



Identifying, Supporting and Reclassifying English Learners with Disabilities

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ii

Enrolling and Graduating English Learners: Guidance on Welcoming Immigrants and Planning for Success-Readiness

Developed By:

Tiffani Muessig

Assistant Director of Effective Practices

Department of Elementary and Secondary Education

Ryan Rumpf

Director of ELL Curriculum

Department of Elementary and Secondary Education



Missouri Department of Elementary and Secondary Education

Roger Dorson, Interim Commissioner of Education

Jefferson City, Missouri

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Missouri Department of Elementary and Secondary Education
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Professor – Special Education
Missouri Western State University

Dr. Adrienne Johnson
Assistant Professor - TESOL
Missouri Western State University

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Katy Booher
Director of ELD
Webb City R-VII School District

Tara Friga
ELL Specialist
Nixa R-II School District

Lynette Jackson
Director of Federal Programs
Hazelwood School District

Jennifer Johnson
ESOL Teacher
Camdenton School District

Angela Newbury
ELL Teacher
Wentzville R-IV School District

Jisoo Park
ELL Teacher
Grandview C-4 School District

Angela Rolofson, Ph.D.
Director of Student Services
Knob Noster R-VIII Public Schools

Mary Standish
ELL Teacher
Wentzville R-IV School District

Rebecca Stock
EL Instructional Coach
Columbia Public Schools

Debra Cole
MELL Instructional Specialist
Edplus – St. Louis

Cynthia Chasteen, Ph.D
MELL Instructional Specialist
Kansas City RPDC

Table of Contents

Contents

Introduction.....	1
Legal Background.....	1
Individuals with Disabilities in Education Act.....	1
Equal Educational Opportunities Act	3
Program Models.....	3
Preventing Inappropriate Referrals.....	5
Second language acquisition: Key understandings	6
Promoting Appropriate Referrals.....	8
Special Education Evaluation.....	12
Emerging Best Practices.....	12
Selecting Assessments for Comprehensive Evaluation Process	13
Identifying Students with Disabilities for ELD Programs.....	14
Deaf & Hard of Hearing	15
Blind and Visually Impaired Students	15
Students with Severe Cognitive Disabilities.....	15
English Learners with Disabilities--Collaboration	16
Collaborative Responsibilities of the Team	17
Parent and Family Engagement	18
Strategies to Consider Students' Progress in ELD	19
Reclassifying ELs with Disabilities.....	20
FAQs	22
References.....	24
Appendix A - Acronym Definitions	25
Appendix B – WIDA Performance Definitions	26
Appendix C – Seven Integral Factors	28
Appendix D: Student Data Sheet.....	31
Appendix E- Multiple Context Planning Form	32
Appendix F: Speech/Language Information.....	33
Appendix G: Disability or 2nd Language Determination.....	34

Introduction

The process of identifying, supporting and reclassifying English learners with disabilities has historically been a confusing and contentious topic among education professionals. School districts across the country have varying beliefs about how to properly identify the students who are eligible for both special education and English language development (ELD) programs, who should be involved in supporting the student and when the student should no longer be considered an English learner. This confusion can be seen in the well-documented over- and under-identification rates of English learners dually identified as a student with a disability.

In Missouri, some school districts have identified all of their English learners as having a disability. Many schools have not identified any English learners as having a disability while other identification rates closely mirror the special education rates of non-English learners. It is reasonable to conclude that this range is due to the confusion caused when students might demonstrate characteristics of having a disability, but their struggles can be attributed to the natural process of second language acquisition.

This issue is compounded by the lack of appropriate tools and strategies to properly identify a disability of a learner who is not a proficient English speaker as well as the personnel responsible for supporting the student once a disability has been identified. To address the issue, a workgroup met during the spring of 2018. The workgroup consisted of many teachers and administrators who have worked in both areas, English language development and special education, as well as experienced leaders from higher education.

The group worked under four big ideas:

- English learners are entitled to any program for which they qualify.
- Lack of English language proficiency is not a disability.
- First language acquisition is distinct from second language acquisition.
- We are all on the same team.

Together, many of the items in this document were developed to assist districts in properly identifying English learners with disabilities, properly identifying students with existing disabilities as English learners, determining how each program contributes to the overall support program and deciding when a student should no longer be classified as an English learner.

To the reader, note that there are several acronyms in this document. Please see Appendix A if there is ever confusion.

Legal Background

The origin of both special education and English language development programs can be traced to federal legislation and several court cases. This section will describe the most salient features of relevant laws related to identifying English learners with disabilities.

Individuals with Disabilities in Education Act

Part B of the Individuals with Disabilities in Education Act (IDEA) defines students with disabilities as those children, ages three (3) to twenty-one (21), who have been properly evaluated as having a disability and who, because of that disability, require related services and/or special education.

Under the IDEA, school districts must locate and evaluate all children who may have disabilities and who need related services and/or special education, regardless of the severity of their disability (20 U.S.C. §1412 (a)(3)). No child may be determined to be eligible if the determinant factor for that eligibility is lack of appropriate instruction in reading, including the essential components of comprehensive literacy instruction (as defined in section 2221(b)(1) of the ESEA), lack of appropriate instruction in math or limited English proficiency (34 CFR 300.306(b)(1)). It is important to understand that a lack of English proficiency is not a disability; however, students acquiring English may have one. If a student has a disability, it will often be present in both languages.

Several conditions may be diagnosed by other professionals such as physicians, psychologists, etc. that are not specified by IDEA. These may include such conditions as Tourette syndrome, diabetes, sickle cell anemia, leukemia, dyslexia, central auditory processing disorder, etc. Students who present significant learning problems by virtue of the condition may demonstrate eligibility for special education because of one or more of the disabilities identified above as these are included in one of the categories specified by the law. The following are the categories of disabilities enumerated in IDEA along with their definitions.

Category	Definition
Autism	Autism means a developmental disability significantly affecting verbal or nonverbal communication and social interaction...Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.
Deaf/Blindness	Deaf/Blindness means concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.
Emotional Disturbance	Emotional Disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (1) An inability to learn that cannot be explained by intellectual, sensory, or health factors; (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (3) Inappropriate types of behavior or feelings under normal circumstances; (4) A general pervasive mood of unhappiness or depression; and, (5) A tendency to develop physical symptoms or fears associated with personal or social problems.
Hearing Impairment	Hearing Impairment means impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, but is not included in the definition for deafness. Students who are deaf often DO qualify for special education in this category of IDEA.
Intellectual Disability	Intellectual Disability means significantly sub-average (2 Standard Deviations below age level) general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period that adversely affects a child's educational performance.
Orthopedic Impairment	Orthopedic Impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.
Other Health Impairment	Other Health Impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment.
Multiple Disabilities	Multiple Disabilities means concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blindness.
Specific Learning Disabilities	Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or, limited English proficiency
Speech/Language Impairment	Speech or Language Impairment means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment that adversely affects a child's educational performance
Traumatic Brain Injury	Traumatic Brain Injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability, psychosocial impairment, or both that adversely affects a child's educational performance. The term does not include brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.
Vision Impairment	Visual Impairment, including blindness, means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Category	Definition
Young Child with a Developmental Delay	Young Child with a Developmental Delay means a child ages three (3) through five (5) years of age who is experiencing developmental delays, as measured by appropriate evaluation instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who needs special education and related services.

Equal Educational Opportunities Act

The Equal Educational Opportunities Act (EEOA) of 1974 requires school districts to take action to overcome language barriers that impede ELs from participating equally in state and district educational programs. Section 1703(f) does not mandate specific Language Instruction Educational Programs (LIEPs), but does consider three factors to assess the adequacy of a program.

Those criteria are:

1. The LIEP is based on “sound educational theory” or considered a legitimate experimental approach; AND
2. The programs and practices (including personnel and resources) are reasonably calculated to implement the program model effectively; AND
3. The LIEP is periodically evaluated for effectiveness indicating that the language barriers are being overcome within a reasonable amount of time.

Some examples of EEOA violations relevant to school personnel designing LIEPs for ELs with disabilities are:

1. The school fails to provide a LIEP to its EL students or fails to provide adequate support to EL students;
2. Fails to provide resources to implement the LIEP effectively (i.e., teachers lack certification or training);
3. Exits EL students before the students acquire English proficiency;
4. Fails to provide language assistance services to EL students because they receive special education services or fails to provide special education services to EL students when they qualify for special education services.

Program Models

In Missouri, ELs are historically supported by an ESOL-endorsed teacher apart from the general classroom and curriculum. Districts opting to use one of these models must realize that the majority of the school day is spent in the general education classroom. ELs are entitled to an equitable education and attention must be paid to how ELs are supported in all classrooms in the building. Additionally, if students struggle in these models, districts must carefully evaluate whether the academic deficits are due to inadequate instruction in core content classes. With that in mind, the following models satisfy the requirement of an “educationally sound program.”

Pull-Out ESOL	Typically used at the elementary level, students are pulled out of the regular classroom for intensive English instruction. These interventions do not replace effective content area instruction for ELs, but rather supplement it.
ESOL Class Period	Typically used at the secondary level, students receive intensive English instruction in addition to core content classrooms. English credit may be awarded for these classes.
ESOL Resource Classroom	Essentially, a resource classroom is the secondary variation of the pull-out model. The resource classroom is not limited to one content area, rather an ESOL certified teacher focuses on English skills across multiple disciplines.

English for Speakers of Other Languages (ESOL)

Below are brief descriptions of typical ESOL models and how the model is coded in MOSIS. These models comprehensively address an ELs needs in all classrooms. ESOL models utilize an English-only approach, but do use the native language to clarify misunderstandings. It is important to understand that although English instruction in the content areas is the goal, over-modifying the curriculum or simplifying language can detract from the true goals of the grade-level standards and expectations.

