



**OFFICE OF COLLEGE & CAREER READINESS**  
**OFFICE OF SPECIAL EDUCATION**  
**OFFICE OF QUALITY SCHOOLS**

*Special Education  
English Language Learners:  
Guidance for LEA Staff*

December 9, 2013 Missouri Department of Elementary and Secondary Education

## Special Education / ELL Webinar Series

- Winter 2013 • An Overview of the ELL/SPED Programs and the Identification Process
- Spring 2014 • Issues and Implications in the Referral Process for Special Education
- Winter 2014 • Issues and Implications in Assessment for Determining Eligibility for Special Education
- Spring 2015 • Issues and Implications in providing FAPE to ELLs with disabilities
- Fall 2015 • Issues and Implications for collaboration between ELL and SPED to provide appropriate services



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*SPECIAL EDUCATION  
AND  
ENGLISH LANGUAGE LEARNERS:  
GUIDANCE FOR LEA STAFF*

**AN OVERVIEW OF THE  
ELL/SPED PROGRAMS  
AND  
THE IDENTIFICATION PROCESS**

*WEBINAR #1*

December 9, 2013

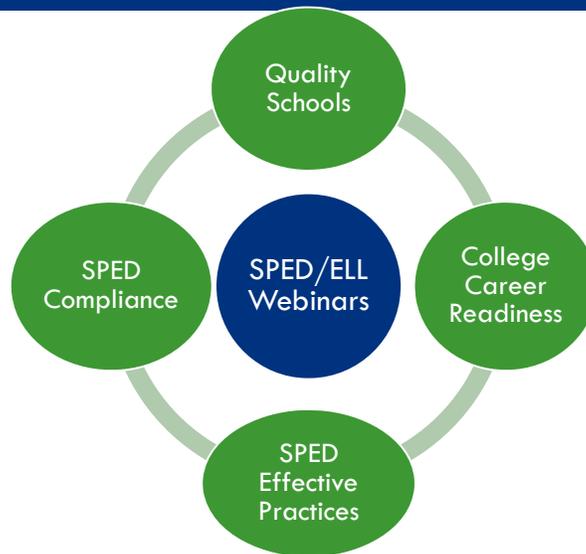
Missouri Department  
of Elementary and Secondary Education

## Participating in this Webinar

- Today's webinar will be in "listen-only" mode (with text chat).
- Please print the handouts and have available
- Note that all DESE webinars are listed at <http://dese.mo.gov/webinar/>. Be sure to check this page often, as new presentations are made available. Most programs will also send out information about the events to their mailing lists.
- This webinar is being recorded. To find the recording, visit the webinar Web page and click on the "Webinars - Recorded" button.
- Recordings, presentations, and other documents will be posted to the DESE website after the event.



## Webinar Team



## Learning Outcomes

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After participating in this webinar, you will:

- Be aware of issues and trends for identification of ELL students with disabilities
- Know key terms related to the ELL and SPED programs
- Know the legal basis for special education and ELL services
- Have an overview of the two programs including who is served and the purpose of the programs

## Learning Outcomes (continued)

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- Be aware of the process for identifying students as disabled and in need of special education
- Be aware of the process for identifying ELL students for special education
- Be aware of common misinformation and assumptions between the two programs
- Know how to access resources to answer questions that arise



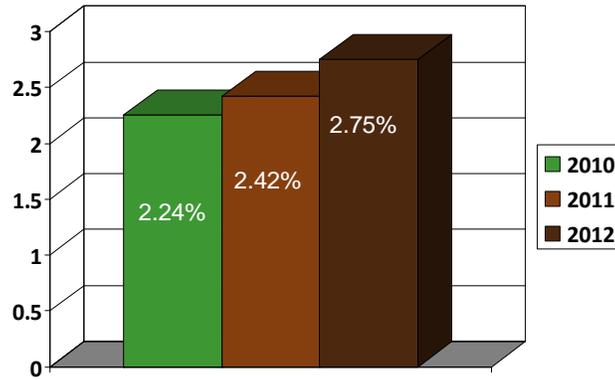
8

## What the Data Show . . .



## ELL Identification Data

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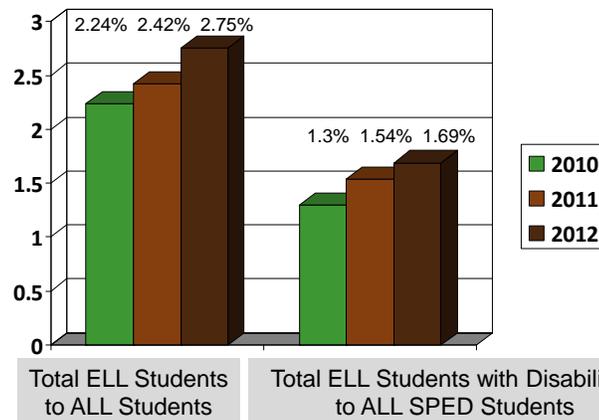
Percent of ELL Students to ALL Students in MO



## ELL Students with Disabilities Data

10

ELL Students Compared To . . .



