Strong</b>
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.	<b>Strong</b>
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.	<b>Strong</b>
4) Ensure that the development of formal or academic English is a key instructional goal for English learners, beginning in the primary grades. Provide curricula and supplemental curricula to accompany core reading and mathematics series to support this goal. Accompany with relevant training and professional development.	<b>Low</b>
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.	<b>Strong</b>

#### Checklist for Carrying Out the 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

### **Response to Intervention (Rtl) / Multi-Tiered Systems of Support (MTSS) for ELs**

The National Research Center on Learning Disabilities (NRCLD, 2006) defines Rtl 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), Rtl 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, Rtl 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

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

Rtl practices are proactive, incorporating both prevention and intervention for all levels from early childhood to high school, for all students, including English learners. It is premised on data-based decision-making for all learners within the system. The essential elements of an effective Rtl system should include:

- 1) Universal Screening
- 2) Hi Quality Differentiated or Multi-Tiered Instruction
- 3) High Quality English Language Instruction
- 4) Progress Monitoring

Multi-Tiered Systems of Support (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 Rtl and MTSS are essentially synonymous; they refer to an 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).

### **Universal Screening**

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

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

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

Because it is user-friendly, the DIBELS assessment system is a frequent choice for a screening and progress-monitoring tool for RtI. Unfortunately, sensitivity and specificity levels for DIBELS are far from the ideal of 90% and 80%, respectively, for predicting reading outcomes measured by standardized tests (Jenkins, 2007; 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, Fletcher, Simos, Papnicolaou, & Anthony, 2007). Brain imaging research has demonstrated that the way the brain processes information is different in typically developing readers than in those at risk for experiencing reading difficulties; however, these processing patterns in the brains of struggling readers, even those with severe dyslexia, can actually change in a period of a few weeks when they are provided with concentrated, powerful reading instruction (Denton et al., 2007).

**Tier 1.** What does high quality core reading instruction at Tier 1 usually look like? The overriding research-supported characteristics of high quality reading instruction can be summarized as follows:

- 1) Teach essential skills and strategies.

- 2) Provide differentiated instruction based on assessment results and adapt instruction to meet students' needs.
- 3) Provide explicit and systematic instruction with lots of practice with and without teacher support and feedback, and including cumulative practice over time.
- 4) Provide opportunities to apply skills and strategies in reading and writing meaningful text with teacher support.
- 5) Don't just "cover" critical content; be sure students learn it; monitor student progress regularly and reteach as necessary.

As schools adopt and begin to make use of programs and approaches that are supported by scientific reading research, it is important that teachers receive the training and support they need to implement these programs well. They should also receive appropriate training on how to address the learning of ELs. There is no silver bullet – the problems of struggling readers are not solved by simply adopting a particular program. What teachers emphasize from these programs and how they deliver instruction matters a great deal. In addition, for ELs, in order for instruction to be “effective,” the assessment as well as instruction must be both *linguistically* and *culturally* appropriate. The teacher who teaches ELs must know their levels of language proficiency in their first language (L1) and second language (L2) when planning assessment and instruction, and provide culturally relevant curricula that reflect the background and experiences of the students (Brown & Doolittle, 2008).

When an EL student becomes a focus of concern, the instructional program itself must be examined to determine the match between the demands of the curriculum and the child’s current level of proficiency in the language of instruction. It is important to examine the achievement of the student’s “true peers” (similar language proficiencies, culture and experiential background) to see if they are making adequate academic progress. If several other “true peers” are struggling, this is an indication that the instruction may be a mismatch for the student of concern (Brown & Doolittle, 2008). If the student does not make appropriate progress after providing instructional modifications such as re-teaching, smaller groupings in the general education classroom, or, if deemed appropriate, receives some instruction in a his/her L1, it may be recommended that he/she receive Tier 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 highly skilled individual at this level. 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, Elliott, Graden, Grimes, Kovaleski, & Prasse, 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.

Rtl models vary in their conceptualization of Tier 3. In some models, Tier 3 would be considered special education and students who progressed to this tier would automatically qualify for special education services. In other models, children would be provided intensive and individual interventions at this tier while concurrently undergoing an assessment for special education eligibility. Service providers at this level should work in close collaboration with English learner specialists (Brown & Doolittle, 2008). Researchers in the field recommend that intervention at this level be provided a minimum of one or more hours daily in a student to instructor ratio that does not exceed 4:1 (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 Problem Solving Teams in the Pre Referral Process**

Many districts utilize existing teams of professionals (such as Student Study Teams [SST], Educational Monitoring Teams [EMT], or Professional Learning Communities [PLC]) to monitor and track students as part of the Rtl 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 Rtl 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.

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

Follow-up Rtl 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 Rtl staff members attend and participate in the meeting.
- The data collected during the last interval is reviewed (typically no more than 12 week intervals).
- The team determines if the student is making progress toward expected targets.
- The team decides whether 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 Rtl program implemented by Murray County Schools (2008), Rtl follow-up meetings are not recommended prior to 24 weeks of Rtl intervention where the team may be considering a referral to special education. It is also recommended that the School Psychologist, and possibly other special education staff members as appropriate, be invited to the problem solving meeting.

## **Frequently Asked Questions**

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

**Response:** It is best practice for English learners to be grouped according to their level of English proficiency for Structured English Immersion (EL services). For other types of targeted

intervention such as in reading, writing, or math, EL students may benefit from being grouped with peers with similar learning needs.

**Question:** What is the recommended or required amount of time an EL must be in Rtl before making a referral for special education?

**Response:** It is best practice for English learners to receive high quality, research based interventions over a period of time long enough to determine if the student is struggling academically due to a disability or language difference and if the student's academic needs can be met through Rtl versus special 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, Almanza, deOnic, & Barletta, 2008; Rueda & Windmueller, 2006). Assessment tools for evaluating learning disabilities among students who are ELs are still in development (Baca, Fletcher, & Hoover, 2008; Skiba, Knesting, & Bush, 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 al., 2010). ELs may also manifest ADHD like symptoms of inattention and distractibility, due to language differences unrelated to a disability. This sometimes results in an inappropriate designation as SLD or OHI (E. Gomez-Cerrillo, personal communication, May 1, 2010). The process of acquiring a second language varies from child to child, and difficulties with language acquisition often appear similar to learning disabilities (Case & Taylor, 2005).

Teachers observing language acquisition in a student who is an EL can confuse the symptoms of learning disabilities with the patterns of pronunciation development (Piper, 2003), development of syntax (Gopaul-McNicol & Thomas-Presswood, 1998; Kuder, 2003), or

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

- Has the student received intensive interventions using appropriate materials and strategies designed for ELs, and have they been implemented with fidelity over time and demonstrated little or no progress?
- Does the team have data regarding the rate of learning over time to support that the difficulties (academic, social-emotional, or in speech & language) are most likely due to a disability versus a language difference? If answers to the questions above are “YES,” a referral to special education maybe appropriate.
- Has the team consulted with the parent regarding learning patterns and language use in the home?
- Are the error patterns seen in L1 similar to the patterns seen in L2 (if student has sufficient primary language skills)?
- Are the learning difficulties and/or language acquisition patterns manifested over time similar in different settings and in different contexts?

### **Legal Requirements for Assessment of ELs**

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

For assessment to determine eligibility for infants and toddlers, the assessment shall “be conducted in the language of the family’s choice or other mode of communication unless it is not feasible to do so”. (EC 56320, 56001(j), 56127; 17 CCR 52082(b) & 52084(d)).

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

- 1) “A pupil shall be referred for special education services only after the resources of the regular education program have been considered, and when appropriate, utilized” (EC 56303).
- 2) The normal process of 2nd language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a handicapping condition (CCR) Title 5 3023(b)).
- 3) A child may not be determined to be eligible...if the determinant factor for that eligible determination is... lack of instruction in reading or math, or limited English proficiency (CFR 300.534 (b)).