Structured English Immersion	In this program, all students are ELs as determined by ACCESS scores and receive specialized English-only instruction in all core content areas. There is no explicit ESOL instruction; rather, the language of the content areas is the medium of instruction. The use of the native language is acceptable, but only to clarify the English instruction. Most students exit this program after two or three years.
Content-Based ESOL (CBE)	This approach to teaching English makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. English is used as the medium of instruction.
Sheltered English	Similar to CBE, Sheltered Instruction is an instructional approach used to make academic instruction in English understandable to English learners to help them acquire proficiency in English while at the same time achieving in content areas. Sheltered English instruction differs from ESL in that English is not taught as a language with a focus on learning the language. Rather, content knowledge and skills are the goals.
Newcomer Centers	Provide a safe and supportive context for students who are new to both school and the U.S. before they move into a regular school; might provide assessment and initial English instruction and classes to help students adjust culturally, socially and academically. Instruction is typically in English, but the first language is used when needed.

Bilingual Models

Research continues to show that bilingual education has positive effects on EL achievement. Although rare in Missouri, the following program models allow students to develop two languages simultaneously. These are particularly important ideas in terms of native language development which is an area that poses a great risk to inappropriate referrals to special education.

Bilingual Immersion/Dual Language	Also known as two-way immersion or two-way bilingual education, these programs are designed to serve both language minority and language majority students concurrently. Two language groups are put together and instruction is delivered through both languages. For example, in the US, native English speakers might learn Spanish as a foreign language while continuing to develop their English literacy skills and Spanish-speaking ELs learn English while developing literacy in Spanish. The goals of the program are for both groups to become biliterate, succeed academically, and develop cross-cultural understanding (Howard, 2001).
Early and Late Exit Programs/ Transitional Bilingual	Transitional Bilingual is an instructional program in which subjects are taught through two languages-- English and the native language of the English language learners -- and English is taught as a second language. English language skills, grade promotion and graduation requirements are emphasized and L1 is used as a tool to learn content. The primary purpose of these programs is to facilitate the LEP student's transition to an all-English instructional environment while receiving academic subject instruction in the native language to the extent necessary. As proficiency in English increases, instruction through L1 decreases. Transitional bilingual education programs vary in the amount of native language instruction provided and the duration of the program (U.S. General Accounting Office, 1994). Transitional Bilingual programs may be early exit or late-exit, depending on the amount of time a child may spend in the program.

Capacity Building Models

A growing number of schools across the United States are recognizing that in order for ELs to be successful in all facets of school, any teacher who has an EL in class must be comfortable adapting or modifying instruction and assessments. The following models allow the ELD teacher the opportunity to build the capacity among the district staff to support ELs in all classrooms. Although the research base is growing, these models fall under the legitimate experimental approach category.

Co-Teaching	The co-teaching model pairs an ESOL certified teacher with a mainstream teacher to deliver effective instruction to all students in the classroom. However, specific attention is given to ensure ELs are able to access the curriculum. The goals are the same for most ESOL-based program models.
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ELD Coaching	ELD Coaching is an approach to train all teachers over time to deliver effective instruction for English learners. This model recognizes and plans for the multiple duties of ESOL certified teachers. Districts cluster students into specific classrooms and the ELD Coach assists individual teachers or grade level teams in designing, delivering and assessing effective instruction for ELs. The ELD Coach is also available for interventions, co-teaching and other strategies to support the student.
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Preventing Inappropriate Referrals

English learners are entitled to a timely referral and identification for special education services. In an effort to ensure appropriate referrals to the special education program, districts must understand the characteristics that can lead to inappropriate referrals. Generally, ELs facing academic difficulties can be influenced by the following factors:

- Ineffective teaching or learning environment; lack of effective ELD instruction & support
- Non-academic factors such as trauma, limited or interrupted formal education, poor attendance, etc.
- Legitimate developmental disabilities

The first area the school must evaluate is the challenges it faces when meeting the needs of English learners. Prior to August 2017, no formal mandate existed in pre-service teacher education programs or district-level professional development to address the needs of ELs. Beginning in August 2017, all pre-service teachers must have had some kind of training to support ELs, but the duration and intensity of this training remains undefined. Additionally, although mandated by the US Department of Education, formal EL-specific professional development for any teacher of ELs remains an issue. Several researchers have studied teacher knowledge and efficacy involving creating an effective classroom environment for English learners noting that less than 15% of teachers have received more than 8 hours of formal professional development related to English learners (Gruber et al, 2002, Ortiz & Artiles, 2010). School districts must be familiar with evidence-based instructional and assessment practices that promote English-language development and overall well-being. Recommended foci of professional development for all educational professionals include:

- understanding of second language acquisition
- the value of the first language
- strategies to make content comprehensible to ELs of varying proficiency levels
- sociocultural influences on learning

Additionally, it is essential that all school personnel (administrators, teachers, psychologists, speech-language pathologists, etc.) who work with English learners have a knowledge base involving common areas of special education referrals that can be attributed to second language acquisition. These topics include:

- native language loss
- differences between first and second language acquisition
- impact of poverty, trauma, medical history, etc. on learning

ELD teachers must also be familiar with challenges involving special education such as:

- eligibility criteria and categories of disabilities
- evidence-based strategies for working with students with disabilities

Native Language Loss

The native language plays a major role in second language development (See Cummins' hypotheses). An effect of English-only instruction and insisting on using English at home is a phenomenon known as Native Language Loss.

Losing proficiency in the native language while not yet achieving proficiency in the 2nd language has significant effects on the student's academic performance (Cummins, 1979). The children will appear to have a language delay, but native language loss is not a disability. It is a consequence of ineffective programming.

Finally, the district must also evaluate the Language Instruction Educational Program (LIEP) to ensure that ELs are receiving appropriate support acquiring English language proficiency. Not only is this important in terms of special education referrals, it is also required as a part of the federally-mandated Castañeda test (Castañeda v. Pickard, 1981). The next few pages will be dedicated to explaining each of these components.

Second language acquisition: Key understandings

Understanding of the second language acquisition process is essential to determining whether academic difficulties are due to the natural process of acquiring an additional language or a developmental disability. Research on second language acquisition and effective schooling for ELs has improved dramatically over the past few decades. This section will describe some of the foundational principles in SLA, but note that much more exists that is worth exploring. One of the most influential philosophers on second language acquisition is Dr. Jim Cummins. His research has identified a number of key understandings of the second language acquisition process identified in Figure 2.1

Figure 2.1 – Hypotheses of Jim Cummins

Concept	Description	Implications for ELs with Suspected Disabilities
Basic Interpersonal Communication Skills (BICS) versus Cognitive Academic Language Proficiency (CALP)	The distinction was made because some students seemed proficient in English during informal, social conversations but struggled catching on to the less frequently used academic language in class which resulted in referrals to special education. BICS can take significantly less time (1-3 years) to develop while academic language may take longer (5-7 years) provided the student receives adequate instruction (Cummins, 1979).	Since students acquire social language (BICS) much faster, to the untrained observer, it will appear that a student is more proficient than they truly are. Academic language is much more sophisticated and is a primary cause of struggles in the classroom. In fact, this study was initiated due to the large number of students being referred to special education (Cummins, 1979)
Interdependence Hypothesis	The Interdependence Hypothesis proposes that strong levels of proficiency in the native language will positively affect the acquisition of the second language. Additionally, if the acquisition of the native language is strong enough, there will be no negative effects on the native language when a student is exposed to the second language.	Native language proficiency has positive effects on the length of time needed to acquire English and how strong English language skills will be.
Threshold Hypothesis	This hypothesis states that there is a minimum level of proficiency required in either the native language or the second language in order to be successful. Cummins found that “semi-lingualism,” students who have not achieved fluency in their native language or English (i.e. lower elementary students), will suffer negative cognitive benefits. Dominant Bilingualism, where a student has at least acquired fluency in one language had a better effect, but Additive Bilingualism, where students develop both languages had a highly positive effect (Cummins, 1979)	Students who do not continue to develop their native language, especially in the lower grades, are at a significant risk of academic deficits. Similarly, when students begin to lose proficiency in their native language (subtractive bilingualism) - while not yet achieving English proficiency –are also at a significant risk of academic deficits.

Another influential researcher in the field of second language acquisition, Dr. Stephen Krashen, has also contributed several important ideas. His research has been the foundation of several program models and resources targeting English learners. See Figure 2.2 for some of his ideas and the implications for ELs with suspected disabilities.

Figure 2.2 – Hypotheses of Stephen Krashen

Concept	Description	Implications for ELs with Suspected Disabilities
Comprehensible Input	Krashen argues that students acquire language when they understand messages (input) delivered in a developmentally appropriate way. There are several strategies to make content comprehensible including the use of the native language.	Lessons for English learners will not be comprehensible without thoughtful planning and use of sensory, graphic and interactive supports. In order for assessments to capture what an EL knows, they must also be designed with a student’s ELP in mind. Otherwise, teachers cannot expect a student to meet growth expectations.
Natural Order	This hypothesis posits that language is acquired in a predictable “natural order.” Although not at 100%, some grammatical structures tend to be acquired early while others are acquired late.	Students at lower proficiency levels will over-use grammatical structures (i.e. present tense). This will correct itself over time with meaningful interaction and explicit and implicit feedback.
Affective Filter	A number of affective variables play a major role in language acquisition. Low motivation, low self-esteem and anxiety form a mental block and prevent language from being acquired at natural rates.	If students do not feel welcome and free to experiment with the language, they will acquire language slower. Actions that impact self-esteem or cause anxiety have an effect as well.

It is crucial for educators to fully understand their students’ English proficiency levels in order to provide an appropriate learning environment for ELs. Missouri is part of the WIDA consortium and we use their assessments to determine a student’s English language proficiency level. ELs progress through predictable stages over a period of time (generally between 4-7 years) to achieve proficiency. It is important that all educators who work with English learners are familiar with a student’s English language proficiency level. See Appendix B for performance definitions. The following chart provides a short list of supports.