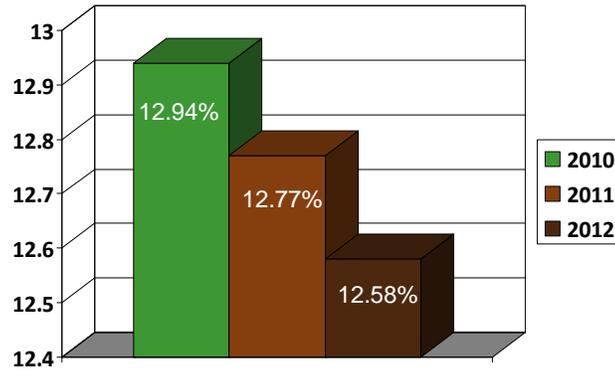
Total ELL Students to ALL Students

Total ELL Students with Disabilities to ALL SPED Students



## Special Education Identification Data

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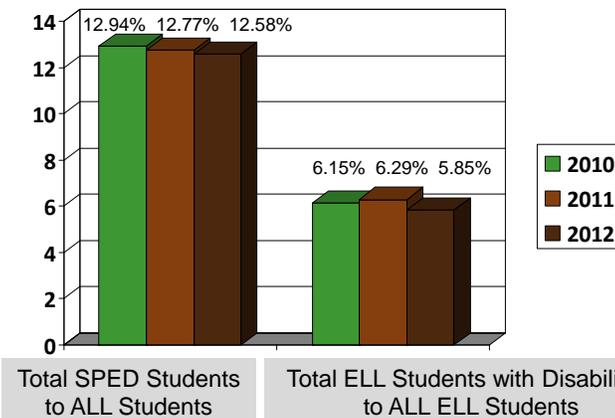
Percent of SPED Students to ALL Students in MO



## ELL Students with Disabilities Data

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SPED Students Compared To . . .



Total SPED Students to ALL Students

Total ELL Students with Disabilities to ALL ELL Students



## Identification Discrepancy

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### What does it mean?

- ELL students are not being identified as being disabled at the rate that would be expected based on Missouri data
- ELL students with unidentified disabilities are not receiving the special education services they would be entitled to receive to increase academic achievement

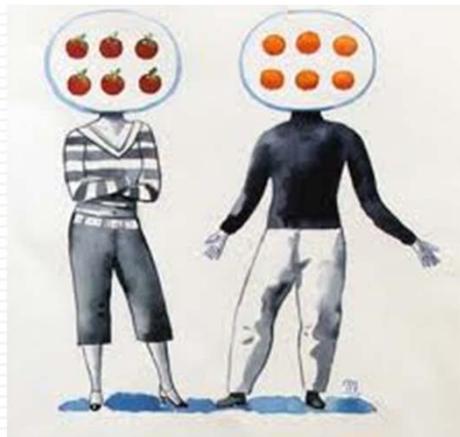
### What can we do about it?

- Provide training to district staff who work with both populations of students about the eligibility process and providing effective services



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## Speaking the Same Language. . .



## Key ELL Terms



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- ELL: English Language Learners
- LEP: Limited English Proficiency
- ESL: English as a Second Language
- MELL: Migrant Education and English Language Learners



- ELL students are also identified as LEP students.
- ESL teachers work with ELL students to develop English proficiency as well as academic skills
- MELL Instructional Specialist at the RPDCs work with ESL and content teachers



## Key SPED Terms



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- SPED: Special Education
- IEP: Individualized Education Program
- FAPE: Free Appropriate Public Education
- LRE: Least Restrictive Environment
- IDEA: The Individuals with Disabilities Education Act
- Student with a Disability: any student found eligible for one of 13 categories of disability described in the IDEA

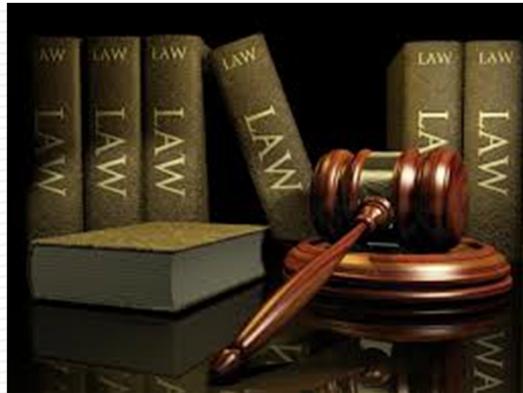


- A student with a disability under IDEA receives SPED services as described in the IEP in order to receive FAPE in the LRE.



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## Legal basis



## Federal Law for ELLs

### **Title VI Civil Rights Act of 1964**

Prohibited discrimination in Federally funded programs. Subsequently cited in many court cases. Stated that a student has a right to meaningful and effective instruction.

### **May 25, 1970 Memorandum**

The Department of Health, Education and Welfare (HEW) issued an interpretation of the Title VII regulations that prohibited the denial of access to educational programs because of a student's limited English proficiency.



## Federal Law for ELLs (continued)

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### Equal Educational Opportunity Act of 1974

No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.



## Court Cases Influencing ELLs

### Lau vs. Nichols 1974

The US Supreme Court reaffirmed the 1970 Memorandum regarding denial of access and participation in an educational program due to inability to speak or understand English.

**"There is no equality of treatment by providing students with the same facilities, textbooks, teachers and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education."**



## Court Cases Influencing ELLs

### **Castañeda vs. Pickard 1981**

Set the standard for the courts in examining programs for LEP students. Basically districts must have:

1. A pedagogically sound plan for LEP students.
2. Sufficient qualified staff to implement the plan.
3. A system established to evaluate the program.