## Assessment of EL Students for Special Education

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

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

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

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

- 1) Administer cross cultural, non-discriminatory full or partial bilingual assessment in native language and English using bilingual assessors using evidence-based practices
- 2) Use of structured interviews with parents and staff
- 3) Engage in observation of student in varied environments
- 4) Collect data from curriculum based and criterion-based assessment measures

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) Use of structured interviews with parents and staff
- 2) Engage in observation of student in varied environments
- 3) Collect data from curriculum based and criterion-based assessment measures
- 4) Using an interpreter, administer the assessment in the native language under the supervision of school licensed assessors – document limitations in assessment report

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 assessor available and there are no standardized psycho-educational assessment instruments available in the native language engage in the following:

- 1) Use of structured interviews with parents and staff
- 2) Engage in observation of student in varied environments
- 3) Collect data from curriculum based and criterion-based assessment measures
- 4) 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

Research also suggests best practices to guide bilingual assessment decisions are:

- An assessor fluent in both languages should assess to determine the student’s relevant strengths and weaknesses in their native language and English to guide the assessment team regarding types of assessment to be performed by using like instruments in native language and English when available. This helps to provide a more comprehensive view of what the student knows and can do (Artiles & Ortiz, 2002).
- All assessors should assess in the language of preference when possible.
- If primary language assessments are not available, use non-verbal measures with other information gathering to inform decisions.
- Assessors should be trained in second language acquisition and assessment.
- The decisions made regarding language modality to assess in should be clearly documented in the assessment reports.

Some possible examples of when it may not “be feasible” to assess in the student’s primary language are:

- The student is severely handicapped and lacks communication skills.
- Primary language assessments are unavailable. It is best practice to interview parent/guardian about the student’s patterns of use in their primary language patterns through use of an interpreter.

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

It may be best practice for a psychologist or speech pathologist to conduct preliminary language proficiency assessment of an EL student in his or her primary language and English to determine the skill levels of the student in both languages. The results this preliminary assessment may help to guide future assessment decisions such as which language to conduct the academic, speech and language assessment in, etc. It is important for the assessor to further assess the student in his or her primary language to determine the cognitive levels of the student. For example, a student may perform academically higher in English since he or she has had little or no academic instruction in the primary language; however the student may demonstrate higher levels of cognition in his or her primary language.

If the preliminary bilingual assessment data indicates the student has little or no skills in the primary language (in cognition, academics, or speech & language), the team may opt to

continue the remainder of the assessment in part, or in whole, in English. For example, the assessment team may opt to continue academic assessment in English and complete cognitive and speech assessment in the primary language. If an assessor makes the decision to discontinue any portion of the assessment for an EL in the primary language, the assessor should clearly document how or why he or she came to this decision in the assessment report and IEP.

Assessors should also address socio-cultural factors as part of the assessment process. The following four sources of information may be used to help address socio-cultural factors related to English learners:

- 1) Norm-referenced assessments in English and the student's \*primary language (if primary language assessments are available)
- 2) Criterion-referenced tests
- 3) Systematic observation in educational environments
- 4) Structured interviews (with student, parent, teachers, etc.)

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

#### **Cognitive Assessments Appropriate for an English Learner**

The following bilingual test instruments are frequently used by psychologists to evaluate EL/bilingual students:

- The Bilingual Verbal Ability Test (BVAT)
- WISC IV Spanish
- KABC (English & Spanish Response Scoring)
- Bateria III Woodcock-Munoz
- Spanish WISC
- Southern California Ordinal Scales of Development:
- Development Scale of Cognition
- Cognitive Assessment System (CAS)
- Use of an Authentic Language Sample from home and school (collaborate with speech & language specialist)

In addition, psychologists frequently may opt to administer non-verbal tests of cognitive abilities as part of an assessment of an EL student; however, assessors should not solely rely on the use of non-verbal tests to inform eligibility decisions since this type of assessment data may provide limited information about the student's overall cognitive abilities. It is also limiting in that one is comparing verbal to non-verbal behaviors, which can sometimes complicate the picture. An assessor should assess a range of abilities using cross battery assessment (Artiles & Ortiz, 2002; Olvera, 2010).

Following is a list of possible non-verbal assessment tools frequently used by school psychologists to help inform cognition:

- The Universal Nonverbal Intelligence Test (Unit)

- Bender Visual Motor Gestalt Test (visual-motor test)
- Naglieri Nonverbal Abilities Test (NNAT)
- Test of Non-verbal Intelligence (CTONI)
- Leiter
- Test of Visual Perceptual Skills (TPVS) (visual-perceptual test)

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

### **Speech and Language Assessment for English Learners**

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

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

Assessors should practice caution since there may be some limitations with age norms, as with the expressive language measures which only go to 12 years old for the bilingual portion. For newcomers, some assessors administer all the Spanish portions of the above tests and try the PPVT and EOWPVT English version as well to see if there is any appreciable English vocabulary. Some speech and language assessors start off with the vocabulary measures to see where the student may have deficits and then move to the more complex measures. One scenario may be that an EL student has limited language proficiency skills in both languages, or has somewhat limited skills in English and is even more limited in his/her primary language. In addition, the student engages in code switching and there seems to be confusion in both languages. It is important for the assessor to discern if this is due to lack of quality instruction over time in both languages, prior schooling in English only, or other environmental reasons such as the use of both languages at home versus it being a language or learning disability.

It may also be very useful for the speech and language assessor to attend the problem solving team meetings for EL students who 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 be needed in the student's primary language.

Sometimes students who talk to their family and peers in their native language and seem fluent in both languages (English and their primary language); however, because the students' use of their primary language is very simple and concrete, they can't understand more complex test directions in their native language, nor can they adequately complete the more difficult primary language tests. Further, she reports that their English is also frequently not well-developed, but they are able to function at a somewhat higher level and complete the English portions of the tests. These students have stronger English language skills and but lack age-appropriate primary language skills (Sheills, 2010).

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

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

### **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 the native country,
2. amount of time passed since the EL has received native language instruction,
3. amount of native language instruction the EL has received since leaving the native country (e.g. dual immersion program vs. transitional bilingual program),
4. subjects taught in the native language, and
5. levels of academic achievement in the native language when first entering the United States.

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 primary language is other than Spanish or other language where bilingual assessment materials are available, then informal assessment of the primary language skills for reading, writing, and math must be conducted to the extent possible. If an interpreter is used for assessing academic skills using English instruments that haven't been normed on the translation, then numerical scores should not be used 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.

To date, there are a limited number of standardized academic assessments available in languages other than English. Some possible academic/other assessment instruments that may be used to assess students whose primary language is Spanish are:

- Bateria III Woodcock-Munoz
- Language Assessment Scales (LAS)
- Spanish Brigance (criterion-referenced)
- Use of Dibels and Curriculum based measures if available (not standardized)
- Boehm Test of Basic Concepts - Revised (BTBC-R)(1986) (K-2 Spanish)
- Aprenda: La prueba de logros en español, Segunda edicion (1997)
- Bracken Basic Concept Scale - Revised (1998) (Spanish Edition) (ages 2.8 to 8 years)

### **Social-Emotional / Cultural Assessment for English Learners**

To date, there are a limited number of social-emotional assessments available in languages other than English.

- BASC – Pearson Assessments
- Acculturation Rating Scale for Mexican Americans (ARSMA)
- Spanish Version of the Social Skills Rating System
- Vineland Adaptive Behavior Scales
- Connors Spanish

### **Use of Interpreters for Assessment**

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

1. Know what tests are being administered
2. Be prepared for the session to account for extra time needed with an interpreter
3. Know the skill level of the interpreter
4. Ensure the interpreter speaks the same dialect of the student

5. Administer only the tests which the interpreter has been trained to assist in administering

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

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

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

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

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

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

### **Components of the Assessment Report for 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 reports should be translated into the primary language if requested by the parent/guardian. Often parents will indicate that verbal translation is sufficient.