Figure 2.3 – Supports for ELs

Sensory Supports	Graphic Supports	Interactive Supports
Real-life objects (realia)	Charts	In pairs/partners
Manipulatives	Graphic Organizers	In triads or small groups
Pictures/Photographs	Tables	In a whole group
Illustrations/Diagrams/Drawings	Graphs	Cooperative Learning Structures
Magazines & newspapers	Timelines	Web-based & software
Physical Activities	Number Lines	In the Native Language

Adapted from WIDA®

A helpful tool to assist districts in determining if struggles are related to English language proficiency or acculturating to school and life in Missouri is the Seven Factors Survey found in Appendix C. Districts can use this template to comprehensively evaluate several factors that may influence a student’s performance in school. Figure 2.4 shows the Seven Integral Factors and sample questions that could be considered during the implementation of this evaluation. Please note that the questions are intended to be examples, not a comprehensive list.

Figure 2.4 – Seven Integral Factors

Factor	Salient Research Questions
Learning Environment Factors	Are the curriculum and materials culturally and linguistically responsive? Are the general educators trained to deliver culturally and linguistically responsive units of study? Does the ELD teacher have the training and qualifications to meet the needs of the EL? Is the LIEP effective?
Academic Achievement and Instructional Factors	Are ELLs allowed to show what they can do with the content without the interference from English language proficiency? Are students allowed to complete authentic, project-based assessments appropriate for their ELP rather than complete the same assessment as native English-speakers?
Oral Language and Literacy Factors	Is oral language development purposefully integrated into units of study? What is the student’s oral language and literacy proficiency in the native language? Was there a delay in the native language? For issues with phonics, is a context used when teaching phonics?
Personal and Family Factors	Are students also experiencing issues related to poverty? Does the student have responsibilities at home that prevent them from concentrating on school?
Physical and Psychological Factors	Are students pressured to only speak in English? Does the student feel confident and comfortable using English in school? Do classmates tease or bully the student about their language background or cultural heritage?
Previous Schooling Factors	Has the student experienced inadequate or interrupted formal education?
Cross-Cultural Factors	Has the school worked to eliminate cultural and linguistic biases? Is the student exhibiting characteristics considered normal in the home culture?

Finally, several characteristics that frequently result in a referral to special education can be attributed to second language acquisition. Again, it is important to determine whether or not academic or behavioral struggles are not a result of second language acquisition or acculturation to school and life in the United States. Please see Appendix G for a list of these traits.

In summary, effective instruction for ELs involves a number of characteristics including the LIEP model, training and qualifications of all staff working with ELs, intentionally addressing a student’s ELP in all lessons and assessments, and native language development. Without addressing these issues, it is possible that an inappropriate referral to special education can occur. It is recommended that district personnel take actionable steps to create a learning environment that comprehensively addresses the needs of ELs in all classrooms.

Promoting Appropriate Referrals

Disabilities exist across languages and cultures. Child Find regulations, a term used to describe the districts responsibilities to timely identify students with disabilities, apply to English learners to the same extent as they do to any other student population. In other words, English learners are entitled to a timely identification and evaluation. This section will describe how districts can appropriately refer ELs for special education evaluation.

The first step toward promoting appropriate referrals to special education is through designing an effective learning environment including an effective LIEP. Without this crucial step, district personnel will not be able to determine if a student’s struggles are due to language acquisition or a disability. Students who continue to demonstrate academic deficits not attributable to language acquisition or acculturation to school and life in the United States should be referred to a multi-disciplinary team (MDT) that can provide multiple perspectives in relation to the challenges a student is facing. Additionally, approaches such as Response to Intervention (RtI) come into play.

The MDT must collect relevant data and interpret those data from their perspectives based on their training and qualifications. One place to start is to describe the observable behaviors that are of concern to the referring teacher. Importantly, these behaviors should be observed in the context of learning (Sanchez-Lopez, 2013). Rather than broad terms, such as “*the student doesn’t understand,*” the referring teacher should be specific as to the exact behavior and

under what context. Once the concerning behavior is properly identified, the MDT can design an appropriate Tier II intervention with a set timeframe during which the student has a chance to show progress. If the student does not make adequate progress, a more intense Tier III intervention will be delivered.

Collier (2010) shares the following considerations regarding separating language-related differences from disabilities, as well as interventions that may help MDTs determine if there is an undiagnosed disability.

- **Home Language:** If a student has not acquired a developmentally appropriate proficiency in the home language, it may be due to family circumstances or the presence of an undiagnosed disability. A structured intensive intervention in the primary home language would show whether the student can demonstrate the ability to develop language and communication.
- **Language and Literacy:** A student may have never had native language literacy instruction. A structured intervention in the native language will help determine if the student can develop literacy or has an undiagnosed disability.
- **Communication:** If the student appears to communicate well in social settings, but not in academic settings, the cause may be academic language proficiency. An intervention in English phonemic awareness, phonics, vocabulary, fluency and comprehension would establish whether the cause is English proficiency or learning based. If no progress is made, a referral for full evaluation is necessary.
- **Cognition:** If the student is not meeting expectations even with supplementary supports, a structured intervention in fundamental learning strategies would help determine if there is an undiagnosed disability or if the difficulties are learning based. If no progress is made, a referral for full evaluation may be necessary.
- **Behavior:** The MDT should determine whether the student needs assistance managing and controlling behavior or whether the behavior is due to culture shock, cultural differences, traumatic events, or chronic stressors in the student’s home or school environment which require a different approach. An intervention which facilitates self-monitoring and control within a safe and supportive environment should always be implemented first.
- **Acculturation:** An intensive instructional intervention that directly addresses culture shock and facilitates acculturation to life and school in the United States should be implemented first. Culture shock is typical and everyone who migrates experiences it to some degree. If the student does not proceed through the predictable stages at a relatively typical rate, the school program is either not meeting the student’s needs or there may be an undiagnosed disability. Please note that some researchers claim that culture shock is more cyclical than linear with certain emotions reappearing after time. Generally, the process can take up to a year to experience all phases.

Impermissible Policies

Some school districts have formal or informal policies preventing English learners with disabilities from participating in ELD or special education programs.

1. A policy of allowing students to receive either ELD services or special education services, but not both.
2. A policy of delaying disability evaluations for ELs for a specified period of time based on EL status.

Both of these practices are impermissible under the IDEA and federal civil rights laws. Additionally, if a parent declines disability-related services, the student remains entitled to ELD services.

Interventions should be culturally and linguistically appropriate for the individual student based on his or her needs. Students at lower proficiency levels may need native language support when districts have trained and qualified personnel to deliver the intervention in the native language. Additionally, interventions should be based on best practice for ELs, strongly linked to the core curriculum, and delivered by staff who understands the second language acquisition process through formal qualifications and/or professional development.

The MDT must set criteria showing the expected outcomes of the intervention, how these will be measured, and who will measure progress toward achievement of these outcomes. The tools used to assess progress for students receiving interventions include language rubrics, rating scales, observation checklists, and norm-referenced assessments among others (Sanchez-Lopez, 2013). WIDA rubrics that are used to assess language proficiency are also an option. These tools

can assist districts in determining whether the interventions are effective. Similarly, these tools will help schools determine if the difficulties happen across contexts.

If the student shows progress, the intervention should continue until the team determines it is no longer necessary. If the student is not progressing based on previously defined progress, then the team should proceed to a special education evaluation. Figure 3.1 shows a flowchart of pre-referral strategies.

Figure 3.1 – Pre-Referral Flowchart

Adapted from Gaviria & Tipton, 2012

EL is experiencing academic and/or behavioral difficulties as determined by performance data across settings, strengths and weaknesses and comparison to peers (where possible, from similar backgrounds).

Yes

Has the ELs language development been ruled out as a primary contributor to the difficulty?

No

Provide intervention based on sound second language acquisition research including native language development.

Yes

Has the ELs previous and current learning environment been ruled out as a primary contributor to the difficulty?

No

Evaluate learning environment in relation to:

- **Teacher/School:** collaboration, PD, teaching style, expectations, qualifications, behavioral supports, cultural responsiveness and family involvement.
- **Curriculum/Instruction:** based on Content & ELD standards, explicit literacy and oracy development, strategic use of native language, etc.

Yes

Has the ELs personal and cultural factors been ruled out as a primary contributor to the difficulty?

No

Provide intervention in areas such as parental involvement & education, mobility, attendance, cultural norms & dynamics, and acculturation.

Yes

Is there a history of medical and/or developmental problems that adversely impacts educational progress?

No

Hold a problem-solving team meeting to address student needs and consider a referral for evaluation for special education.

Yes

Has the MDT met more than once over a reasonable period of time in order to:

- Identify and systematically address concerns
- Collect data for student progress
- Re-evaluate the effectiveness of the intervention plan?

No

Gather information from multiple contexts, tools and perspectives (including parent/guardian, implement effective strategies and monitor student progress over a sufficient period of time.

Yes

Is there a consistent pattern of limited progress?

No

Growth pattern may be improving, inconsistent, or not yet evident. Continue, modify or expand intervention, adjust time frame and monitor progress.

Yes

Adjust/Intensify intervention plan and/or consider a referral evaluation for special education eligibility

Special Education Evaluation

At this point, the district has determined that there is a reason to suspect a disability and the student is referred to determine his/her need for special education services. Federal regulations require the district to notify the parent and to provide the Procedural Safeguards within five school days in a language that the parent can understand. DESE provides Procedural Safeguards in Amharic, Arabic, Bosnian, Farsi, French, German, Hindi, Hmong, Khmer, Korean, Kurdish, Mandarin, Romanian, Russian, Rwandan, Samoan, Serbian, Somali, Spanish, Swahili, Urdu and Vietnamese. For a copy, contact DESE at 573-751-0602. Foreign languages not available from the Department are the responsibility of the district.