### **Diana vs. State Board of Education 1970**

Set the standard that ELL students be tested in their native language to determine special education eligibility



## Court Cases Influencing ELLs

### **Plyer v. Doe 1982**

The Supreme Court rules that public schools were prohibited from denying immigrant students access to a public education.

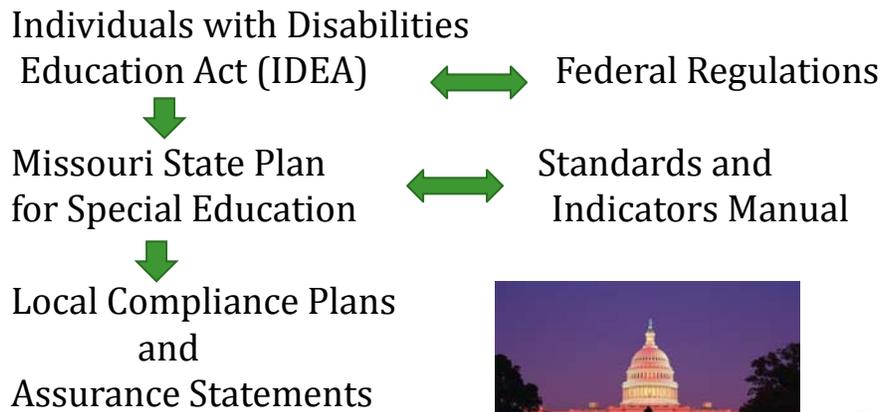
School officials may not require children to prove they are in this country legally by asking for documents such as green cards, citizenship papers, etc. They may only require proof that the child lives within the school district attendance zone, just as they might for any other child.

Any communication to the Immigration and Customs Enforcement Agency by school personnel concerning a specific student is prohibited.



## The IDEA Governs Special Education

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## How the Programs Work. . .



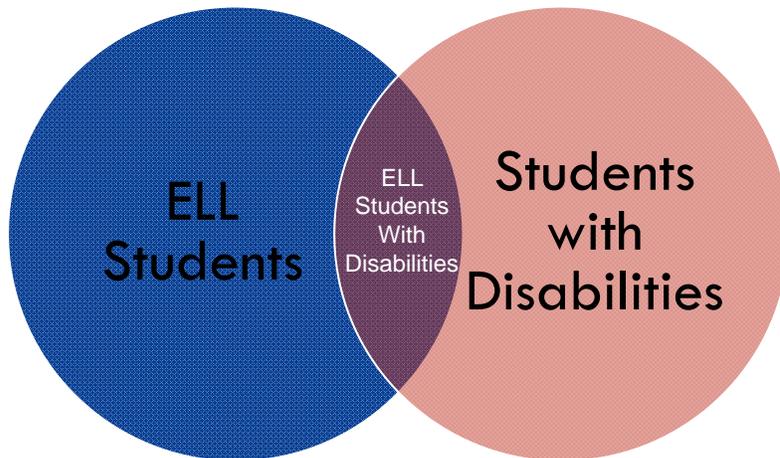
## A Comparison

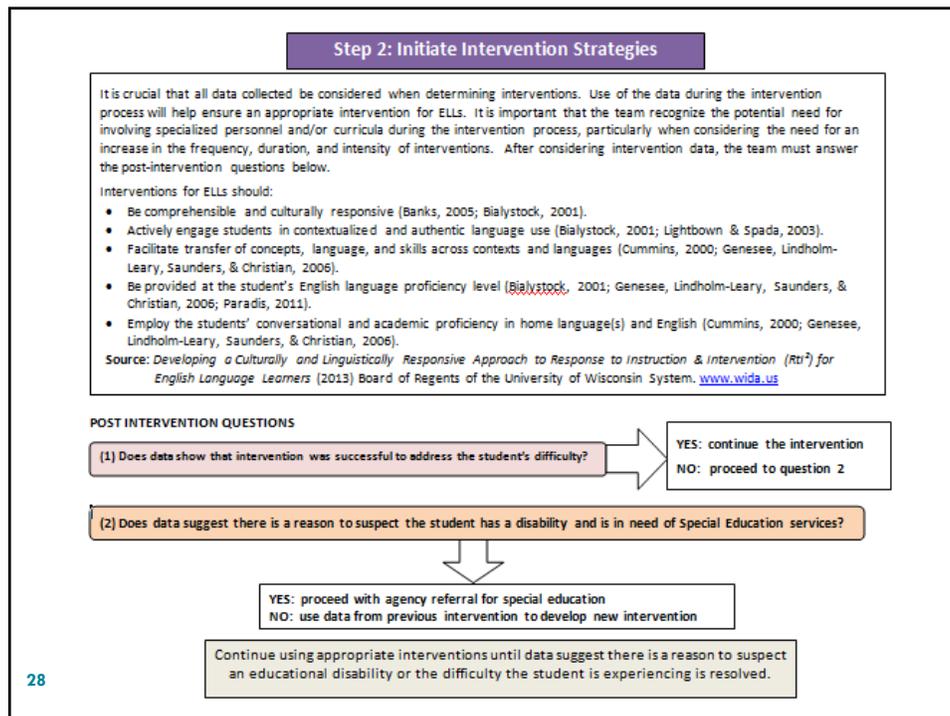
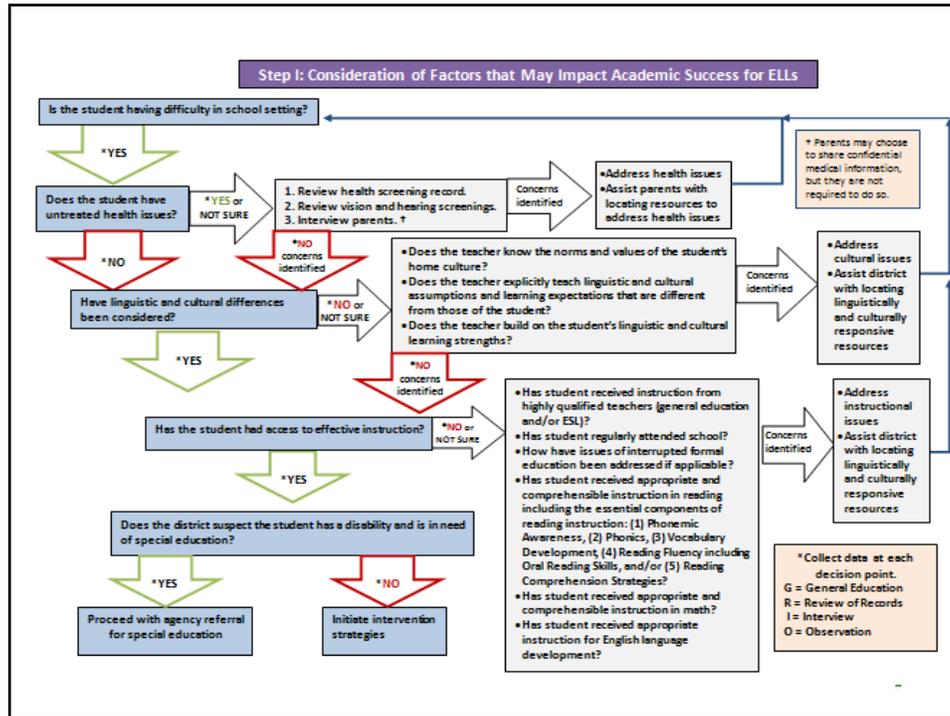
### ELL

