

California Practitioners' Guide for Educating English Learners with Disabilities

California Department of Education
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Notice

The guidance in *California Practitioners' Guide for Educating English Learners with Disabilities* is not binding on local educational agencies or other entities. Except for the statues, regulations, and court decisions that are referenced herein, the document is exemplary, and compliance with it is not mandatory. (See California *Education Code* (*EC*) Section 33308.5.)

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A Message from the State Superintendent of Public Instruction

Recognizing the diverse and often complex educational needs of students in California, Governor Edmund G. Brown Jr. signed Assembly Bill 2785 (O'Donnell) in 2016. Codified in statute as *Education Code* 56305, the new law requires the California Department of Education to develop a manual that provides guidance to local educational agencies on "identifying English learners as individuals with exceptional needs, classifying individuals with exceptional needs as English learners, supporting pupils who are both English learners and individuals with exceptional needs, and determining when such dually identified pupils should be either removed from classification as English learners or exited from special education."

The intent of the statute is to support one coherent system of education for all students. To that end, the guide's contents are directed toward inspiring and guiding all educators in ways to work together to meet the academic needs of the whole child.

The *California Practitioners' Guide for Educating English Learners with Disabilities* was developed with the assistance of a broad coalition of teachers, administrators, and staff members from districts, county offices of education, educational organizations and associations, and universities. These contributors brought decades of professional experience in educating English learners and students with disabilities to this project, and their input was invaluable to ensuring that this guide would be a resource to our colleagues in the field as they strengthen their abilities to support our students in the best way possible.

The *California Practitioners' Guide for Educating English Learners with Disabilities* is structured to make valuable information readily available to busy educators. It contains lists of key questions addressed in each chapter, sample forms, checklists, illustrative scenarios, tables, illustrations, frequently asked questions, links to additional resources, and other visual and organizational elements to improve the accessibility of the text.

With gratitude to the many professionals who shared their time and expertise on behalf of this project, the California Department of Education offers this guide to all educators in the hope it provides them with grounded, practical assistance in bridging the achievement gap for tens of thousands of students in California.



Tony Thurmond
State Superintendent of Public Instruction

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Introduction

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Purpose of This Guide

As a professional in the field, you may have found yourself wondering if the English learner student in your class who continues to struggle even after multiple interventions and strategies, may actually have a disability. You may also have found yourself unsure of what to do and how to go about finding out. It is the intent of this guide to assist practitioners to understand the legal requirements, best practices, and resources to assist you in appropriately determining what and how to proceed. This guide provides recommendations, which are based on best practices, but represents non-binding guidance.

Identifying, assessing, and differentiating instruction for English learners with disabilities require educators first to understand the complex interrelationships of language, culture, home, and school factors that affect learning and behavior and then to consider these factors when making decisions about students' unique characteristics and needs so that they may thrive at school. Leaders and educators will best be prepared to meet student needs by collaboratively developing and implementing a process for educating English learners with disabilities.

Toward that end, the California Legislature passed Assembly Bill 2785 (Chapter 579, Statutes of 2016) (accessible at: https://bit.ly/2GiggaP) calling upon the California Department of Education to develop a manual that provides guidance to teachers and specialists in grades transitional kindergarten (TK)/K–12[1] to help them appropriately identify and support English learners with disabilities. In response, the Department of Education developed this *California Practitioners' Guide for Educating English Learners with Disabilities* to provide information on identifying, assessing, supporting, and reclassifying English learners who may qualify for special education services and pupils with disabilities who may be classified as English learners. The manual or guide will also assist leaders in developing and implementing policies and practices related to English learners with disabilities.

Defining the Need for a Practitioners' Guide

California Department of Education data shows that the percentage of English learners who qualify for special education services is greater than the overall percentage of K–12 students who do. In 2017–18, approximately 12 percent of California's students qualified for special education services. However, 16.6 percent of the state's English learners were identified as students with a disability.[2]

The data also show that the percentage of English learner students with disabilities varies by grade level. English learners are under-identified for special education services relative to their monolingual English-speaking peers in the early grades; however, the special education identification rate for English learners increases disproportionately beginning at third grade and rises sharply through the secondary grades. For example, in grade 11, the proportion of English learners identified for special education services is more than double at 24.7 percent versus the statewide rate of 12 percent of students who qualify for special education. English learner reclassification patterns play a role in these numbers; that is, English learner students with disabilities are far less likely than those without disabilities to exit English learner status, resulting in large proportions of English learner students with disabilities at the secondary level.[3]

What can be done to prevent English learner students being under- or over-identified for special education services? Addressing potential causes identified in a recent research review,[4] including issues related to early intervention, instructional practice, referral processes, assessment, and English learner reclassification, is a place to start.

