

## Frequently Asked Questions

**1) What happened to the Home Language Survey?**

As we edited our HLS questions, the focus changed from languages used in the home to languages used and understood by the student. Consequently, we changed the name of our survey to the Language Use Survey (LUS).

**2) The parents did not indicate a language other than English is spoken in the home, but we suspect there is. What are our legal rights and obligations?**

School districts are required under federal law to identify all English Learners in the district. The LUS is a tool that is used in the process of identifying students. A parent withholding information on the LUS, or providing inaccurate information, does not alleviate the district from its responsibility to identify ELs. If there is a reason to believe the student may not be proficient in English, the students must be assessed.

**3) Does a school district have to secure parental consent in order to evaluate a learner for ESL services?**

No. School personnel may proceed with such an assessment, if they believe a learner might be eligible for ESL services.

**4) For kindergarten students who passed the W-APT with a 29 or 30, and who earned a passing score on the ACCESS for ELLs, what further responsibilities do districts have?**

None, the student should no longer receive services.

**5) For one reason or another, we suspect a student was misidentified as an English Learner. What steps must we take to release the student from the LIEP?**

We suggest documenting what happened in writing and place it in the students file. Change the student's MOSIS code to NLP.

**6) If a student enrolls during the ACCESS testing window, which test do they take?**

They take the screener as any other new student. You have the option to give the ACCESS, but are not required to do so.

**7) What role do content assessments (MAP, EOC, etc.) play when making reclassification decisions?**

Content assessments can validate reclassification decisions, but cannot be used as the reason to keep a student in the LIEP.

**8) Can students who have completed the monitoring period be pulled back into the program?**

Any student can be pulled back into the program if objective, valid and reliable data shows that language is a barrier to achievement. If the student did complete the monitoring period and evidence shows the student should be in a LIEP, a program evaluation would be a good next step. Districts are cautioned to consider other possibilities to ensure language is not masking the real issue.

**9) May an individual learner receive both ESOL and SPED services at the same time?**

Yes. A learner found to be eligible may receive services from licensed service providers in both of these two areas of specialization.

**10) Is a 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 / guardians before beginning an evaluation for *initial* provision of SPED services. (Only written notice to parents / guardians is required for SPED re-evaluation.)

**11) If an ESL teacher provides services to a learner whom they 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 ESL teacher should refer such a learner for evaluation for eligibility for SPED services, as soon as a possible disability is suspected.

**12) 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 the EL's evaluation for SPED eligibility (once written consent is secured), the assessment process should not be their sole responsibility. The ESL teacher should definitely be a member of the evaluation team, as well as other related service providers (e.g., speech-language pathologist, occupational therapist, physical therapist, social worker, adaptive PE teacher, school nurse, etc.) as deemed pertinent to an individual learner's possible needs. The assessment process for SPED eligibility determination must be multidisciplinary.

**13) Which test(s) should be utilized to evaluate an English Learner 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, which are culturally and linguistically appropriate for and normed with ELLs.

**14) If a standardized, norm-referenced assessment is available in the learner's L1, may this test be utilized in the evaluation process?**

Yes—if the test has been normed in a learner's language (i.e., L1), 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 is commercially available.]

**15) If a standardized, norm-referenced assessment is NOT available in the learner's L1, 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 L1; such a practice would violate ALL aspects of the assessment's validity.

**16) What should be the focus of the evaluation of an English Learner for possible eligibility for special education services?**

The focus should not be any particular measure(s). It is much more important to focus on keen observation of the learner's overt behaviors and the evaluation *process*. Although there will 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.

**17) If an ESL teacher provides services to a learner who also receives special education services, are they required to be a member of the learner's IEP team?**

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

### **Myths & Misconceptions**

(Adapted from the Newcomer Toolkit)

**Newcomers must develop significant language proficiency prior to participating in disciplinary learning.**

Language is learned through context. To help students develop academic language, they need to participate in meaningful and authentic activities about academic ideas and concepts (van Lier & Walqui, 2012).

**Students need simplified content and language as they learn English.**

Simplified language decreases meaning. Instead, amplify language with illustrations, definitions and rewording key terms. (van Lier & Walqui, 2012)

**Students can learn only one language at a time.**

Proficiency in the native language positively affects learning of a new language (August @ Shanahan, 2006). The first language is a valuable tool and resource for newcomers.

**Content and grade-level teachers are not English teachers.**

All teachers need to understand how to teach students the specialized language of the content and ensure that English learners are able to access the course content and meaningfully participate in each class.