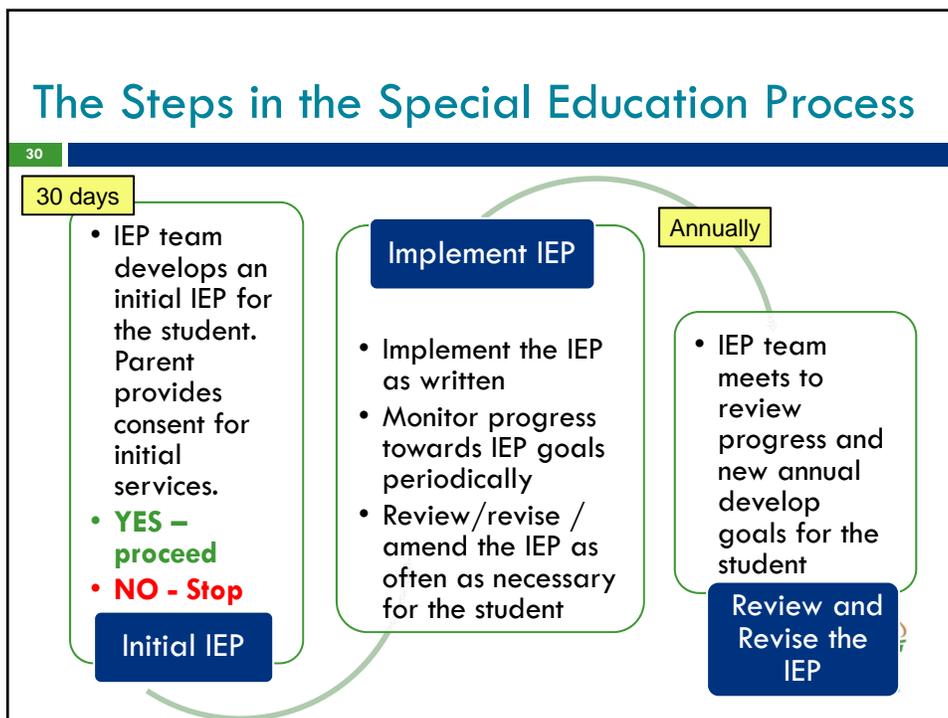
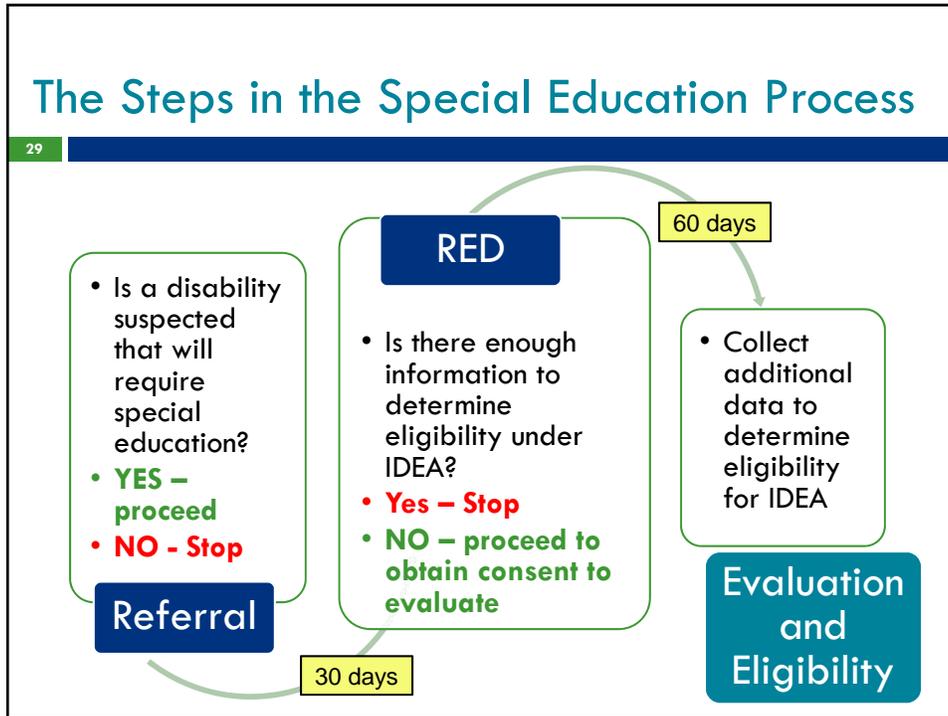
- Eligible Children ages 3 to 21
- Right to FAPE
- Has required process for identification
- Has recommended process for program development and provision of services