Promoting appropriate and consistent early intervention strategies. Early intervention may reduce referrals for special education services, and pre-referral targeted instructional strategies within a multi-tiered system of supports framework are increasingly employed by schools. Using the data-based decision-making component of multi-tiered system of supports, intervention teams make meaningful instructional decisions to establish the need for special education and related services. But the need for consistent intervention strategies remains an issue in the identification and instruction of English learner students with disabilities.

Using appropriate instructional practices. English learners who have a disability require specialized instruction, including comprehensive English language development, in order to progress academically both prior to referral and after qualifying for services. More professional learning is needed for educators to provide consistent, adequate services to students with both sets of needs. Local educational agencies need a system for consistent monitoring of student progress in both English language development and special education services.

Differentiating between a language learning need and a disability. It can be challenging for educators to determine whether a student's difficulty in progressing academically is

the result of language English development need or a language disability. More guidance and professional learning regarding this issue are needed. For example, educators may require guidance and support in using appropriate assessments; properly administering and interpreting results on multiple assessments while taking into account the student's language background; and setting appropriate expectations for linguistic and academic development/ performance for the student.

Designing and implementing clear and appropriate referral processes for English learners. More systematic referral processes would help educators identify when it is appropriate to refer English learners for special education evaluation and provide student study teams with protocols to review multiple factors. Such processes would also provide administrators with resources and established protocols to translate documents and provide simultaneous interpretation for parents in special education team meetings. With these systems in place, the referral process can lead to more objective, consistent decisions, and reduce under- or over-identification.

Making use of assessment accommodations. Using appropriate accommodations in assessment is critical for ensuring accurate assessment results for English learners and students with disabilities. Greater awareness is needed, not only of the types of accommodations available to students, but also of the legal rights that students have to access these accommodations.

Applying appropriate English learner reclassification criteria or procedures. More guidance is needed on how to conduct the reclassification process for English learner students with disabilities to determine if they are proficient in English. For example, reclassification criteria and/or procedures should be appropriately tailored to the individualized education program (IEP) goals of the student, as described in California Department of Education guidance (accessible at: https://bit.ly/2Zx6WbP). Local educational agencies can develop procedures that reflect appropriate, IEP-sanctioned exemptions from assessing one or more language domains related to an English learner's disability.

Policy Context

California's policy context regarding English learners and students requiring special education services has shifted substantially in recent years, highlighting the urgency of providing updated guidance to local educational agencies and schools for English learner students with disabilities. The following offers a brief summary of some of the significant developments in policy that warrant the guidance provided in this practitioners' guide.

- On November 8, 2012, the State Board of Education adopted new English language development standards that are aligned with new College and Career Ready Standards. The *California English Language Development Standards (CA ELD Standards)* (accessible

at: https://bit.ly/2hp4D5S)[5] describe the key English language knowledge, skills, and abilities that English learner students need to access, engage with, and achieve in grade-level academic content in all disciplines. On July 9, 2014, the State Board of Education approved the *English Language Arts/English Language Development Framework for California Public Schools*[6] *(ELA/ELD Framework)* (accessible at: https://bit.ly/2uRx7wp). The *ELA/ELD Framework* provides guidance to teachers and leaders on attending to the language learning needs of English learners in strategic ways that promote simultaneous development of content knowledge and advanced levels of English through Designated and Integrated ELD. Significantly, the *ELA/ELD Framework* emphasizes culturally and linguistically responsive instructional practices as critical to educational equity.

- On September 18, 2015, the State Superintendent of Public Instruction and the President of the State Board of Education issued a letter to county and district superintendents and charter school administrators (accessible at: https://bit.ly/2UlJTx5) reinforcing the state's policy for a comprehensive approach to English language development for all English learners and provided guidance for instruction and additional resources. This directive to leadership reflected the California Department of Education and the State Board of Education's recognition that both integrated and designated English language development instruction[7] are an integral part of a comprehensive program for all English learner students to meet the linguistic and academic goals at their grade level.

- The state's comprehensive approach to English language development also is emphasized in current science, history-social science, physical education, visual and performing arts, and health education curriculum frameworks (accessible at: https://bit.ly/2uRx7wp) and will be included in future frameworks so that all content teachers and administrators have adequate guidance to ensure that all English learners have access to quality integrated English language development across the disciplines.