### **Determining Eligibility for Special Education**

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

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

### **Frequently Asked Questions**

**Question:** Are there any written guidelines or procedures for the assessment of preschool age students who are bilingual or who have a primary or dominant language that is other than English? Our preschool assessment teams are having a hard time with this in consideration of special education eligibility (in many situations without consideration of language differences.)

**Response:** No. There are no clear written laws that pertain specifically to preschool students. However, in California, we typically rely on EL status to trigger primary or native language assessment. Since we do not classify preschool children as EL and require them to take the CELDT or a like test, it is presumed the federal laws regarding native language assessment apply. For infants and toddlers, the family may choose the mode of communication for

assessment. The assessors of preschool students must also rule out a language difference versus a disability in order to establish eligibility.

**Question:** Are districts required to assess an English learner with moderate to severe disabilities in their primary language in order to qualify them for special education?

**Response:** The regulations state you must assess in the native language unless it is clearly not feasible to do so. Based on the severity and type of disability, it may not be feasible to assess in the native language. The IEP team should determine the type of assessments that are most appropriate to assess the student's needs and/or eligibility.

**Question:** May the parent waive the requirement for a student to be assessed for special education in their primary language?

**Response:** There is no specific provision for a parent to waive assessment in the primary language. A parent may decline assessment in part or in whole; however, the assessors determine the language for the assessments to be administered in.

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

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

**Question:** Is it true that schools or student study teams must wait until a student has been receiving EL services for 5-7 years or is at least in the 5<sup>th</sup> 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 the IEP for English Learners with Disabilities**

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

### **Development of Linguistically Appropriate IEPs**

Why write linguistically appropriate IEPs? It is the law. When appropriate the IEP shall also include, but not be limited to, all of the following: "for individuals whose native language is other than English, 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.

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

### **Required IEP Components for EL Students**

The IEP team must consider the language needs of the student as those needs relate to the student's IEP. Specifically, the IEP must include "linguistically appropriate goals, objectives, programs and services". There are also specific IEP team requirements relative to making decisions about whether or not the student will take CELDT or an 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)).

Below is a checklist for staff members to use when drafting IEP for an EL student with a known or suspected disability:

- ✓ The IEP indicates if the student is classified as an English learner
- ✓ The IEP includes information about the student's current level of English language proficiency in listening, speaking, reading, and writing (based on current CELDT or 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 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)

*Note: Linguistically appropriate goals should align to the student's current linguistic level in English or assessed level on the CELDT (or designated alternate assessment).*

## **Decisions Regarding CELDT and the IEP**

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

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

## **Linguistically Appropriate Goals and Objectives**

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*) which lead to the development of English language proficiency. Legally, linguistically appropriate goals, objectives, and programs means:

1. Those activities which lead to the development of English language proficiency;
2. Those instructional systems which lead to the language development of English language proficiency; and
3. Those instructional systems which lead to the language development needs of English language learner. For individuals whose primary language is other than English, and who's 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 (EC Section 311(c); CR, Title 5, Section 3001 (s)).

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

The IEP team must ensure that IEP goals that involve language are linguistically appropriate. This means the goals must reflect the student's current linguistic level in order to ensure the student can access the goal. When drafting goals, IEP teams should consider the following:

- Take into consideration the cognitive level of the student;
- Be appropriate for the linguistic level of the student;
- Match the developmental level of the student's primary (L1) or secondary (L2) language;
- Access the student's prior knowledge and experiences;
- Incorporate culturally relevant materials and experiences; and
- Affirm 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 of 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.

*Note: 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: Remember that 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 & Speaking

**Strand:** Strategies & Applications

**Sub Strand:** Comprehension

**Level:** Beginning

**Grade:** K-2

**Goal:** By (date), (student) will respond to simple directions and questions in English by using physical actions and other means of nonverbal communication (e.g., matching objects, pointing to an answer, drawing pictures) with 80% accuracy on 3 consecutive trials as demonstrated by written classroom data.

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

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

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

### **Sample Goal 2**

**Domain:** Reading

**Strand:** Word Analysis

**Sub Strand:** Concepts about Print, Phonemic Awareness, and Vocabulary and Concept Development

**Level:** Early Intermediate

**Grade:** 3-5

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

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

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

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

### **Sample Goal 3**

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

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

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

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

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

### **Sample Goal 4**

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

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

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

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

*Note: The above goal and objectives are written at the “early advanced” level of English language development and would be appropriate for a student whose CELDT score is at the 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

<i>Age/Grade</i>	<i>Level of Student</i>	<i>Mode of Communication</i>	<i>Proficiency Level</i>
1 <sup>st</sup> Grade	CAPA Level	Collaborative	<i>Exit Emerging</i>
			participates in simple, face-to-face conversations with peers and others

Appropriate ELD and IEP Target Level

<i>Age/Grade</i>	<i>Level of Student</i>	<i>Mode of Communication</i>	<i>Proficiency Level</i>
1 <sup>st</sup> Grade	CAPA Level	Collaborative	<i>Early Stage Expanding</i>
			initiate simple conversations on social and academic topics

*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.*

*By (date), (student) will records 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 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, drawings, etc.

**Other Legal Requirements Related to IEPs of ELs**

Section 3302 of Title III of NCLB requires school districts receiving Title III funds states: “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).

### **Frequently Asked Questions**

**Question:** Is it required that the IEP team classify preschool students as EL?

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

**Question:** Is it required for an EL student who is identified as having a learning disability to receive only instruction in English so as not to confuse the student?

**Response:** There is research that indicates that the student may acquire L2 easier if they are proficient in L1 (Fortune & Menke, 2010). The IEP team needs to carefully consider the individual needs of the student before making this decision.

## **Section VI: Programs and Services for English Learners with Disabilities**

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

### **Collaboration between Special and General Education**

Since the onset of NCLB, expectations for achievement and learning have increased for both students with disabilities and ELs. In order to meet the needs of ELs in special education it is imperative that special educators collaborate with general education staff members to provide a continuum of services that meet both the ELD and other academic needs of the student. Collaboration strategies have been developed and researched for general and special education professionals to effectively assist EL students with mild disabilities. One such strategy is referred to as "cooperative planning" (Hudson & Fradd, 1990). An important feature of this strategy is that none of the personnel involved is recognized as having more authority than the others. All professionals serving the students in the collaborative model are considered equals within their areas of expertise and all have areas in which they can develop new skills for working with EL students. The steps in cooperative planning listed below can be implemented through formal planned procedures or through informal interactions among colleagues:

- Establish meeting times
- Establish and maintain rapport
- Discuss demands of each instructional setting
- Target individual student needs
- Specify and summarize data
- Discuss student information

- Determine discrepancies between student skills and teacher expectations
- Plan instruction intervention and monitoring system
- Implement the plan and follow up as needed

Collaborative skills can be developed by meeting regularly to discuss student needs and to monitor student progress. This process can also allow educators to determine the specific interventions that lead toward success (Damico & Nye, 1991). Learning to work cooperatively and collaboratively with others to address the needs of specific students is not easy. School personnel must have had training in applying multicultural concepts to addressing the needs of learners with disabilities and limited proficiency in English.

Collaboration across disciplines and grade levels cannot occur without an organizational structure that promotes interaction and communication. The local school level is the arena where collaboration can have an immediate impact on students. Although there is a strong movement toward collaboration, there are still many obstacles to be overcome in assisting ELs with disabilities.