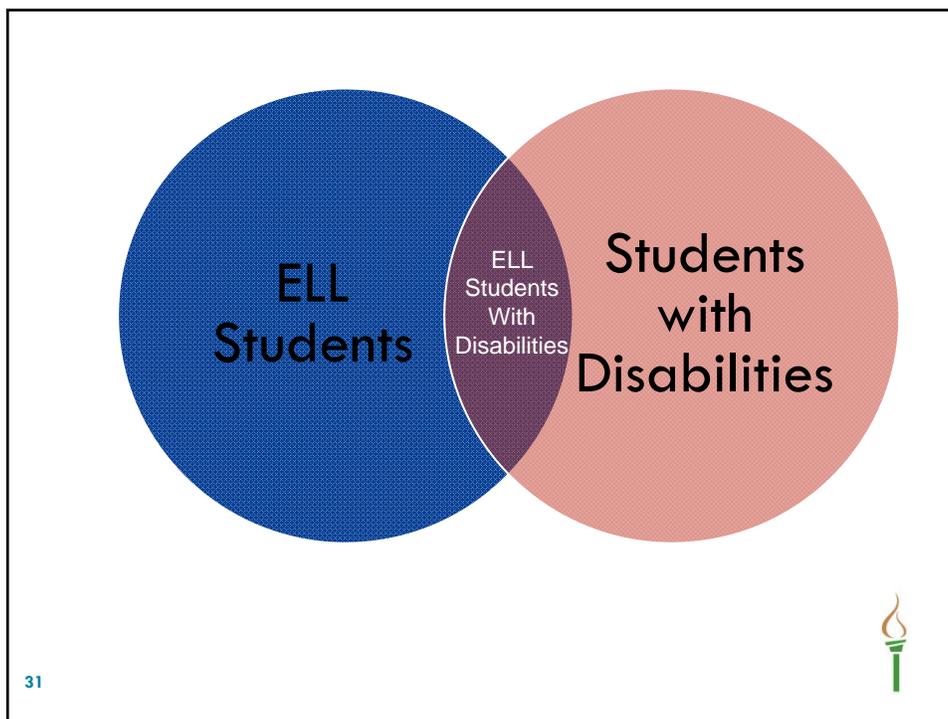
### SPECIAL EDUCATION

- Eligible Children ages 3 to 21
- Right to FAPE in LRE
- Has required process for identification
- Has required process for IEP development and provision of services









32 Burning Questions. . .



1. How long do you have to wait to make a referral for SPED for an ELL student?

- A. Three years from entering the USA
- B. Until the student is proficient in English
- C. It doesn't matter – refer when a disability is suspected
- D. As soon as the student is identified as ELL



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1. How long do you have to wait to make a referral for SPED for an ELL student?

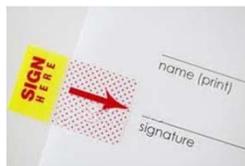
- A. Three years from entering the USA
- B. Until the student is proficient in English
- C. It doesn't matter – refer when a disability is suspected**
- D. As soon as the student is identified as ELL



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2. Does the LEA have to obtain parental consent to  
assess for ELL identification?

- A. Yes
- B. No

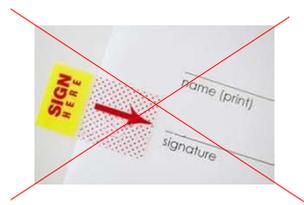


35



2. Does the LEA have to obtain parental consent to  
assess for ELL identification?

- A. Yes
- B. No**



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3. Does the LEA have to obtain parental consent to  
assess for Special Education identification?

- A. Yes
- B. No



37



3. Does the LEA have to obtain parental consent to  
assess for Special Education identification?

- A. Yes**
- B. No



*Pamela Parent*

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4. Can the ESL teacher refer a student for a special  
education evaluation?

- A. Yes
- B. No



39

4. Can the ESL teacher refer a student for a special  
education evaluation?

- A. Yes**
- B. No



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5. Can the parent of an ELL student make a referral for a special education evaluation?

- A. Yes
- B. No



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5. Can the parent of an ELL student make a referral for a special education evaluation?

- A. Yes**
- B. No

The parent request can be made in person, by phone, via email, or through a written note/letter.