In addition to providing the Procedural Safeguards, the district must also conduct a Review of Existing Data (RED) within 30 calendar days of the date of referral. Missouri provides sample forms for districts to use. A district sample is included in Appendix D. The RED form can be located [here](#).

Once the review of existing data has been completed, the team must determine if additional data are needed in order to proceed with an "Eligibility Determination." If additional data are needed, the team must provide parents with a [Notice of Action](#) (NOA) requesting permission to begin the process of testing for the initial evaluation to determine a student's eligibility for special education services. All known assessments that will be used must be listed on the Notice of Action.

As a reminder, the data must be valid and reliable to ensure language proficiency does not interfere with the evaluation. For students at lower English proficiency levels, assessments in the native language are recommended as disabilities are often present in both languages.

If additional data are not needed, the team must still provide parents with an NOA, indicating that the team would like to proceed with the initial evaluation. The parents must sign and return the NOA, giving the district permission to complete the initial evaluation to determine eligibility for Special Education. No initial evaluation may proceed without parent consent.

Upon receiving consent for the initial evaluation, the district must then complete the evaluation and all required testing and conduct an eligibility determination meeting within 60 calendar days of receipt of consent for the initial evaluation.

A sample evaluation report can be found [here](#).

For students found eligible for special education services, the district must develop an Initial IEP within 30 calendar days of the eligibility determination meeting. The district must also provide parents with an NOA for which the parents need to provide consent. The NOA consent triggers the services and is generally provided at the meeting so that services can be implemented. Parents can waive the ten days and start services right away; otherwise, the services start ten days from consent. As a reminder, parents are entitled to language assistance services (i.e. an interpreter).

Flow charts for the Initial Evaluation Process can be found here:

- [Agency Referral](#) (described above):
- [Parent Referral](#)

Emerging Best Practices

Assessing English learners for special education is a complicated process. The most essential requirement for meaningful, valid assessment is an inter-professional team effort to gather data using informal procedures and collaboratively reviewing the data for patterns. The team should gather performance-based data with the learner across multiple types of tasks, in multiple contexts by multiple individuals while the learner is interacting with a variety of peers (See [Appendix F](#)).

Additionally, informal evaluations conducted by bilingual staff fluent in the student's native language (when possible) can confirm whether the observations are also noted in the native language. At times, this could include the parents or

other family members with a close relationship with the student. As previously mentioned, most disabilities are present in both languages and the districts must make every effort to ensure a student is not identified as having a disability when the difficulties are attributed to normal second language acquisition.

A list of evaluation best practices can be found in Figure 4.1.

Figure 4.1: Emerging Best Practice

Best Practice	Description
Pattern of Strengths & Weaknesses (PSW) Methodologies	Per the 2004 revision of IDEA, states may no longer require districts to use the IQ/Achievement discrepancy model (§300.8(c)(10) for specific learning disabilities. However, they must choose a method and cannot go between a PSW and a discrepancy model. Characteristics of PSWs include: <ol style="list-style-type: none"> a) multiple sources of data are collected over a period of time b) data analyses that are pattern-seeking c) predictive and treatment validity d) the use of logical and empirical evidence (Schultz, Simpson & Lynch, 2013)
Use of Alternative Assessment Procedures	Due to the problematic issues with standardized assessments with ELs, alternative assessment procedures (i.e. portfolios) have been developed to gather information with ELs who are suspected of experiencing disabilities.
Minimize the Use of Standardized Assessments	Standardized assessments can be used <u>informally</u> to provide helpful information about a student’s strengths and weaknesses. Standardized assessments become invalid when: <ol style="list-style-type: none"> 1) ELs are not included on the norm group 2) when the test items are biased 3) when the assessment has been modified including being translated or interpreted (Collier, 1998)
Clinical Judgement/Professional Judgement	The ability to synthesize information from a variety of sources to form a cohesive opinion regarding the educational needs and the diagnosis of a student’s learning and/or behavior difficulties. Missouri allows professional judgement in making eligibility determinations for Specific Learning Disability, Language Disorder, Sound System Disorder, Traumatic Brain Injury and Young Child with a Developmental Delay. Specific guidelines apply and can be found here .
Comprehensive Evaluation Measures	Effective evaluation for special education involves multiple measures which may include some or all of the following: <ol style="list-style-type: none"> a) health, attendance, economic, cultural and social background b) observations of the student in multiple contexts (academic & social) c) student work samples (oral language, writing, reading & behavior) d) interviews with multiple teachers e) interviews with parents/guardians f) state standardized assessments (content & ELP) g) standardized tests of cognitive ability* h) standardized tests of achievement (Park, Martinez & Chou, 2017)*

*when normed on ELs

Selecting Assessments for Comprehensive Evaluation Process

IDEA (2004) recommends that assessments and other evaluation materials “are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is not feasible to so provide or administer” (Section 1414.b.3.A.ii). When native language assessments are not available, we must emphasize that assessments included in a comprehensive

evaluation should be selected with the goal of limiting cultural and linguistic bias or when these tools are not available, should be interpreted with this bias in mind.

According to Park, Martinez and Chou (2017), tools should consider:

- a) whether the assessments have been normed with ELs;
- b) the language load of the assessment;
- c) the cultural load of the assessment;
- d) whether there is any cultural bias in the administration of the assessment.

Very few tools currently exist that meet these criteria which is why DESE suggests a comprehensive evaluation process that includes formal and informal assessments collected over time. Non-verbal assessments do exist; however, several of these have not been normed with ELs or young children. Figure 5.2 displays the known assessments that have been normed on ELs and have native language supports or are available for administration in a foreign language.

Figure 5.2 – Assessments with ELs in the Norm Group

Assessment	Description
Wechsler Intelligence Scale for Children (5th Edition) (WISC-V)	The most commonly used formal, non-verbal assessment can be used with ELs. A full version of the WISC-V is available in Spanish.
Leiter International Performance Scale (2013, 3rd Edition)	Offers a completely nonverbal measure of intelligence that is ideal for use with those who are cognitively delayed, non-English speaking, hearing impaired, speech impaired or on the spectrum.
Bilingual Verbal Abilities Test (BVAT)	The BVAT is intended for measuring bilingual ability for comparative purposes. It yields an aptitude measure that can be used in conjunction with the WJ-R tests of Achievement. It is available in 16 languages: Arabic, Chinese (2 forms), English, French, German, Haitian-Creole, Hindi, Italian, Japanese, Korean, Polish, Portuguese, Russian, Spanish, Turkish and Vietnamese. It does not assess bilingual reading comprehension.
Woodcock Johnson – Revised (WJ-R)	The WJ-R has been normed on children as young as 2 and ELs with at least one year of English instruction. The tests provide measures of intellectual functioning, oral language and achievement. A Spanish-version is available in the form of the Bateria III.

Identifying Students with Disabilities for ELD Programs

Identifying students with documented disabilities as English learners is also an area of confusion. Students who enroll that are deaf or hard of hearing, blind, or have a significant cognitive disability will not be able to be identified following the same process that other English learners are. Much of this determination is made during initial enrollment and the formal and informal conversations between district staff and the family.

Ideally, all families complete a Language Use Survey during enrollment on which the parents describe characteristics such as the child’s first language, the languages used by the child and the languages understood by the child. The suggested Language Use Survey will also include additional information about student’s language and educational background. If a language other than English is spoken or understood by the student, then generally, students will take one of two assessments depending on grade level: Kindergarten W-APT or the WIDA Online Screener.

Per federal regulations, these English language proficiency assessments must include all four language modalities: speaking, listening, reading and writing. Some students with disabilities are not able to meaningfully participate in all domains which results in individual domain scores, but not an overall score that is used to determine eligibility in the district’s LIEP. For example, if a student is non-verbal, then a speaking test will not be appropriate. District personnel may choose to base eligibility decisions on individual domain scores or an overall score that is based on a combination of the domains.

In any case, if a student's disability prevents them from meaningfully participating in any specific domain assessment, then the student is exempt from that portion. Please note that several [accommodations](#) are available for students on the WIDA Online Screener.

Another important factor is whether the learner's rate of language acquisition is primarily attributed to the student's disability rather than to language acquisition. Districts must carefully consider whether the student's rate of language development is attributed to second language acquisition or whether a student's low English proficiency can be attributed to a disability.

Deaf & Hard of Hearing

Students who are deaf will generally not be able to access the speaking and listening portion of the WIDA Online Screener; the same is true for students who are hard of hearing. In Missouri, IEP teams determine whether students are able to use manually coded English to provide access to the speaking and listening domains. Interpreters are not allowed to use a manually signed system from another country. IEP teams may also determine that a student who is deaf or hard of hearing may be exempt from the speaking and listening sections.

As mentioned, students who are deaf and hard of hearing who do not take all language domains on the screening assessment will not have an overall score that can be used to determine eligibility in the district's LIEP. For students who only have reading and writing score, the team must use the average of the two scores to determine eligibility for the program.

Blind and Visually Impaired Students

Students who are blind or visually impaired are able to utilize one of several options. Some students may benefit from enlarging the graphics and text on the display screen. It is recommended that students with low vision be provided a large display. Additionally, students who are blind or visually impaired may use the magnification feature for test items on the testing platform. Braille is an allowable accommodation in Missouri and available as a paper-based option for districts that need it; however, DESE does not suggest administering a Braille assessment to a student that is not familiar with English-based Braille.

IEP teams may also consider exempting blind or visually impaired students from specific sections of the WIDA Online Screener. Again, when a domain is not taken, the district will not have an overall score on which to base the eligibility determination. If the student takes the listening, reading and writing portions, the listening score will be 30% of the overall score and the average of reading and writing will be 70% of the overall score. The formula is: $(\text{listening score} \times 0.3) + (\text{reading} + \text{writing} / 2 \times 0.7) = \text{overall score}$.