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

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

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

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

Teachers engaging in collaboration must meet often in order to develop collaborative skills by discussing and monitoring student progress. This process can also allow educators to determine the specific interventions that lead toward success (Damico & Nye, 1991). It is also beneficial for teachers, who are collaborating to provide services to ELs, to involve student families in the process. The school experience for English learners, and probably for many others, is likely to be viewed from different perspectives by the many people involved--the most

extreme differences usually occurring between family members and school personnel (Casanova, 1990). Without information from the parents, many assumptions may be made about the students that do not reflect the parents' perspective. Parents can provide important information about the student's status and behavior in the family and in the community, as well as information about family and community norms.

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

### **Programs and Services for EL Students with Disabilities**

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

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

One study concludes that "it's imperative to monitor the quality of educational programs offered to linguistic minority students in general, bilingual, and special education as well as the long-term consequences of placement decisions for these students" (Klinger & Artiles, 2003). All students in need of special education and related services, including students identified as English learners (EL), are to be served under the requirements of current state and federal law.

Districts/LEAs need to make sustained effort to provide appropriate programs and services to English learners to ensure that they are afforded the same educational and linguistic opportunities as their peers in the least restrictive environment. A full continuum of program options should be available to ELs in special education. To the maximum extent appropriate, they should be educated with students who do not have disabilities. The continuum of program options (from least restrictive to most restrictive) for providing special education services are as follows:

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

Students may receive 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 / annual measurable achievement objectives (AMAOs).

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

- 1) Provide professional development in evidence-based best practices for working with ELs to special educators;
- 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 depending on LEA decision)	Structured English Immersion (SEI) with SDAIE	Daily, intensive ELD services; may be provided within the general education classroom or may be delivered in a special education or other setting	Regular classroom teacher or other qualified instructor such as a special education teacher or speech specialist or collaboratively
Reasonable Fluency Attained (Usually Intermediate or Above depending on LEA decision)	English Language Mainstream (ELM) with SDAIE	Daily ELD program provided; less intensive than SEI; services are usually provided in the general education classroom or may be provided in other setting	Regular classroom teacher or other qualified instructor such as a special education teacher or speech specialist or collaboratively

An important component of the educational program for ELs with disabilities is to ensure they are provided linguistically appropriate programs and services that is 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. This means that LEAs must pay careful attention to clarity of expectations about what linguistically-appropriate instruction looks like, professional development on how to implement that instruction, attention to the depth and demands of the tasks students are assigned, and curriculum materials that facilitate individual differentiated instruction to meet the varying levels of linguistic and learning needs or Universal Design for Learning (UDL).

In order to meet the educational needs of ELs with disabilities, teachers (special and general educators) need training in skills such as 1) how to build upon the familiar (what the student already knows), 2) scaffold the unfamiliar through explicit activities, and, 3) elicit and respond to what students have to say. All of this requires that teachers adapt, shape, select from, and add to the curriculum and materials they are given. This means that schools need to invest in teachers’ knowledge and skills, as well as create the collaborative mechanisms for teachers to work together in the endeavor of designing long-term instruction for English learners.

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

## Sample Elementary School ELD/SPED Service Delivery Models

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

The initiative for establishing this type of an ELD rotation system was implemented through collaboration of district office level administrators from both the Instructional Services Division and the Special Education Department. Included in the discussion were principals, teachers, and the employee association. Key stakeholder groups reviewed the guidelines. The guidelines for this instructional delivery model were based on the following program principles:

- 1) Dedicated daily time for delivery of standards-based ELD instruction that addresses specific needs of EL students at each fluency level supported by use of quality, research-based materials that target all four domains of language with a major emphasis on building a strong oral language foundation;
- 2) Curriculum, instruction, and strategies that promote transfer between English and the native or home language and,
- 3) Emphasis throughout the curriculum is placed on research-based practices that focus on enriched oral language development.

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

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

## Sample Secondary School ELD/SPED Service Delivery Models

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

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

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

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

### **Instructional Strategies/ELD 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 “Systemic ELD” as put forth by Dutro (2013) have been found effective for teaching English learners with disabilities. Some of the elements of Systemic ELD are:

- 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.
- Systematic ELD 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.
- Systemic ELD puts language learning and exploration in the foreground.
- Systemic ELD groups students by assessed proficiency level as determined by multiple sources.
- Systemic ELD uses a functional language approach organized around essential purposes for communication. Language tasks are highly applicable to real world and academic interactions.
- Systemic ELD provides an organized method of language instruction to help prevent gaps and fill existing gaps in language knowledge that can hinder students’ achievement.
- Systemic ELD explicitly emphasizes oral language development through structured, purposeful interaction.

## 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 or as a support pull out period.

**Question:** May a parent of an EL student with an IEP waive ELD services?

**Response:** A parent may waive their child’s placement in a structured English immersion (SEI) program; however, the IEP must still include linguistically appropriate goals and objectives and the student must continue to receive instruction that promotes English language development and take CELDT (with variations, accommodations, or modifications if needed or an alternate as specified by in the IEP).

**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 English language arts (ELA) goal?

**Response:** The regulations require that the IEP team include “linguistically appropriate” goals (and objectives if appropriate) in the IEPs of all EL students. The LAGOS needs to reflect the student’s present levels of performance in English language acquisition. Typically, it is best practice to take this information from the latest CELDT results, or an alternate to CELDT, or other recent language assessment data. In many instances, a student’s English language development needs align to their needs in English language arts (ELA) and it may be appropriate to have goals that reflect both ELA/ELD needs. Caution – IEP goals developed in ELA that do not align to the language needs of the student would not be considered to be *linguistically appropriate*.

## Section VII: Reclassification of English Learners with Disabilities

Under current state law (EC Section 313), identified students who are English learners must participate in the annual administration of the CELDT until they are reclassified as RFEP (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.

### Understanding Reclassification of English Learners

Reclassification is the process used by districts/LEAs to make a determination if an EL student has acquired sufficient English skills 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 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.

#### 1<sup>st</sup> Criteria: Assessment of Language Proficiency Using an Objective Assessment Instrument

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.

*Note: 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.

#### 2<sup>nd</sup> Criteria: Teacher Evaluation

Teachers, general or special education, shall make recommendations about whether or not 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 helpful to provide teachers with a checklist such as the *SOLOM* in order for them to provide more objective information regarding the student's skills in English.

### 3<sup>rd</sup> Criteria: 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.

### 4<sup>th</sup> Criteria: Comparison of Performance in Basic Skills

Definitions:

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, such as the California English–Language Arts Standards Test (CST for ELA) and the California Modified Assessment for ELA (CMA for ELA).

*Note: As of the 2013-2014 school year CST and CMA are no longer applicable for criteria four as they are no longer administered. The CDE will be transitioning from STAR to the Smarter Balance Assessment System (SBAC). **LEAs may use other "objective assessments of basic skills in English" to determine if students have met criteria four.***

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.

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) 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.
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 (e.g., the CST for ELA or the CMA for ELA) and whether it is reasonable to reclassify the student.
4. For students in grade twelve, the grade eleven CST for ELA results may be used, if available.
5. For students in grade one, LEAs should base a decision to reclassify on CELDT results, teacher evaluation, parent consultation, and other locally available assessment results (CELDT Information Guide).

### **Issues Related to the Reclassification of EL Students with an IEP**

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

- It is more difficult to clear the CST-ELA hurdle than the CELDT criterion. For example, in the 11th grade in 2007, 21 percent of ELs scored Basic or better on the CST-ELA, compared to 41 percent scoring Early Advanced or better on CELDT.
- Testing results and reclassification decisions feed into the Title III accountability system imposed by NCLB that may either reward or penalize school districts/LEAs; students with disabilities often do not meet goal targets due to a disability versus language difference.

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

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

### **Application of the Four Criteria to Students with Disabilities**

The CELDT Information Guide provides guidance to professionals regarding decisions about whether or not to reclassify a student with disabilities as follows:

For the 1<sup>st</sup> Criteria, *the assessment of language proficiency using an objective assessment instrument*, the CDE guide states that: “Those students whose overall proficiency level is in the upper end of the intermediate level also may be considered for reclassification if additional measures determine the likelihood that a student is proficient in English”.