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6. Do ELL students receive more help when also  
identified for SPED?

- A. Yes
- B. No

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6. Do ELL students receive more help when also  
identified for SPED?

- A. Yes**
- B. No

44



7. Can a student receive both ELL and SPED services?

A. Yes

B. No



45

7. Can a student receive both ELL and SPED services?

**A. Yes**

B. No



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8. Should the ESL teacher be a member of the IEP team?

- A. Always – they are required IEP team members
- B. Never
- C. It is a best practice



47

8. Should the ESL teacher be a member of the IEP team?

- A. Always – they are required IEP team members
- B. Never
- C. It is a best practice**



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9. When an ELL is identified for SPED, should the IEP require that all instruction be provided in English?

- A. Yes
- B. No
- C. It depends



49

9. When an ELL is identified for SPED, should the IEP require that all instruction be provided in English?

- A. Yes
- B. No
- C. It depends**



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## Know Your Resources: Being able to find answers to questions. . .



## DESE Staff

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### **1. Office of Special Education**

#### ■ Compliance Section

**Phone:** 573-751-0699, **Fax:** 573-526-5946

**Web Inquiries:** [secompliance@dese.mo.gov](mailto:secompliance@dese.mo.gov)

#### ■ Effective Practices Section

**Phone:** 573-751-0187, **Fax:** 573-526-5946

**Web Inquiries:** [seep@dese.mo.gov](mailto:seep@dese.mo.gov)



## DESE Staff

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  - Phone: 573-751-8280
  - shawn.cockrum@dese.mo.gov

### **3. Office of College and Career Readiness**

- Lori Hanna, Director of ELL Curriculum
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  - lori.hanna@dese.mo.gov
- Drew Linkon, Assistant Director of Assessment
  - Phone: 573-751-8285
  - drew.linkon@dese.mo.gov



The screenshot shows the homepage of the Missouri Department of Elementary and Secondary Education. At the top, it features the department's logo and the names of Governor Jay Nixon and Commissioner Chris L. Nicastro. A navigation menu includes links for Adult Learning & Rehab. Services, College & Career Readiness, Data System Management, Early & Extended Learning, Educator Quality, Financial & Admin. Services, Quality Schools, and Special Education. A search bar is located on the right. The main content area is divided into two sections: 'Stay informed about Missouri public education and our path to the Top 10!' which features a 'TOP 10 by 20 MISSOURI PROUD' graphic, and 'News & Updates' which lists several recent news items. Below these sections are quick links for various services like Educator Certification, MCDS Portal, Model Curriculum Units, and Webinars. A 'Quick Links' sidebar on the right provides direct access to the A-Z Index, About Us, Calendars, Careers, Communications, and Contact Us pages. At the bottom, there are links for Memos, Administrators, Teachers, Counselors, Families, FAQs, Helpful Links, and Social Media, along with a list of recent memos.

## Compliance Web Page

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## Effective Practices Web page

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**Missouri DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION**

Jay Nixon, Governor  
Chris L. Nicastro, Commissioner

A-Z Index | Site Map

Search

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Stay informed about Missouri public education and our path to the Top 10!

**TOP 10 by 20 MISSOURI PROUD**

1 2 3 4 5 6

**News & Updates**

- ▶ Missouri Students Score above Average in International Comparison
- ▶ State Sets Public Hearings on Normandy School District
- ▶ State Board Takes No Action on Kansas City Accreditation
- ▶ State Board Hears Update on Long-Term Plan for Unaccredited Districts
- ▶ Teacher of the Year, Finalists to Be Honored Monday
- ▶ Guidance for Student Transfers (Revised October 11)

more news...

**Quick Links**

- ▶ A-Z Index
- ▶ About Us
- ▶ Calendars
- ▶ Careers
- ▶ Communications
- ▶ Contact Us

**Memos** | **Administrators** | **Teachers** | **Counselors** | **Families** | **FAQs** | **Helpful Links** | **Social Media**

- ▶ 10-18-13 - MSIP5--Refreshed Data for Use in the 2014 APR
- ▶ 10-11-13 - Update on the 2014-2015 Missouri Assessment Program

## Migrant Education/ELL Web Page

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Home >> Quality Schools >> HE, ELL, I & R

Single Search:

Advanced Search:

**English Language Learning**

**Immigrant**

**MELL Conference**

**Migrant Education**

**Refugee**

**Staff**

**WIDA Information**

**DESE Web Applications**

**Instructions for Yearly Re-Certification of Migrant Students**

- ▶ 2013-2014 Recertification of Migrant Student Eligibility

**Migrant Education, English Language Learning, Immigrant and Refugee**

- ▶ I.C Migrant Plan Guidance
- ▶ Guidance for Completing the Title III LEP/LEA Compliance Plan

**Online Registration Now Open! MELL Conference 2013 November 20-22 Not Just One More Thing Integrating Content and Language Hilton at the Ballpark, St. Louis, MO Register Online**

- ▶ Guide to Identification and Exit Criteria for English Language Learners
- ▶ Understanding Title III Annual Measurable Achievement Objectives (AMAOs) 2012-2013
- ▶ Title III AMAO Parent Letter

MELL Program Changes

**How Do I Find?**

- ▶ Administrative Manual June 2012 (in addition, see NCLB Legislation & Guidance)
- ▶ Amendment Request Instructions
- ▶ electronic Planning and electronic Grants System (ePACS)
- ▶ MOSIS
- ▶ NCLB Self-Monitoring Checklist for Title I.C and Title III
- ▶ Nonpublic Information
- ▶ Payment Request/FER Instructions
- ▶ Publications and Forms