Students with Severe Cognitive Disabilities

Students with an identified severe cognitive disability who enroll must be evaluated, but the screening assessments are not appropriate tools for this population. The following policy also includes some students who have experienced a traumatic brain injury and some autistic students whose characteristics prevent them from meaningfully participating in the test. A general rule is that if the student could qualify for MAP-A, then that student would qualify for the exemption in this section.

If a student who has a significant cognitive disability enrolls and whose parents note a language other than English is spoken and/or understood by the student, then districts may forego screening and identify the student as an EL. Students in this category will take the Alt-ACCESS until they are no longer in need of language support. Exception: Students with severe cognitive disabilities who are in kindergarten should not be identified as an English learner until the first grade year when the alt-ACCESS becomes available. **Although districts must still provide language support to these students**, by formally identifying them the district is obligated to administer the Kindergarten ACCESS during the state window. The Kindergarten ACCESS is not an appropriate assessment for a student with a severe cognitive disability.

English Learners with Disabilities--Collaboration

In addition to the significant challenges appropriately identifying English learners for special education services, the roles individual staff members and departments play while supporting them adds to the complexity of this issue. Legally, English learners are entitled to any program for which they qualify. Specifically, the US Department of Education has stipulated that:

“School districts must provide EL students with disabilities both the language assistance and disability-related services to which they are entitled under Federal Law. Districts must also inform a parent of an EL student with an individualized Education Plan [describing] how the language instruction education program meets the objectives of the child’s IEP” 20 U.S.C. §6312(g)(1)(A)(vii).

Each educational team member has a specialized skill set and can provide assistance to better support the student. The SPED teacher has specific knowledge about special education eligibility, programming and interventions. The parents/legal guardians have specific knowledge about how the child performs at home. The English language development (ELD) teacher (if available) has specific knowledge about English language acquisition and access to the curriculum, culturally relevant information, educational background, native language (L1) literacy, interventions and accommodations. The goal of the special education process for an EL student is to create a nurturing, welcoming, culturally and linguistically responsive environment that meets the special education needs of the student.

IEP Team Members, Roles, Responsibilities

The IEP team is crucial to ensuring an appropriate education plan is developed for students with disabilities. According to §300.321, school districts must ensure that the IEP Team for each child with a disability includes:

Student participation in both ELD and SPED programs must be clearly defined and scheduled to result in a student achieving the goals of both programs.

- 1) the parents/legal guardians of the child;
- 2) not less than one regular education teacher of the student;
- 3) not less than one special education teacher of the student;
- 4) a representative of the school district who;
 - i) is qualified to provide/supervise specially designed instruction to students with disabilities; and
 - ii) is knowledgeable about the general education curriculum; and
 - iii) is knowledgeable about the availability of resources in the school district.
- 5) an individual who can interpret the instructional implications of the evaluation results;
- 6) other individuals who have knowledge or special expertise regarding the student, including related services personnel;
- 7) whenever appropriate, the student with a disability.

Of note is the inclusion of related service personnel on the IEP Team. As a related service, the English language development teacher, or school personnel qualified to discuss the student’s English proficiency needs, should be included on the team. Additionally, according to 20 U.S.C §6213 (e)(4), the notice and information shared with parents during the IEP meeting must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. For this reason, it is recommended that an interpreter be included. If an interpreter is not available, the district may consider contracting with one of several services available in Missouri and across the United States.

The purpose of this collaboration is to integrate and coordinate efforts in intervention, identification, and programming of services for English Learners (ELs) who require multiple supports in special education (SPED) and English Language

Development (ELD). 20 U.S.C §1414(d)(3)(B)(ii) states that during the development of the IEP, a consideration of special factors includes in the case of a child with limited English proficient, the language needs of the child as such needs relate to the IEP.

Collaborative Responsibilities of the Team

The purpose of the collaboration is to promote a multi-dimensional perspective of the learner’s needs. In the case of a student who is legally entitled to both SPED and ELD programs, both departments have a role in the education of the student, a cohesive, well-functioning team is crucial. Both ELD and SPED departments should participate in the Multi-Tiered System of Support (MTSS) process from the initial point of concern, through potential identification, the IEP process and determination of appropriate services including reclassification. The team plays a crucial role in properly identifying ELs with disabilities. A short list of their responsibilities include:

- initiate the MTSS/RtI process that can lead to SPED identification and referral;
- all members of the IEP team should also be trained on culturally and linguistically responsive interventions and services;
- request interpreters and translations for parents/legal guardians, and vital information must be provided to them in their native language if appropriate. If the parents/legal guardians are not literate, oral translations must be provided to make sure they understand the process.
- educate the entire team on best practices in ELL

Team Members	Contributions
General education teacher(s):	<ul style="list-style-type: none"> ○ Collaborate with ESOL and SPED teacher and other members of the team; ○ Contribute to the review of existing data; ○ Provide data about progress in general education curriculum; ○ Provide information on current intervention and accommodations provided to the student; ○ Implement all accommodations on all assessments; ○ Implement the strategies, including modifications that are provided by the ELL and SPED teachers.
SPED Team Members	<ul style="list-style-type: none"> ○ Collaborate with other members of the MDT; ○ Track progress on IEP goals and provide to MDT; ○ Contribute to the review of existing data through MTSS/RtI, obtain written consent to assess and initiate formal eligibility determination process; ○ Review the formal evaluation results and hold an eligibility conference or team meeting; ○ Serve as the case manager of identification and IEP process; ○ Suggest/Develop appropriate IEP goals for the student; ○ Determine accommodations on state/local assessments; ○ Consider ongoing eligibility based upon progress of the child as mandated through Special Education law.

Team Members	Contributions
ELD Teacher (or staff addressing ELP needs)	<ul style="list-style-type: none"> ○ Collaborate with SPED and general education teacher(s) and other members of the team; ○ Provide general education and special education teacher with information about EL instruction; ○ Provide verbiage about EL progress, programming (direct services, consultation, co-teaching/ or coaching, instructional strategies, and/or present level of performance; ○ Provide data on progress of formative, benchmark, and summative assessments in the area of language development in all content areas and the four language domains; ○ Share assessment information with the team; ○ Provide guidance and support to parents about language acquisition; ○ Provide the appropriate accommodations for MAP/EOC, ACCESS, and any other standardized tests in relation to ELD; ○ Provide guidance on culturally relevant texts/resources; ○ Obtain the educational, social, and family history of the EL as a part of the MTSS/RtI process; ○ Contribute to the review of existing data; ○ Provide guidance on typical language acquisition for ELs in relation to the identified student's progress; ○ Provide examples and strategies of modifications for class work.
Parent/Legal Guardian	<ul style="list-style-type: none"> ○ Must provide consent for initial evaluation for possible special education eligibility; ○ Should be part of making eligibility determinations for special education services; ○ May be interviewed and/or complete a survey in order to provide health history, home environment, sociocultural background, and other factors; ○ Should be involved throughout the SPED process.

Parent and Family Engagement

An important consideration throughout these processes is not only parent involvement, but also parent education. Some cultures around the world do not view disabilities as they are viewed in the United States. Additionally, parent involvement is at times a foreign concept to parents who are not accustomed to being an active member in a child's education. In some cultures, education is a function of the school and at times, the government, and parents are not accustomed to collaborating with school personnel.

Under IDEA, the school district must take whatever action is necessary to ensure that the student's parents understand the proceedings of the IEP meeting, including arranging for an interpreter for parents with limited English proficiency or parents who are deaf. Under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act, for an LEP parent to have meaningful access to an IEP for Section 504 plan meeting, it may be necessary to have the IEPs related documents translated into the parent's native language.

Useful Information for Parents/Legal Guardian	Encouraging Parents/Legal Guardian as Active Participants
<ol style="list-style-type: none"> 1. In-depth explanation of all services such as IEP, ESOL support, etc., that the students receive 2. The roles and responsibilities of the individuals who are part of the IEP team 3. Parents’/legal guardians’ rights and roles 4. Student’s present level of performance as well as their progress 5. How to access information about student’s IEP and other services 6. How to communicate with personnel in the IEP team 7. Useful glossaries of ESOL services and special education terminologies provided 	<ol style="list-style-type: none"> 1. Proactively communicating and building relationships with parents/legal guardians 2. Providing training and/or information regarding the IEP process 3. Providing glossaries of ESOL support and special education terminologies including translated versions in their native languages 4. Offering interpreters who are knowledgeable about both ESOL support and special education 5. Culturally sensitive and structured interview and/or survey to collect data from family/home and other environments to which students are exposed 6. Informing and having follow-up meetings with parents/legal guardians often 7. Ensuring parents/legal guardians’ rights and roles for students’ services

Adapted from Park, Martinez & Chou, 2017

Strategies to Consider Students’ Progress in ELD

It is the responsibility of the team to ensure the plan put in place allows for a combination of services. **No one service should take precedence over another service.** ELs are entitled to any program for which they qualify. Students are required to have an appropriate language instruction program in addition to the special education services and any related services as determined to be eligible by the IEP team. The process for determining applicable services/supports for students identified as both EL and SPED must be collaborative in nature. All team members should share information on content standards, goals, accommodations and teaching strategies in relation to student progress in all content areas.

- Discuss progress on the WIDA standards and proficiency levels <https://www.wida.us/>;
- Discuss standardized test results, such as ACCESS or Alternate ACCESS; MAP or MAP-A/EOC;
- Discuss formative and benchmark assessments;
- Conduct/Review observations of students across multiple settings, including academic and social environments;
- Reflect ELD in the present level of performance as appropriate;
- Ensure EL and ACCESS, or alternate ACCESS, are considered as special considerations;
- Consider other indicators of master of content standards, such as writing prompts, speaking samples, etc., and consider for use in student portfolio;
- Support students with instruction in relevant academic and content language in the four language domains.