Many students with disabilities often have a difficult time scoring at the overall level of advanced or higher on CELDT due to a learning or other type of disability after many years of instruction in English; however, the reclassification team may feel that the student is proficient in English and that further instruction in ELD may not improve their academic performance. For these students, the team may want to follow the guidance provided in the CDE 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 (CELDT Information Guide).

For the 2<sup>nd</sup> Criteria, *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.

For the 3<sup>rd</sup> Criteria, *parent opinion and consultation*, it is important for the reclassification team to collaborate closely with the parent(s) and seek input about whether or not the parent(s) views their child as being proficient in English and/or is able to perform successfully in an education environment where the instruction is in English without ELD support. Some parents may not be able to attend the meeting; however, it is best practice for the team to seek and consider parent input when making reclassification decisions.

For the 4<sup>th</sup> Criteria, *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 and whether it is reasonable to reclassify the student.”

It may be best practice for reclassification teams to consider whether or not the impact of a student’s disability, “other than English language proficiency”, is a contributing factor to the

student’s low achievement on standardized tests of basic skills or CST/CMA. 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 Performance Assessment (CAPA). Reclassification/IEP teams may use results from other alternate test measures such as CAPA results to inform whether or not 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.

### Sample Reclassification Scenarios

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

Lupe is a 6<sup>th</sup> grade student who has autism. She has an average to low average ability level. She is verbal; however a lot of her speaking is more “echolalia” or repetitive of what she hears. Her pragmatic and comprehension skills are low in both languages. She functions at approximately the 3rd grade level in math and 1st -2nd grade level in reading and writing. She was classified as an English learner upon entering school in kindergarten. The IEP team has designated that Maria will take an alternate assessment to CELDT. Below is an analysis of Lupe’s English language development based on the four reclassification criteria.

#### Criteria 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 ALPI to determine if Lupe meets this criterion.

Results of Alternate Criteria Basics 2 checklist

Skill Area	Yes	No
Pre Writing	X	
Communicates in Writing		*No
Responds		
Responds to Auditor Stimuli		
Receptive Language (verbal)	X	
Expressive Language (verbal)	X	
Articulation	X	
Receptive Language (nonverbal)		*X
Words Independently		
Attends to Printed Material	X	
Reading Readiness	X	
Basic Reading Skills	X	

Reading Comprehension		*X
Overall Indication Student is fluent in English	X	

Results of Alternate Criteria ALPI

Skill Areas	Primary Language	English
Receptive Language Total Points	26/30	27/30
Expressive Language Total Points	10/24	9/14

On the Basics 2 Lupe received an overall “no” in the receptive language and reading comprehension areas; however, the multi-disciplinary reclassification team (which included special educators and English language development staff members) determined that these relative weaknesses were due to the student’s autism versus language differences when compared to high performance in English language skill areas. On the ALPI the IEP team noted that the student demonstrated similar error patterns and weaknesses in both the primary language and English and noted weaknesses were most likely due to her language disability versus lack of fluency in English. The IEP team in this scenario determined Lupe was fluent in English since they felt the Basics 2 assessment data indicated the student had acquired an intermediate or above level of English language proficiency in listening, speaking, reading, and writing.

Criteria 2: Teacher Evaluation

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.

Criteria 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

“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 CAPA Level IV (for her 6th grade level). The IEP team determined that they would use her CAPA scores to determine if she met the basic skills criteria. Lupe scored at the Basic level on CAPA IV. 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 and 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 CST

Jorge is an 8<sup>th</sup> 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 7<sup>th</sup> grade level in math and 4<sup>th</sup> - 5<sup>th</sup> grade level in reading and writing. He was classified as an English learner upon entering school

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

Criteria 1: Assessment of Language Proficiency Using 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 and no score is below intermediate.

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

Criteria 2: Teacher Evaluation

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

Remember: based on the CELDT Information Guide recommendations, Incurred deficits in motivation and academic success unrelated to English language proficiency do not preclude a student from reclassification.

Criteria 3: Parent Input

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

Criteria 4: Comparison of Performance in Basic Skills

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

Remember, “for pupils scoring below the cut point, ~~school districts~~/LEAs may attempt to determine whether 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” comparison of performance in basic skills (CELDT

Information Guide). *Note: The same criteria may be applied to results of other objective measures of academic performance in English language arts.*

**SCENARIO 3: Low Functioning 3<sup>rd</sup> Grade Student with Low Cognitive Abilities**

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

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

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

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

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

On the ALPI, Yu Li’s scores were as follows

Skill Areas	Primary Language	English
Receptive Language Total Points	18/30	12/20
Expressive Language Total Points	16/30	10/20

The IEP team noted that Yu Li demonstrates limited language abilities in both her primary language and English; however, her scores are significantly lower in English. Yu Li did not meet the first criteria.

### Criteria 2: Teacher Evaluation

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

### Criteria 3: Parent Input

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

### Criteria 4: Comparison of Performance in Basic Skills

Yu Li takes the CAPA, not the CST. The IEP team reviewed Yu Lu's CAPA scores which were *below basic*. The IEP team did not feel her assessment results indicated that her achievement in English was commensurate with her ability.

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

## **Frequently Asked Questions**

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

**Response:** 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 or not 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 criteria, the student is required to pass the English language proficiency section on CELDT with an overall proficiency level of early advanced or higher, a listening score of intermediate or higher, a speaking score of intermediate or higher, a reading score of intermediate or higher, and a writing score of intermediate or higher. May the IEP team use the results of the "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 criteria "comparison of performance in basic skills," may the reclassification team use data from the CAPA assessments if the student does not take CST or CMA?

**Response:** Yes, if that is the assessment recommended by the IEP teacher.

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## Appendices

### Appendix A: ELD Programs / Curricular Materials & Resources

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

What Works Clearinghouse <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 \(BCIRC\)](#)
- [Enhanced Proactive Reading](#)
- [Vocabulary Improvement Program for English Language Learners and Their Classmates \(VIP\)](#)
- [Peer-Assisted Learning Strategies](#)

## Appendix A2: Publishers Listing Programs as Appropriate for ELD

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

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

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

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

**SEACO Curriculum** <http://www.ccsesa.org/index/subCommittees.cfm?cid=105> 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.

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

**Waterford Early Learning** Pearson Publishers <http://www.pearsonschool.com> May 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
- **Heinemann 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 Group** – 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.	<i>Voyager Passport</i>
Reading Intervention (2 or more grade levels below grade)	Grades Four through Eight	Wright Group	<i>Fast Track</i>

### Program Type 1 – Basic

Publisher	Program Name (Grade-level)
Glencoe/McGraw-Hill	<i>Glencoe Literature, California Treasures (6-8)</i>
Holt, Rinehart and Winston	<i>Holt Literature and Language Arts (6-8)</i>
Houghton Mifflin Company	<i>HM California Reading (K-6)2</i>

Houghton Mifflin Harcourt School Publishers	<i>CA Excursions</i> (K-6)
Macmillan/McGraw-Hill	<i>California Treasures</i> (K-6)
McDougal Littell1	<i>McDougal Littell California Literature</i> (6-8)5
Pearson Prentice Hall3	<i>Pearson Literature CA Reading and Language</i> (6-8)3
Pearson Scott Foresman3	<i>Pearson CA Reading Street</i> (K-5)3
SRA/McGraw-Hill	<i>Imagine It!</i> (K-6)

### Program Type 2 – Basic with English Language Development

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

### Program Type 3 – Primary Language with English Language Development

Publisher	Program Name (Grade-level)
Macmillan/McGraw-Hill	<i>Tesoros de lectura</i> (K-6)
Pearson Scott Foresman	<i>Pearson Calle de Lectura para California</i> (K-3)
SRA/McGraw-Hill	<i>Imaginalo!</i> (K-6)