## WIDA Information Web Page

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Home >> College & Career Readiness >> Assessment

Google Search

Advanced Search

- About Assessment
- No Child Left Behind (NCLB)
- Research and Technical Information
- Testing Information
- DESE Web Applications



About Video

### ACCESS for ELLs Assessment/W-APT NEWS AND UPDATES

#### ACCESS for ELLs Required Training

ACCESS for ELLs, the annual English language proficiency assessment required of all LEP students is implementing a new way of administrating the listening test for the 2013/14 school year. The listening test will be administered via a CD that will be enclosed in the assessment materials. Due to this change, the Department is requiring that at least one representative from each school district or LEA with ELL students attend a live training facilitated by a member of the Migrant and English Language Learner (MELL) staff. Districts or LEAs with no ELL students are not required to attend.

If you have questions, please contact Lori Hanna at 573-751-3926 or [lori.hanna@dese.mo.gov](mailto:lori.hanna@dese.mo.gov) or your local MELL instructional specialist.

- ▶ Upcoming Trainings
- ▶ MELL Coverage MAP and Contact Information

#### W-APT and ACCESS for ELLs Frequently Asked Questions

The W-APT and ACCESS for ELLs FAQ documents have been updated for the 2013-2014 school year.

- ▶ WIDA FAQs

#### How Do I Find? Missouri Assessments

- ▶ End-of-Course
- ▶ Grade-Level
- ▶ MAP-A
- ▶ ACCESS for ELLs
- ▶ Personal Finance
- ▶ NAEP

WIDA ACCESS Contacts	
<b>WIDA Help Desk</b>	866-276-7735
<b>MetriTech</b>	800-747-4868
<b>Shawn Cockrum MELL Director</b>	573-751-8280
<b>Drew Linkon Assistant Director Assessment</b>	573-751-8285

#### Assessment Consortia

- ▶ SMARTER Balanced Assessment Consortium

## ELL Web Page

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Google Search

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- Immigrant
- MELL Conference
- Migrant Education
- Refugee
- Staff
- WIDA Information
- DESE Web Applications



About Video

### English Language Learners (ELL)

(All links below are PDF files unless otherwise noted.)

#### Current Issues

- ▶ Universities that have a state-approved ESOL program and offer approved coursework
- ▶ LEP/ELL Student Data in MOSIS and Core Data letter dated Feb. 2, 2009
- ▶ Table of LEP Students Receiving Services as Reported in October Cycle of MOSIS
- ▶ ELL Retention and Graduation Requirements

#### Definitions

- ▶ Definition of Limited English Proficient (LEP)
- ▶ Definitions of Instructional Models
- ▶ MOSIS LEP Codes
- ▶ MOSIS ELL Language Codes
- ▶ Migrant MOSIS Codes
- ▶ Migrant Definition
- ▶ Immigrant Definition

#### Resources

- ▶ OCR Lau Plan
- ▶ Crafting a Lau Plan
- ▶ State Contact

#### Guidance/Brochures

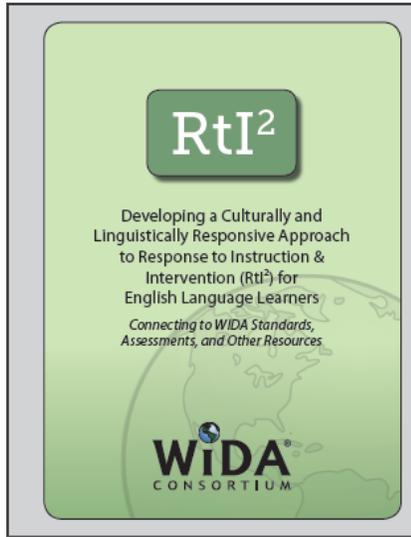
- ▶ Educating Linguistically Diverse Students 2006 DRAFT
- ▶ USDE Memo regarding students who have exited LEP category
- ▶ MELL Fact Sheet - Missouri Migrant Education and English Language

Special Education English Language Learners

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## WIDA RTI<sup>2</sup>

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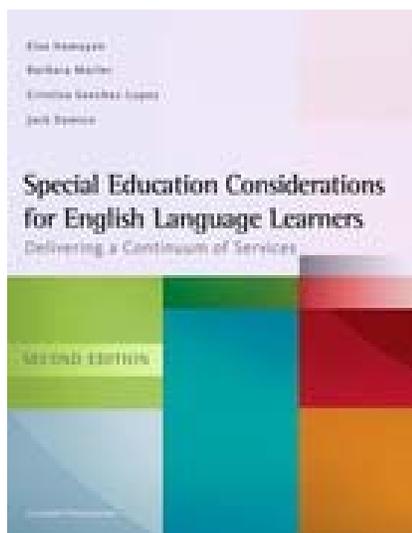
A resource for  
Instruction and Intervention  
(hence the I<sup>2</sup> in the title)

Available to download at  
[www.wida.us](http://www.wida.us)



## Special Education Considerations for English Language Learners: Delivering a Continuum of Services -2<sup>nd</sup> edition

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A comprehensive  
resource for educators