Tips for Collaboration

(Adapted from Hamayan, Sanchez-Lopez & Domico, 2013; Sanchez-Lopez & Young, 2003)

Value students’ home languages and cultures	Gathering information and crafting interventions becomes more productive when the team members view the home language and culture as assets, not disabilities.
Remain open to other perspectives	All members of the team listen to other perspectives with open minds and use their time together effectively.
Foster mutual respect among colleagues	Team members should be encouraged to be equal participants on the MDT which includes an environment built upon respect.
Depersonalize difficult exchanges	MDT members must put aside their professional egos and engage in difficult, but courageous conversations as part of a solution-seeking team.

Seek to develop common language	Different fields have different jargon which can foster miscommunication. Unless the MDT takes the time to understand the terms, confusion and frustration will occur.
Ask for clarification or examples	Everyone should feel comfortable asking for clarification or at times considering alternative explanations.
Triangulate data from multiple sources	MDTs make more informed decisions when they consider qualitative and quantitative data from multiple sources (at least 3).
Use ethnographic approaches	Focus on asking open-ended questions rather than yes/no questions because these allow teams to take context into account.
Reflect on the process	Always take time to reflect on the session and be willing to make adjustments to remain progressive and relevant.

Reclassifying ELs with Disabilities

As stated in Title IX of the Education Amendments of 1972, an English learner is an individual whose difficulties in speaking, reading, writing or understanding the English language may be sufficient to deny the individual (i) the ability to meet the state’s proficient level of achievement on the State assessments ...; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. Reclassification from an English Language Development (ELD) Program occurs when a student has acquired adequate English language proficiency to no longer meet the federal definition of an English learner.

Many students who have Individualized Education Plans (IEPs) have difficulties meeting the defined proficiency score on the ACCESS for ELs because their disabilities prevent them from acquiring language at the rate and depth of their peers without disabilities. Language development is not finite. Students will continue to acquire and develop language throughout their academic careers. However, one goal of the ELD program is to reclassify students at the point when they no longer require language development services because their language proficiency is commensurate with monolingual peers functioning at a similar developmental and/or academic level.

Some students who have IEPs may not be able to meet state-established reclassification criteria due to their disability, but this factor should not exempt them from the reclassification process. This section intends to establish alternative reclassification criteria for students with IEPs. **The purpose of reclassification is not to replace ELD services with special education services, but rather to celebrate the point when language is no longer a barrier to the learner’s full participation in their program of instruction, as specified by the goals of the IEP.** This section is intended to provide guidance, but districts should exercise professional judgement on a case-by-case basis.

Figure 5.1: Missouri’s Reclassification Criteria

ACCESS Scores	District Actions
4.7-6.0	The student must be exited barring compelling evidence in the EL Portfolio suggesting the student should remain in the LIEP.
Below 4.7	The student must remain in the LIEP barring compelling evidence that the student is capable of fully participating in a classroom where English is the language of instruction. The portfolio must include evidence that any unsatisfactory domain score on the ACCESS is not indicative of her or his ability.

As noted in Figure 5.1, an overall composite score of 4.7 on the ACCESS for ELs is Missouri’s definition of English language proficiency. A prominent feature of the reclassification criteria is the use of a portfolio. The portfolio must contain authentic pieces of evidence that compliments, and at times disputes, specific domains on the ACCESS for ELs. In other words, the portfolio contains evidence of the student’s abilities to speak, listen, read and write in the content areas. Please be aware the exiting students too early from an ELD program is impermissible. The portfolio must include evidence that suggests the student is capable of meeting the goals of the IEP in English. In other words, **the portfolio must contain evidence relative to the IEP goals and how well the student is meeting those goals in English.**

It is recommended that districts establish a reclassification team, including parents, special educators and ELD program members, to establish individualized reclassification criteria for students with IEPs who participate in the ACCESS for ELLs 2.0 or the Alternate ACCESS for ELLs but who do not meet state-established reclassification criteria. This important step can be done around the same time as the IEP meeting itself. See below for considerations for each case.

Establishing individualized reclassification criteria for students with disabilities who take ACCESS.

When creating individualized reclassification criteria, the following should be considered:

- whether the student has a current IEP.
- whether, on the basis of the learner’s performance on ACCESS 2.0, that the rate of language acquisition is primarily attributed to the student’s disability rather than to language development.
- whether language is no longer a barrier to full participation in their program of instruction, as specified by the goals of the IEP.
- whether the reclassification team has gathered evidence in a portfolio that supports that language is no longer a barrier and the student has acquired the language necessary to perform in the classroom with the supports established in the IEP. Evidence might include formative, observational, qualitative, or quantitative data gathered by school personnel. Progress toward the IEP goals should be supported by work samples and other evidence.
- whether the MDT has considered the EL’s language proficiency skills in comparison to a native-English speaking peer with a similar IEP and/or background.
- whether the reclassification team has considered local, qualitative data supporting that the student has acquired adequate language to perform at the expected level in the classroom with the supports established in the IEP.

Establishing individualized reclassification criteria for students with disabilities who take the Alternate ACCESS for ELLs:

When creating individualized reclassification criteria, the following should be considered:

- whether the student has a current IEP.
- whether the student is, will be, or was eligible for the MAP-A.
- whether the reclassification team has determined, on the basis of the learner’s performance on Alternate ACCESS, the learner’s rate of language acquisition is primarily attributed to the student’s disability rather than to language development.
- whether language is no longer a barrier to full participation in their program of instruction, as specified by the goals of the IEP.
- whether the reclassification team has gathered evidence in a portfolio that supports that language is no longer a barrier and the student has acquired the language necessary to perform in the classroom with the supports established in the IEP. Evidence might include formative, observational, qualitative, or quantitative data gathered by school personnel. Progress toward the IEP goals should be supported by work samples and other evidence.
- whether the reclassification team has considered the student’s performance on the MAP-A (if applicable).

After the reclassification team has made the above considerations and determined that the learner should be reclassified, the student should be exited from the program in MOSIS using the portfolio for English Learners (POR) option, coded as Monitor Year 1 (MY1), and should follow the monitoring path to completion.

FAQs

Is a school or school district required to secure parental consent in order to evaluate a learner for ELD services?

No, school personnel are obligated to identify all students in need of ELD services. This typically comes during enrollment with information taken from the Language Use Survey. All students identified via the Language Use Survey as a potential EL must take the Online Screener. Parents cannot refuse the test.

Is a school or school district required to secure parental consent in order to evaluate a learner for special education services?

Yes! School personnel must secure written consent from a learner's parents/legal guardians before beginning an evaluation for initial provision of SPED services. (Only written notice to parents/guardians is required for SPED re-evaluation.

May an individual learner receive both ELD and SPED services at the same time?

Yes! A learner found to be eligible may receive services from licensed services providers in both of these two areas of specialization. In fact, it is impermissible to deny a learner participation in a program for which he or she qualifies.

If an ELD teacher provides services to a learner who also receives special education services, is he/she required to be a member of the learner's IEP team?

No. The ELD teacher is not required to be a member of the IEP team; although, this is definitely recommended as best practice!

If an ELD teacher provides services to a learner whom he/she suspects might also experience a disability, is there a required period of time the teacher must wait before making the referral for SPED evaluation?

No. The ELD teacher should refer such learner for evaluation for eligibility for SPED services as soon as a possible disability is suspected.

Is it the responsibility of a school psychologist or special education teacher to evaluate an English learner for possible eligibility for special education services?

Although a school psychologist and special education teacher should participate in an EL's evaluation for SPED eligibility (once written consent is secured), the assessment should not be their sole responsibility. The ELD teacher should be a member of the evaluation team, as well as other related service providers as deemed pertinent to an individual learner's possible needs. ELD specialists are the most qualified members of the school to determine if English language proficiency or other cultural factors have a role. The assessment process should be multi-disciplinary.

Which test(s) should be utilized to evaluate an EL for possible eligibility for special education services?

No single, formal, norm-referenced assessment is available to address this particular need. Currently, there exists a noticeable absence of standardized assessments that are culturally and linguistically appropriate for and normed with ELs.

If a standardized, norm-referenced assessment is available in the learner's native language, may this test be utilized in the evaluation process?

Yes. If the test has been normed in a learner's language, it may be utilized as one component of the multidisciplinary assessment process, which is required for special education eligibility determination.

Determination of eligibility for special education for all learners, including ELs, may not be based solely on one

single test (i.e. an IQ test). [A Spanish version of the full Wechsler Intelligence Scale for Children (5th edition) is commercially available.]

If a standardized, norm-referenced assessment is not available in the learner's native language, may an English version of the norm-referenced assessment be translated for use in the evaluation process?

No! Formal testing instruments may not be translated into the learner's native language; such a practice would violate all aspects of the assessment's validity.

What should be the focus of the evaluation of an EL for possible eligibility for special education services?

The focus should not be any particular measures. It is much more important to focus on the keen observation of the learner's overt behaviors and the evaluation process. Although there will be always be exceptions to the effectiveness of this process, this approach should prove to be effective with the vast majority of ELs being evaluated for possible SPED services.