### Program Type 4 – Intervention

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

### Program Type 5 – Intervention for English Learners

Publisher	Program Name (Grade-level)
Heinle/Cengage Learning	<i>Milestones</i> (4-8)
Houghton Mifflin Company	<i>HM California Portals</i> (4-8)
National Geographic / Hampton Brown	<i>Inside Language, Literacy and Content</i> (4-8)
Pearson Longman ELT	<i>Longman Keystone</i> (4-8)
Scholastic, Inc.	<i>Scholastic READ 180 California Enterprise Edition</i> (4-8)
Sopris West Educational Services	<i>Language! Focus on English Learning, 4th Edition</i> (4-8)
Steck-Vaughn	<i>California Gateways</i> (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](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=EN> This 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=summary](http://www.pearsonassessments.com/HAIWEB/Cultures/en_us/Productdetail.htm?Pid=PAolai&Mode=summary) This informal, repeated measures assessment tool is recommended by speech language pathologists to provide additional information about an individual learner's control of commonly-used language structures. Such information helps to identify a child's stage of language development and appropriate instructional practices that are learner-specific.

*Strategies for Helping Underperforming Immersion Learners Succeed* K. Arnett with T. Fortune, 2004:

[http://www.carla.umn.edu/immersion/acie/vol7/bridge-7\(3\).pdf](http://www.carla.umn.edu/immersion/acie/vol7/bridge-7(3).pdf)

*Strategy Training for Second Language Learners* A. 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.

Bartoszesky, A. Belanger, J. Delett, V. Karwan, et al. <http://www.nclrc.org/eils/index.html>

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

*Helping struggling Students Become Good Language Learners* J. 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](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 B1: English Learner Test Variations (2014)

### Matrix Three:

#### Matrix of Test Variations for Administration of the California High School Exit Examination and the Physical Fitness Test for English Learners

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

Test Variation	CAHSEE	PFT
Access to translation glossaries/word lists (English-to-primary language). Glossaries/word lists shall not include definitions or formulas.	Variation Allowed	Not Applicable
Additional supervised breaks within a testing day <i>or</i> following each section (STAR) within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.	Variation Allowed	Not Applicable
English learners (ELs) may have the opportunity to be tested separately with other ELs provided that the student is directly supervised by an employee of the school who has signed the test security affidavit and the student has been provided such a flexible setting as part of his/her regular instruction or assessment.	Variation Allowed	Variation Allowed
Hear the test directions printed in the test administration manual translated into the student's primary language. Ask clarifying questions about the test directions in the student's primary language.	Variation Allowed	Variation Allowed

## Appendix B2: Sample Annual Title III Parent Notification Letter

### ANNUAL PARENT NOTIFICATION LETTER Federal Title III and State Requirements

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

Student ID #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_ Primary language: \_\_\_\_\_

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

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

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

- English learner (EL) with less than reasonable fluency in English and assigned to the Structured English Immersion Program.
- English learner (EL) with reasonable fluency in English and assigned to the \_\_\_\_\_ English Language Mainstream Program.

Check if applicable:

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

#### Academic Achievement Results

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

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

#### Program Placement Options for English Learners

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

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

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

## Appendix B3: 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*). An 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 speaker’s 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 end 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 B4: Proficiency Level Descriptors for California English Language Development Standards

Mode of Communication	English Language Development: Proficiency Level Continuum →----- Emerging -----→	
	At the <b>early stages</b> of the Emerging level, students are able to:	At <b>exit</b> from the Emerging level, students are able to:
Collaborative	<ul style="list-style-type: none"> <li>express basic personal and safety needs, ideas, and respond to questions on social and academic topics with gestures and words or short phrases;</li> <li>use basic social conventions to participate in conversations;</li> </ul>	<ul style="list-style-type: none"> <li>express basic personal and safety needs, ideas, and respond to questions on social and academic topics with phrases and short sentences;</li> <li>participate in simple, face-to-face conversations with peers and others;</li> </ul>
Interpretive	<ul style="list-style-type: none"> <li>comprehend frequently occurring words and basic phrases in immediate physical surroundings;</li> <li>read very brief grade-appropriate text with simple sentences and familiar vocabulary, supported by graphics or pictures;</li> <li>comprehend familiar words, phrases, and questions drawn from content areas;</li> </ul>	<ul style="list-style-type: none"> <li>comprehend a sequence of information on familiar topics as presented through stories and face-to-face conversations;</li> <li>read brief grade-appropriate text with simple sentences and mostly familiar vocabulary, supported by graphics or pictures;</li> <li>demonstrate understanding of words and phrases from previously learned content material;</li> </ul>
Productive	<ul style="list-style-type: none"> <li>produce learned words and phrases and use gestures to communicate basic information;</li> <li>express ideas using visuals such as drawings or charts, or graphic organizers; and</li> <li>write or use familiar words and phrases related to everyday and academic topics.</li> </ul>	<ul style="list-style-type: none"> <li>produce basic statements and ask questions in direct informational exchanges on familiar and routine subjects;</li> <li>express ideas using information and short responses within structured contexts; and</li> <li>write or use learned vocabulary drawn from academic content areas.</li> </ul>
Knowledge of Language	English Language Development: Proficiency Level Continuum →----- Emerging -----→	
	At the <b>early stages</b> of the Emerging level, students are able to:	At the <b>exit stages</b> of the Emerging level, students are able to:
Metalinguistic Awareness	Apply to their learning of English an emerging awareness about: <ul style="list-style-type: none"> <li>differences and similarities between their native language and English;</li> <li>ways in which different kinds of language are appropriate for different tasks, purposes, and audiences; <b>and how to:</b></li> <li>intentionally and purposefully use a limited range of everyday vocabulary, phrases, and memorized statements and questions in English;</li> </ul>	Apply to their learning of English an awareness about: <ul style="list-style-type: none"> <li>differences and similarities between their native language and English;</li> <li>ways in which different kinds of language are appropriate for different tasks, purposes, and audiences; <b>and how to:</b></li> <li>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;</li> </ul>
Accuracy of Production	<ul style="list-style-type: none"> <li>be comprehensible when using memorized or copied words or phrases; and</li> <li>may exhibit frequent errors in pronunciation, grammar, and writing conventions that often impede meaning.</li> </ul>	<ul style="list-style-type: none"> <li>be comprehensible when using simple or learned phrases and sentences; and</li> <li>may exhibit frequent errors in pronunciation, grammar, and writing conventions that sometimes impede meaning.</li> </ul>