**Else Hamayan, Barbara Marler,  
Cristina Sánchez-López, Jack  
Damico**

ISBN: 978-1-934000-11-3

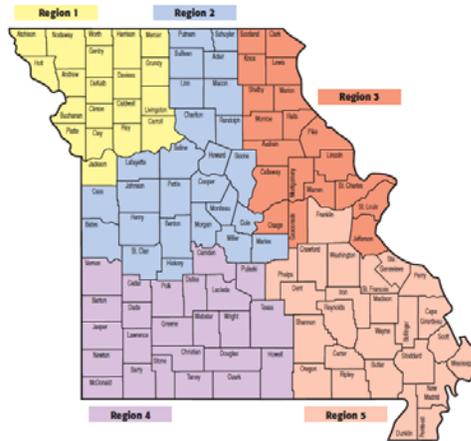
Paperback: 240 pages

Published: January, 2013



## MELL Instructional Specialist

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	<ul style="list-style-type: none"> <li>• Diane Mora</li> <li>• Vacant</li> </ul>
	<ul style="list-style-type: none"> <li>• Becky Smith</li> </ul>
	<ul style="list-style-type: none"> <li>• Marlow Barton</li> <li>• Debra Cole</li> </ul>
	<ul style="list-style-type: none"> <li>• Jesse De Leon</li> </ul>
	<ul style="list-style-type: none"> <li>• Claudia Frank</li> </ul>



## MELL Instructional Specialist

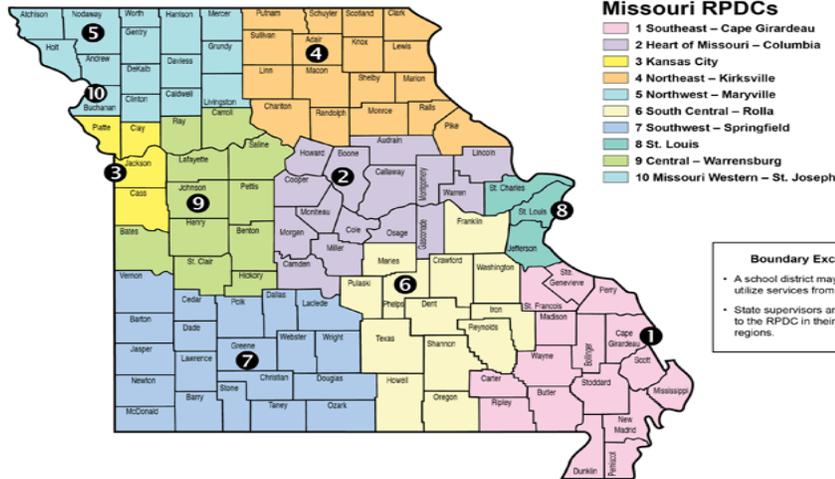
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<b>Region 1</b>	Diane Mora	(816) 235-6157	<a href="mailto:morad@umkc.edu">morad@umkc.edu</a>
	Vacant	(816) 235-8844	
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<b>Region 3</b>	Marlow Barton	(314) 692-1247	<a href="mailto:mbarton@edplus.org">mbarton@edplus.org</a>
	Debra Cole	(314) 692-1238	<a href="mailto:dcole@edplus.org">dcole@edplus.org</a>
<b>Region 4</b>	Claudia Franks	(417) 836-4093	<a href="mailto:ClaudiaFranks@MissouriState.edu">ClaudiaFranks@MissouriState.edu</a>
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## RPDC Improvement Consultants

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## RPDC Improvement Consultants

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 Rex Perry, [perryrd@umkc.edu](mailto:perryrd@umkc.edu)

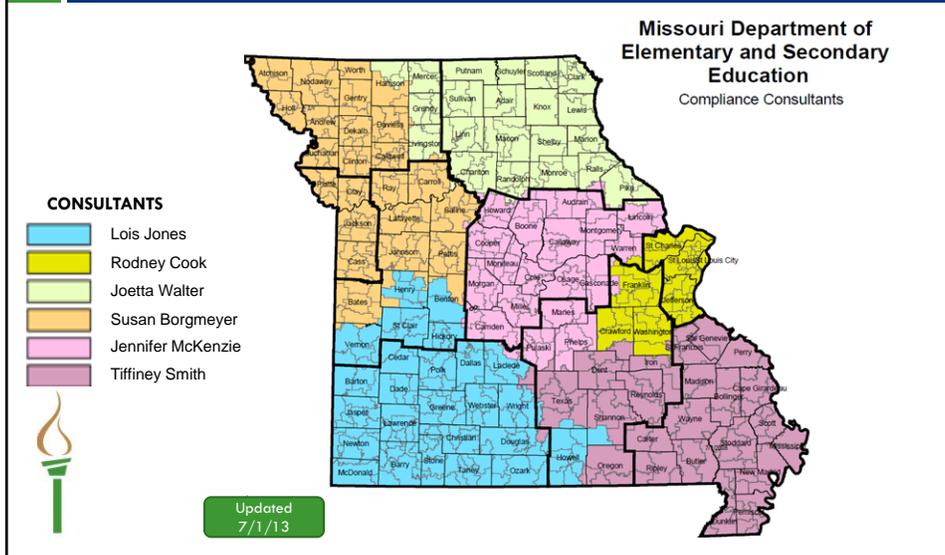
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## RPDC- Compliance Consultants

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## RPDC Compliance Consultants

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## Questions?

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## Thank You for Participating



*Office of Special Education*



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