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Appendix A - Acronym Definitions

EL – English Learners
ELD – English language development
ESEA – Elementary and Secondary Education Act
ESOL – English to Speakers of Other Languages
IDEA – Individuals with Disabilities in Education Act
IEP – Individualized Education Plan
LIEP – Language Instruction Educational Program
MTSS - Multi Tiered Systems of Support
MDT – Multidisciplinary Team
NOA – Notice of Action
RED – Review of Existing Data
Rti – Response to Intervention
SLA – Second Language Acquisition
SPED – Special Education
U.S.C – United States Code

Appendix B – WIDA Performance Definitions

WIDA Performance Definitions - Listening and Reading Grades K–12

Within sociocultural contexts for processing language...			
	Discourse Dimension	Sentence Dimension	Word/Phrase Dimension
	Linguistic Complexity	Language Forms and Conventions	Vocabulary Usage
Level 6 - Reaching			
English language learners will process a range of grade-appropriate oral or written language for a variety of academic purposes and audiences. Automaticity in language processing is reflected in the ability to identify and act on significant information from a variety of genres and registers. English language learners' strategic competence in processing academic language facilitates their access to content area concepts and ideas.			
At each grade, toward the end of a given level of English language proficiency, and with instructional support, English language learners will process...			
Level 5 Bridging	<ul style="list-style-type: none"> Rich descriptive discourse with complex sentences Cohesive and organized, related ideas across content areas 	<ul style="list-style-type: none"> A variety of complex grammatical structures Sentence patterns characteristic of particular content areas 	<ul style="list-style-type: none"> Technical and abstract content-area language Words and expressions with shades of meaning across content areas
Level 4 Expanding	<ul style="list-style-type: none"> Connected discourse with a variety of sentences Expanded related ideas characteristic of particular content areas 	<ul style="list-style-type: none"> Complex grammatical structures A broad range of sentence patterns characteristic of particular content areas 	<ul style="list-style-type: none"> Specific and some technical content-area language Words or expressions with multiple meanings across content areas
Level 3 Developing	<ul style="list-style-type: none"> Discourse with a series of extended sentences Related ideas specific to particular content areas 	<ul style="list-style-type: none"> Compound and some complex grammatical constructions Sentence patterns across content areas 	<ul style="list-style-type: none"> Specific content-area language and expressions Words and expressions with common collocations and idioms across content areas
Level 2 Emerging	<ul style="list-style-type: none"> Multiple related simple sentences An idea with details 	<ul style="list-style-type: none"> Compound grammatical structures Repetitive phrasal and sentence patterns across content areas 	<ul style="list-style-type: none"> General content words and expressions, including cognates Social and instructional words and expressions across content areas
Level 1 Entering	<ul style="list-style-type: none"> Single statements or questions An idea within words, phrases, or chunks of language 	<ul style="list-style-type: none"> Simple grammatical constructions (e.g., commands, Wh- questions, declaratives) Common social and instructional forms and patterns 	<ul style="list-style-type: none"> General content-related words Everyday social, instructional and some content-related words and phrases

WIDA Performance Definitions - Speaking and Writing Grades K–12

Within sociocultural contexts for language use...

	Discourse Dimension	Sentence Dimension	Word/Phrase Dimension
	Linguistic Complexity	Language Forms and Conventions	Vocabulary Usage
Level 6 - Reaching			
English language learners will use a range of grade-appropriate language for a variety of academic purposes and audiences. Agility in academic language use is reflected in oral fluency and automaticity in response, flexibility in adjusting to different registers and skillfulness in interpersonal interaction. English language learners' strategic competence in academic language use facilitates their ability to relate information and ideas with precision and sophistication for each content area.			
At each grade, toward the end of a given level of English language proficiency, and with instructional support, English language learners will produce...			
Level 5 Bridging	<ul style="list-style-type: none"> • Multiple, complex sentences • Organized, cohesive, and coherent expression of ideas characteristic of particular content areas 	<ul style="list-style-type: none"> • A variety of complex grammatical structures matched to purpose • A broad range of sentence patterns characteristic of particular content areas 	<ul style="list-style-type: none"> • Technical and abstract content-area language, including content-specific collocations • Words and expressions with precise meaning across content areas
Level 4 Expanding	<ul style="list-style-type: none"> • Short, expanded, and some complex sentences • Organized expression of ideas with emerging cohesion characteristic of particular content areas 	<ul style="list-style-type: none"> • Compound and complex grammatical structures • Sentence patterns characteristic of particular content areas 	<ul style="list-style-type: none"> • Specific and some technical content-area language • Words and expressions with expressive meaning through use of collocations and idioms across content areas
Level 3 Developing	<ul style="list-style-type: none"> • Short and some expanded sentences with emerging complexity • Expanded expression of one idea or emerging expression of multiple related ideas across content areas 	<ul style="list-style-type: none"> • Simple and compound grammatical structures with occasional variation • Sentence patterns across content areas 	<ul style="list-style-type: none"> • Specific content language, including cognates and expressions • Words or expressions with multiple meanings used across content areas
Level 2 Emerging	<ul style="list-style-type: none"> • Phrases or short sentences • Emerging expression of ideas 	<ul style="list-style-type: none"> • Formulaic grammatical structures • Repetitive phrasal and sentence patterns across content areas 	<ul style="list-style-type: none"> • General content words and expressions • Social and instructional words and expressions across content areas
Level 1 Entering	<ul style="list-style-type: none"> • Words, phrases, or chunks of language • Single words used to represent ideas 	<ul style="list-style-type: none"> • Phrase-level grammatical structures • Phrasal patterns associated with familiar social and instructional situations 	<ul style="list-style-type: none"> • General content-related words • Everyday social and instructional words and expressions

Appendix C – Seven Integral Factors

Protocol for Gathering Data Along Seven Integral Factors	
Integral Factors	Data
Learning Environment Data	
Academic Achievement Data	
Oral Language & Literacy Factors	
Personal & family Factors	
Physical & Family Factors	
Previous Schooling Factors	
Cross-Cultural Factors	

Seven Integral Factors Examples

Adapted from Sanchez-Lopez (2013)

Protocol for Gathering Data Along Seven Integral Factors	
Integral Factors	Data
Learning Environment Data	<ul style="list-style-type: none"> • Collect information on the number of teachers who provide services to ELLs as well as information on their degrees, certification (e.g., ESOL), endorsements, and/or experience. • Gather information about the kinds of program models and program designs offered for ELLs in the school or school district. • Collect information on professional learning opportunities offered to all educators of ELLs (e.g., topics, frequency, types, and modalities). • Reflect on teacher self-assessment checklists (with elements of culturally and linguistically responsive instruction). • Conduct observations to gather evidence of culturally and linguistically responsive instructional practices and materials.
Academic Achievement Data	<ul style="list-style-type: none"> • Gather longitudinal information on students' academic performance based on classroom observations, grades, notes from teacher/student conferences, credits earned, standardized test scores, etc. • Gather information on high school completion rates of former elementary and middle school students. • Collect information on students' attendance patterns. • Collect and examine performance-based tasks with rubrics across the content areas (common assessments). • Have students complete performance-based tasks (with low linguistic demands and accompanying visual supports) and examine outcomes over time (complement to standardized test scores)
Oral Language & Literacy Factors	<ul style="list-style-type: none"> • Record oral language samples over time across content areas (e.g., retellings of narratives or explanations of events, digital storytelling, interviews, etc.) • Analyze recordings or transcriptions of students' oral language over time using the WIDA Speaking Rubric. • Ask students to periodically read back the texts from their orally dictated stories and other narratives (note the nature of miscues, fluency, and comprehension of these re-readings). • Complete running records and miscue analysis for each student on the reading of their own transcribed retellings or based on a text that is at students' language proficiency level • Examine writing samples over time using the WIDA Writing Rubrics. • Examine W-APT scores to identify students' initial English language proficiency levels upon entering the district. • Conduct study groups with team members to gather information about the students' home languages including grammatical structures and potential areas of transfer to English.
Personal & family Factors	<ul style="list-style-type: none"> • Interview families and students in culturally and linguistically responsive ways to gather information that can be incorporated into units of study. • Inquire about how much time students have to work on homework assignments and whether they have space to complete their work at home.

Protocol for Gathering Data Along Seven Integral Factors

Integral Factors	Data
Physical & Psychological Factors	<ul style="list-style-type: none"> • Conduct well-being surveys (e.g., depression, anxiety, trauma) school-wide to all students. • Conduct school climate surveys to students and their families to identify what aspects of the school climate support a positive learning and working environment and what aspects are in need of improvement. • Conduct school climate surveys to all school staff to assess staff perceptions about learning and teaching conditions. • Conduct dental, vision, hearing and other general health screenings periodically throughout the school year. • Administer acculturation self-assessments to students.
Previous Schooling Factors	<ul style="list-style-type: none"> • Gather records from the schools that students have previously attended in another country and within the U.S. • Conduct interviews with students and families about previous schooling, apprenticeships, and life experiences. • Research the school systems of students' countries of origin and previous school districts attended in the U.S.
Cross-Cultural Factors	<ul style="list-style-type: none"> • Interview students and families with regard to their expectations, values, and beliefs towards the educational experience as well as any strengths, knowledge, and expertise they possess • Consider student, parent/family, and staff expectations in decision-making processes • Survey staff about their knowledge of students' home languages, English proficiency levels, and countries of origin • Ensure appropriate use of interpreters, translators, and cultural brokers as a vehicle for communication and collaboration with students and their parents/families • Survey students and parents/families to gather information on their interests for topics as well as their preferred times and places for school-related meetings • Coordinate transportation for students and parents/families for school-based activities and meetings

Appendix D: Student Data Sheet

Student: _____ Birthdate/Age: _____ Phone # _____ E-Mail: _____

- ESL
- Speech/Language
- Panther Time
- Spec. Ed./504
- Tutoring
- OT
- Retained
- Title Reading
- _____
- _____

Notes: _____

AR QUIZ RECORD:

	1	2	3	4
AVG.				
GE				
# TAKEN				

STAR:

	Aug	Oct	Dec	March	May
Peer Average					

Letter Naming and Sight Words:

<i>Sight Word Level</i>	
	Accuracy Rate: _____

Phonics and Decoding Survey:

<i>1. Letters and Sounds</i>	Letters /26	Sounds /21 /5
	In a List	In a Text
<i>2. VC and CVC</i>	/10	/20
<i>3. Consonant Digraphs</i>	/10	/10
<i>4. CVCC and CCVC</i>	/10	/10
<i>5. Silent e</i>	/10	/10
<i>6. Controlled vowels</i>	/10	/10
<i>7. Advanced Consonants</i>	/10	/10
<i>8. Vowel Teams</i>	/10	/10

Oral Reading Fluency:

Time	Fall	Winter	Spring
WCPM- <small>Words Correct Per Minute</small>			
Accuracy %			
Prosody	LEVEL		
Reading in Phrases			
Pace			
Syntax			
Self Correction			
Intonation			

Follows Directions or Time on Task

Skill	Fall	Winter	Spring
Prompt Needed			
% of time			
Avg Peer			

Number Sense:

Orally Counts to: _____
1:1 Correspondence to: _____

Basic Facts- Addition: Per Minute...