Mode of Communication	English Language Development: Proficiency Level Continuum	
	→----- Expanding -----→	
	At the <b>early stages</b> of the Expanding level, students are able to:	At the <b>exit stages</b> of the Expanding level, students are able to:
Collaborative	<ul style="list-style-type: none"> <li>express a variety of personal needs, ideas, and opinions and respond to questions using short sentences;</li> <li>initiate simple conversations on social and academic topics;</li> </ul>	<ul style="list-style-type: none"> <li>express more complex feelings, needs, ideas, and opinions using extended oral and written production; respond to questions using extended discourse</li> <li>participate actively in collaborative conversations in all content areas with moderate to light support as appropriate;</li> </ul>
Interpretive	<ul style="list-style-type: none"> <li>comprehend information on familiar topics and on some unfamiliar topics in contextualized settings;</li> <li>independently read a variety of grade-appropriate text with simple sentences ;</li> <li>read more complex text supported by graphics or pictures;</li> <li>comprehend basic concepts in content area</li> </ul>	<ul style="list-style-type: none"> <li>comprehend detailed information with fewer contextual clues on unfamiliar topics;</li> <li>read increasingly complex grade-level text while relying on context and prior knowledge to obtain meaning from print;</li> <li>read technical text on familiar topics supported by pictures or graphics;</li> </ul>
Productive	<ul style="list-style-type: none"> <li>produce sustained informational exchanges with others on an expanding variety of topics;</li> <li>express ideas in highly structured and scaffolded academic interactions; and</li> <li>write or use expanded vocabulary to provide information and extended responses in contextualized settings.</li> </ul>	<ul style="list-style-type: none"> <li>produce, initiate, and sustain spontaneous interactions on a variety of topics; and</li> <li>write and express ideas to meet most social and academic needs through the recombination of learned vocabulary and structures with support.</li> </ul>
Knowledge of Language	English Language Development: Proficiency Level Continuum	
	→----- Expanding -----→	
	At the <b>early stages</b> of the Expanding level, students are able to:	At the <b>exit stages</b> of the Expanding level, students are able to:
Metalinguistic Awareness	<p>Apply to their learning of English an expanding awareness about:</p> <ul style="list-style-type: none"> <li>differences and similarities between their native language and English;</li> <li>ways in which language may be different based on task, purpose, and audience;</li> </ul> <p><b>and how to:</b></p> <ul style="list-style-type: none"> <li>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;</li> <li>extend discourse in limited ways in a range of conversations;</li> <li>recognize language differences and engage in some self- monitoring;</li> </ul>	<p>Apply to their learning of English awareness about:</p> <ul style="list-style-type: none"> <li>differences and similarities between their native language and English;</li> <li>ways in which language may be different based on task, purpose, and audience;</li> </ul> <p><b>and how to:</b></p> <ul style="list-style-type: none"> <li>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;</li> <li>extend discourse in a variety of ways in a range of conversations;</li> <li>recognize language differences, engage in self-monitoring, and adjust oral and written language;</li> </ul>
Accuracy of Production	<ul style="list-style-type: none"> <li>be comprehensible when using simple and some expanded sentences and discourse or texts; and</li> <li>may exhibit <b>fairly frequent errors</b> in pronunciation, grammar, and writing conventions that <b>may sometimes</b> impede meaning.</li> </ul>	<ul style="list-style-type: none"> <li>be comprehensible when using expanded sentences, discourse or texts; and</li> <li>may exhibit <b>fairly frequent errors</b> in pronunciation, grammar, and writing conventions that <b>usually do not</b> impede meaning.</li> </ul>

Mode of Communication	English Language Development: Proficiency Level Continuum →----- Bridging -----→	
	At the <i>early stages</i> of the Bridging level, students are able to:	At <i>exit</i> from the Bridging level, students are able to:
Collaborative	<ul style="list-style-type: none"> <li>express increasingly complex feelings, needs, ideas, and opinions in a variety of settings; respond to questions using extended, more elaborated discourse</li> <li>initiate and sustain dialogue on a variety of grade-level academic and social topics;</li> </ul>	<ul style="list-style-type: none"> <li>participate fully in all collaborative conversations in all content areas at grade level with occasional support as necessary;</li> <li>participate fully in both academic and non-academic settings requiring English;</li> </ul>
Interpretive	<ul style="list-style-type: none"> <li>comprehend concrete and many abstract topics and begin to recognize language subtleties in a variety of communicative settings;</li> <li>read increasingly complex text at grade level;</li> <li>read technical text supported by pictures or graphics;</li> </ul>	<ul style="list-style-type: none"> <li>comprehend concrete and abstract topics and recognize language subtleties in a variety of communicative settings;</li> <li>read, with limited comprehension difficulty, a variety of grade-level and technical texts, in all content areas;</li> </ul>
Productive	<ul style="list-style-type: none"> <li>produce, initiate, and sustain interactions with increasing awareness of tailoring language to specific purposes and audiences; and</li> <li>write and express ideas to meet increasingly complex academic demands for specific purposes and audiences.</li> </ul>	<ul style="list-style-type: none"> <li>produce, initiate, and sustain extended interactions tailored to specific purposes and audiences; and</li> <li>write and express ideas to meet a variety of social needs and academic demands for specific purposes and audiences.</li> </ul>
Knowledge of Language	English Language Development: Proficiency Level Continuum →----- Bridging -----→	
	At the <i>early stages</i> of the Bridging level, students are able to:	At <i>exit</i> from the Bridging level, students are able to:
Metalinguistic Awareness	<p>Apply to their learning of English a sophisticated awareness about:</p> <ul style="list-style-type: none"> <li>differences and similarities between their native language and English to learning English;</li> <li>ways in which language may be different based on task, purpose, and audience;</li> </ul> <p><b>and how to:</b></p> <ul style="list-style-type: none"> <li>intentionally and purposefully use a range of precise and varied grade-level general academic and domain-specific vocabulary in English related to new topics;</li> <li>extend grade-level academic discourse in a variety of ways in a range of conversations and written texts of varying lengths and complexities;</li> <li>recognize language differences, engage in self-monitoring, and adjust oral and written language in a range of contexts;</li> </ul>	<p>Apply to their learning of English a sophisticated awareness about:</p> <ul style="list-style-type: none"> <li>differences and similarities between their native language and English to learning English;</li> <li>ways in which language may be different based on task, purpose, and audience;</li> </ul> <p><b>and how to:</b></p> <ul style="list-style-type: none"> <li>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;</li> <li>extend grade-level academic discourse in a variety of ways in a range of conversations and written texts of varying lengths and complexities across the disciplines;</li> <li>recognize language differences, engage in self-monitoring, and adjust oral and written language in a range of contexts across the disciplines;</li> </ul>
Accuracy of Production	<ul style="list-style-type: none"> <li>be comprehensible when using a variety of grade-level expanded discourse or texts; and</li> <li>may exhibit <b>some errors</b> in pronunciation, grammar, and writing conventions that <b>usually do not</b> impede meaning.</li> </ul>	<ul style="list-style-type: none"> <li>be comprehensible when using a variety of grade-level expanded discourse or texts on a variety of topics; and</li> <li>may exhibit <b>some minor errors</b> in pronunciation, grammar, and writing conventions that <b>do not</b> impede meaning.</li> </ul>

**Appendix C: Office of Civil Rights Communication Regarding English Learners**  
**Reclassification of English Learners with Disabilities**  
**OFFICE OF CIVIL RIGHTS OPINION 2008-09**

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

**Criteria for Reclassification**

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

- 1) Assessment of English language proficiency using the CELDT as the primary criterion (EC313[d][1];5CCR11303[a])
- 2) Comparison of performance in basic skills against an empirically established range of performance such as the California Standards Test for English-Language Arts (EC 313[d][4]; 5 CCR 11303[d])
- 3) Teacher evaluation that includes, but is not limited to the pupil's academic performance (EC 313[d][2]; 5 CCR 11303[b])
- 4) Parent opinion and consultation (EC 313[d][3]; 5 CCR 11303[c])

**Monitoring Progress toward Reclassification**

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

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

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

## Appendix D: Sample EL Documents

### Appendix D1: Sample EL/SPED Reclassification Checklist

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

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

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

\***CELDT** is used as the primary criterion for the *objective assessment instrument* in California. Students should be considered for reclassification whose overall proficiency level is early advanced or higher, listening is intermediate or higher, speaking is intermediate or higher, reading is intermediate or higher, and writing is intermediate or higher. Note: Those students whose overall proficiency level is in the upper end of the Intermediate level also may be considered for reclassification if additional measures determine the likelihood that a student is proficient in English (CDE CELDT: Understanding and Using 2009-10 Individual Results)

**Criteria 2: Teacher Evaluation**

Sample Teacher Criteria: Evidence of student's academic performance (in class), completion of a *Solom* Checklist, and student progress towards IEP linguistically appropriate goals. Note: According to SBE State Board Adopted CELDT Guidelines Section III (2009-2010) incurred deficits in motivation and academic success unrelated to English language proficiency do not preclude a student from reclassification. A disability may be a factor that contributes to low academic achievement and is unrelated to "English language proficiency."