Qtr.	1	2	3	4
#				

Basic Facts -Subtraction: Per Minute...

Qtr.	1	2	3	4
#				

Basic Facts-Multiplication: Per Minute...

Qtr.	1	2	3	4
#				

Appendix E- Multiple Context Planning Form

Adapted from Gaviria & Tipton, 2012

Type of Data	Description	Examples
Records Review	Gathering Student background Information through a review of existing data	Cum review Previous school records Problem-solving meeting notes (RtI) Documentation from Related Agencies District data collection systems (STAR) Demographics Language Use Survey Report Cards Learning Contracts Instructional Programs Attendance History
Interviews	Gathering information from those that know the student best	Student, caregiver/family, teacher Interpreter, Parent Liaison Student Interest Inventories (dialogue journals, student work) Questionnaires (open-ended or focused questions)
Observations	Gathering information through a systematic and direct focus on actual and relevant behaviors in an authentic context	Anecdotal notes (from teachers, family, other professionals) Narrative Recordings Participant Observations Contexts for academic language observations (general ed classroom and ELD classroom; focus on overt behaviors, communication and engagement) Contexts for social language observation (free time, collaborative activities, focus on overt behaviors, communication and engagement) Observations in areas of student strength
Sampling	Gathering of samples of behavioral data for further analysis	Classroom work samples (portfolio review, projects, learning logs, writing samples) Running Records Oral Language Samples

Appendix F: Speech/Language Information

If a student is unable to produce a phoneme or sound that is present in their native language, then the student can be considered for speech evaluation. The following chart shows sounds that are present in English, but not in a specific language.

Language	Sounds not present
Arabic	Arabic has 28 consonants and 8 vowels/diphthongs. Consonants present in English but not in Arabic include /p/ and /v/ http://www.the-criterion.com/V4/n4/Javed.pdf
Bosnian	/th/ (similar to Serbo-Croatian) See Portland State
Burmese	See Burmese Phonetic Inventory
French	/ch/ /ee/ /j/ /ng/ /oo/ /th/ /th/
Hindi	/d /t/ /v/ /ʒ/ See Portland State
Hmong	/th/ /th/ /dg/ See Portland State
Mandarin	/b/, /g/, /d/, /v/, /θ/, /ð/, /z/, /s/, /ʃ/, /ʒ/, /h/, /tʃ/, /dʒ/, /r/, /j/ see Education University of Hong Kong
Russian	/th/ /th/ /h/ see language manuals
Somali	See Portland State
Spanish	Spanish has 5 pure vowel sounds. There are no short vowels. English sounds not present in Spanish include /p/ /t/ /k/ /ng/ /v/ /th/ /sh/ /dg/ /ʒ/ see ASHA presentation
Vietnamese	/ð/ /dʒ/ /θ/ /ʃ/ /v/ /ʒ/ see bilinguistics.com

DESE Eligibility Criteria for Speech

https://dese.mo.gov/sites/default/files/1600-ELIGIBILITY_CRITERIA-SoundSystemDisorder_0.pdf

Please refer to website for further correct speech/language procedures for ELs

<https://www.asha.org/practice/multicultural/ELL/>

Possible language assessments in different languages

<http://www.csu.edu.au/research/multilingual-speech/languages>

Appendix G: Disability or 2nd Language Determination

(Adapted from Butterfield, 2014)

Learning Behavior Manifested	Indicators of Challenges Caused By Second Language Acquisition	Indicators of a Possible Learning Disability
Oral Comprehension/Listening		
Student does not respond to verbal directions	Student lacks understanding of vocabulary in English but demonstrates understanding in the first language	Student consistently demonstrates confusion when given verbal directions in both the native language and English; may be due to processing disorder deficit or low cognition
Student needs repetition of oral directions and input	Student is able to understand verbal directions in the native language, but not English.	Student often forgets directions or needs further explanation in the native language or English; may be due to an auditory memory difficulty or low cognition.
Student delays responses to questions	Student may be translating question in mind before responding in English; gradual improvement seen over time.	Student consistently takes a longer time period to respond in both the native language and English; it doesn't appear to change over time; potentially due to processing speed deficit.
Speaking/Oral Fluency		
Student lacks verbal fluency (pauses, hesitations, word omissions)	Students lacks vocabulary, sentence structure and/or self-confidence	Speech is incomprehensible in the native language and English as evaluated by a native/fully fluent speaker of the language; may be due to hearing or speech impairment.
Student is unable to orally retell a story	Student does not comprehend story due to a lack of understanding and background knowledge in English.	Student has difficulty retelling a story or event in the native language and English; may have memory or sequencing deficits.
Does not orally respond to questions or does not speak much	Lacks expressive language skills in English, may be in the Silent Period.	Student speaks little in the native language and English; student may have hearing impairment or processing deficit.
Phonemic Awareness/Phonics		
Student does not remember letters/sounds from one day to the next	Student will initially demonstrate difficulty remembering letter sounds in English since they differ from the native language, but repetition will result in progress.	Student doesn't remember letter sounds after repeated exposure when sounds are similar between native language and English; due to visual/auditory memory or low cognition.
Student is unable to blend letter sounds in order to decode words	The letter sound errors may be related to the native language (i.e. native language may not have long or short vowels); with explicit instruction student will make progress over time.	Student makes letter substitutions when decoding not related to the native language; cannot remember vowel sounds, able to isolate but unable to blend; due to processing or memory deficit.

Learning Behavior Manifested	Indicators of Challenges Caused By Second Language Acquisition	Indicators of a Possible Learning Disability
Student is unable to decode words	Sound not present in the native language	Student consistently confuses letters/words that look alike; makes letter reversals, substitutions not related to the native language
Reading Comprehension & Vocabulary		
Student does not understand passage read, although may be able to read with fluency and accuracy	Lacks understanding and background knowledge of topic in English; is unable to use contextual clues to assist with meaning; improvement seen over time as English proficiency increases.	Student doesn't remember or comprehend what was read in English or the native language (if student has literacy in native language); doesn't improve over time; due to memory or processing deficit.
Does not understand key words/poor comprehension	Lacks understanding of vocabulary and meaning in English	The student's difficulty with comprehension and vocabulary is seen in English and the native language.
Writing		
Errors made with punctuation and capitalization	Errors could be consistent with punctuation or capitalization rules in the native language; student's work tends to improve over time.	Student consistently makes errors after instruction or is inconsistent; may be due to deficits in organization, memory or processing.
Handwriting		
Student is unable to copy words correctly	Lack of experience writing the English alphabet	Student demonstrates difficulty copying visual materials to include shapes, letters, etc. This may be due to a visual/motor or visual memory deficit.
Student has difficulty writing grammatically correct sentences	Student's syntax is reflective of writing patterns in the native language; typical patterns seen in ELs include verb tense, use of adjectives and adverbs and irregular forms; improves over time.	The student makes more random errors such as word omissions, missing punctuation; grammar errors are not correct in the native language or English; this may be due to a processing or memory deficit.
Student has difficulty generating a paragraph or writing essays but is able to express ideas orally	Student is not yet proficient in writing English even though (s)he may have developed verbal skills; student makes progress over time and error patterns are similar to other ELs.	Student consistently confuses letters/words that look alike; makes letter reversals, substitutions, etc. not related to the native language.
Spelling		
Student misspells words	Student will "borrow" sounds from the native language; progress seen over time as English is acquired.	Student makes errors such as writing the correct beginning sound of words then random letters; due to visual memory or processing deficit.

Learning Behavior Manifested	Indicators of Challenges Caused By Second Language Acquisition	Indicators of a Possible Learning Disability
Student spells words incorrectly; letters are sequenced incorrectly	Writing of words is reflective of English fluency level or cultural thought patterns; words may align to letter sounds or patterns of the native language (sight words may be spelled phonetically based on the native language)	The student makes letter sequencing errors such as letter reversals that are not consistent with native language spelling patterns; may be a processing deficit.
Mathematics		
Student manifests difficulty learning math facts and/or math operations	Student lacks comprehension of oral instruction in English; student shows improvement with visual input, native language support and other effective strategies providing comprehensible input.	Student has difficulty memorizing math facts from one day to the next and requires manipulatives or devices to complete math problems; visual memory or processing deficit.
Student has difficulty completing multiple-step math computations	Student lacks comprehension of oral instruction in English and/or reading comprehension. Student shows improvement with visual input, native language support or other strategies providing comprehensible input.	Student forgets the steps required to complete problems from one day to the next even with visual aids and comprehensible input. Student reverses or forgets steps. May be due to a processing deficit.
Student is unable to complete word problems	Student doesn't understand math terms in English or lacks sufficient math-specific reading comprehension. Student shows improvement when completed in the native language or with linguistic supports.	Student doesn't understand how to process the problem or identify key terms in English or the native language. Maybe a processing deficit/reading disability.
Behavior		
Student appears inattentive and/or easily distracted	Student doesn't understand instructions in English.	Student is inattentive across environments even when language is comprehensible; may have attention deficits.
Student appears unmotivated and/or angry; may manifest internalizing or externalizing behavior	Student doesn't understand instruction and doesn't feel successful; student has anger or low self-esteem related to English acquisition	Student doesn't understand instruction in English or the native language and across contexts; may be frustrated due to a possible learning disability.
Student doesn't turn in homework	Student may not understand directions or how to complete the homework due to lack of English proficiency; student may not have access to homework support at home	Student seems unable to complete homework consistently even when offered time and assistance with homework during school; maybe due to memory or processing deficit.