**Criteria 3: Parent Opinion and Consultation**

Provide notice to parents or guardians of their rights and encourage them to participate in the reclassification process by inviting them to a face-to-face meeting

**Criteria 4: Comparison of Performance in Basic Skills**

"Performance in basic skills" means the score and/or performance level resulting from a recent administration of 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).

Note: *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 D2: EL/SPED Reclassification Worksheet

### ENGLISH LEARNER WITH SPECIAL NEEDS RECLASSIFICATION WORKSHEET

Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_ Grade: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Primary Disability: \_\_\_\_\_ Secondary Disability: \_\_\_\_\_

Summary of English language development services received: \_\_\_\_\_

#### 1. Assessment Results of Language Proficiency

*(Note: The CDE regulations allow the IEP team to designate that a student take an alternate assessment to CELDT if appropriate)*

**Language Proficiency Assessment Take:**     CELDT or  Alternate Assessment

**Current School Year Data    Date:** \_\_\_\_\_

CELDT    Overall Score: \_\_\_\_\_ Listening: \_\_\_\_\_ Speaking: \_\_\_\_\_ Reading: \_\_\_\_\_ Writing: \_\_\_\_\_

Alternate Assessment (ALPI)    Overall Score: \_\_\_\_\_ Listening: \_\_\_\_\_ Speaking: \_\_\_\_\_

Other Alternate Assessment: \_\_\_\_\_ Listening: \_\_\_\_\_ Speaking: \_\_\_\_\_ Reading: \_\_\_\_\_ Writing: \_\_\_\_\_

**Previous School Year Data    Date:** \_\_\_\_\_

CELDT    Overall Score: \_\_\_\_\_ Listening: \_\_\_\_\_ Speaking: \_\_\_\_\_ Reading: \_\_\_\_\_ Writing: \_\_\_\_\_

Alternate Assessment (ALPI)    Overall Score: \_\_\_\_\_ Listening: \_\_\_\_\_ Speaking: \_\_\_\_\_

Other Alternate Assessment: Listening: \_\_\_\_\_ Speaking: \_\_\_\_\_ Reading: \_\_\_\_\_ Writing: \_\_\_\_\_

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

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

If student's overall proficiency level was in the upper end of the intermediate level, did the reclassification team review other informal measures of proficiency and determine that it is likely the student is proficient in English?

Yes     No

#### If student took alternate assessment(s), answer the following questions:

Does the reclassification team feel the student's disability impacts the ability to manifest English proficiency?     Yes     No    If so, in what areas:     Listening     Speaking     Reading     Writing

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

Comments: \_\_\_\_\_

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

#### 2. Teacher Evaluation

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

Evaluation was based on:  Classroom performance  District-wide assessments  IEP Goal Progress  
 Other: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

3. **Parent Opinion and Consultations** was solicited through:  Letter to Parent  Parent Conference  
 Other \_\_\_\_\_

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

Comments: \_\_\_\_\_  
\_\_\_\_\_

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

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

Assessment taken:  CST  CMA  CAPA  **Other:** \_\_\_\_\_ ELA Score \_\_\_\_\_

Date: \_\_\_\_\_ Student met the Performance on CST or **other assessment** criteria?  Yes  No

If student took CMA or CAPA, was performance level at the beginning basic level to the midpoint of basic in ELA?  Yes  No

If performance in basic skills criteria based on CST or CMA was not met, answer the following questions to help determine if factors other than English language proficiency are responsible for limited achievement in ELA.

*Note: 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).*

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

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

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

**Does the Reclassification Team think the student should be reclassified at this time based on analysis of the four criteria above?**  Yes  No

Signatures of Reclassification Team Members:

\_\_\_\_\_ Date: \_\_\_\_\_ \_\_\_\_\_ Date: \_\_\_\_\_

Parent (optional) \_\_\_\_\_ Classroom Teacher \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_ \_\_\_\_\_ Date: \_\_\_\_\_

Special Education Case Manager (optional) \_\_\_\_\_ EL Representative \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_ \_\_\_\_\_ Date: \_\_\_\_\_

Other \_\_\_\_\_ Other \_\_\_\_\_

## Appendix D3: IEP Team Checklist for English Language Learners (ELs)

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

- Yes  No The IEP indicates if the student is classified as an English learner. Comments: \_\_\_\_\_
- 
- Yes  No The IEP includes information about the student's current level of English language proficiency in listening, speaking, reading, and writing (CELDT or alternative assessment scores/levels). Comments: \_\_\_\_\_
- 
- Yes  No The IEP indicates if the student requires alternate assessments to required statewide ELD assessments and, if so, what the alternate assessments utilized will administered and by whom (Special education teacher, EL staff, etc.). Comments: \_\_\_\_\_
- 
- Yes  No The IEP includes linguistically appropriate goals and objectives (if objectives are required) that reflect assessed English development needs. Comments: \_\_\_\_\_
- 
- Yes  No The IEP includes a description of who will be responsible for implementation of the linguistically appropriate goals and ELD services, in what setting they will be provided, and the duration and frequency of the services. Comments: \_\_\_\_\_
- 

Indicate below any strategies that the IEP team feels may be appropriate for the student based on his or her ELL needs to provide linguistically appropriate instruction:  Check all that apply

- Build on Background Knowledge**
- Link concepts to student's background experiences
  - Link past learning with new concepts
  - Front load/ Pre teach lesson key vocabulary
  - Focus on learning academic language during instructional
- Comprehensible Input**
- Align use of vocabulary in speaking to student's English proficiency level
  - Use of modeling, visuals, hands-on activities, demonstrations, gestures, body language
  - Use advanced organizers
  - Provide hands-on materials learning opportunities / manipulatives
- ELD Strategies:**
- Use scaffolding techniques
  - Use linguistic frames for oral responses or cloze fill in the blank structures
  - Use questioning strategies that promote higher order thinking skills
  - Provide activities involving all four language domains (listening, speaking, reading, and writing)
  - Provide opportunities for repeated practice
- Interaction:**
- Provide frequent opportunities for student interaction
  - Allow appropriate wait time for responses
  - Group student with like peers to support language/content objectives
  - Provide opportunities for student to clarify key concepts in L1 (preview/review, L1 instructional support, etc.)
- Lesson Delivery:**
- Engage student through use of multi-modalities – especially visuals and gestures
  - Adjust pacing of lesson to student's needs
- Review/Assessment:**
- Review key vocabulary/linguistic structures
  - Check frequently for understanding
  - Provide student honest, consistent feedback

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## **Appendix D4: Comparison of Language Differences versus Disabilities**

<b>Learning Behavior Manifested</b>	<b>Indicators of a Language Difference due to 2<sup>nd</sup> Language Acquisition</b>	<b>Indicators of a Possible Learning Disability</b>
<b>Oral Comprehension/Listening</b>		
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
<b>Speaking / Oral Fluency</b>		
1. Student lacks verbal fluency (pauses, hesitates, omits words)	1. Student lacks vocabulary, sentence structure, and/or self-confidence	1. Speech is incomprehensible 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
<b>Phonemic Awareness/Reading</b>		
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
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
<b>Reading Comprehension/Vocabulary</b>		
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
<b>Writing</b>		
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

	<b>to 2<sup>nd</sup> Language Acquisition</b>	<b>Disability</b>
<b>Handwriting</b>		
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 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 2 <sup>nd</sup> 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 2 <sup>nd</sup> 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
<b>Spelling</b>		
1. Student misspells words	1. Student will "borrow" 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
<b>Mathematics</b>		
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 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
<b>Behavior</b>		
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 2 <sup>nd</sup> language acquisition	2. Student does not understand instruction in L1 or L2 and across contexts; may be frustrated due to a possible learning disability

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