- Also in 2015, the Statewide Task Force on Special Education, convened by the State Board of Education, the State Superintendent of Public Instruction, and the Commission on Teacher Credentialing, issued a comprehensive report titled *One System: Reforming Education to Serve ALL Students*.[8] (accessible at: https://bit.ly/2V7W40x) The report expressed concern about the "siloing" of the state's special education system and offered recommendations for both policy and practice to promote greater coordination and collaboration to create a more unified system and more effective instruction for all children, including English learner students with disabilities.

- Proposition 58, the California Education for a Global Economy Initiative, approved by voters in 2016 with a 74 percent majority, signaled that multilingualism is an educational and societal priority. The initiative gives California public schools more flexibility over the use of language acquisition programs, where students can learn English through multiple

programs. Further, the State Superintendent's recent *Global California 2030 Initiative*[9] (accessible at: https://bit.ly/2V51BF8) underscores the benefits of multilingualism, calling for half of all pre-K–12 students to participate in programs leading to proficiency in two or more languages, either through a class, a program, or an experience. By 2040, the goal is for three out of four students to be proficient in one or more languages, earning them a *State Seal of Biliteracy* (accessible at: https://bit.ly/2GK2NaU).

- California's Multi-Tiered System of Supports (MTSS) is an integrated, comprehensive framework that aligns academic, behavioral, and social-emotional learning in a fully integrated system of support. MTSS offers the potential to create needed systematic change through intentional design and redesign of services and supports to quickly identify and match to the needs of all students. As part of Assembly Bill 104 (Chapter 13, Statutes of 2015) (accessible at: https://bit.ly/2DI1JKN), a project titled Scale-Up MTSS Statewide (accessible at: https://bit.ly/2UJPxxR) provides technical assistance grants for local educational agencies to scale up their use of MTSS.

- In addition to the present practitioners' guide, California recently introduced guidance to improve instruction and supports for English learners. In 2017, the California State Board of Education unanimously approved the California English Learner Roadmap policy, ushering in a new era of English learner education that embraces linguistic diversity as an asset while providing the supports necessary to allow English learners meaningful access to intellectually rich and engaging curricula. A corresponding guidance document called *The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs, and Practices for English Learners*[10] *(CA EL Roadmap* [accessible at: https://bit.ly/2IKWgkb]*)* provides guidance for local educational agencies as they incorporate newly defined rigorous, evidence-based English learner education principles and practices into their local program designs. It supports English learner success by providing tools and examples aligned to state priorities so that parents, communities, schools, teachers, administrators, districts, and county offices of education can effectively implement policies, programs, and practices for English learners throughout California. The *CA EL Roadmap* specifically calls for district and school educators to collaborate to better identify, understand, assess, and support English learners, which include English learners with disabilities.

- The *California Dyslexia Guidelines*[11] (accessible at: https://bit.ly/2Pt14fj) authorized via Assembly Bill 1369 (Chapter 647, Statutes of 2015) aims to assist general education teachers, special education teachers, and parents in identifying, assessing, and supporting students with dyslexia. Chapter 7 of the *California Dyslexia Guidelines* addresses English learners.

- The English Language Proficiency Assessments for California (ELPAC) were introduced in 2017–18 and replace the California English Language Development Test (CELDT) as the state's assessments used to identify students who are English learners, determine their level of English language proficiency, and assess their progress in acquiring the skills of listening, speaking, reading, and writing in English. The ELPAC is aligned with the 2012 *California English Language Development Standards*, which capture the more rigorous language demands of new college and career ready standards. Compared to the CELDT, which was a single test used for two purposes (as an initial assessment for identification and as an annual assessment for progress-monitoring and reclassification), the ELPAC includes two distinct tests for these purposes: a shorter initial assessment for identification and a longer, annual summative assessment for progress-monitoring and reclassification. The link to the annually updated *English Language Proficiency Assessments for California Information Guide* is available on the ELPAC web page (accessible at: https://bit.ly/2Tw9I0J).

- Lastly, California's statewide system of support aims to help local educational agencies and their schools meet the needs of each student they serve, with a focus on building local capacity to sustain improvement and to effectively address disparities in opportunities and outcomes. A three-way crosswalk (accessible at: https://bit.ly/2XNf7zb) among the Local Control Accountability Plan indicators, the special education Annual Performance Report indicators, and the English Learner Roadmap principles illustrates connections between local contexts and the statewide system of support. Local leaders can use the crosswalk together with this practitioners' guide to engage in system planning and development with the goal of improving student performance for English learners with disabilities, as measured by local educational agency Dashboard Indicators (accessible at: https://bit.ly/2AqOiWp).

Development of This Guide

Drawing on earlier guidance from the San Diego Unified School District[12] (accessible at: https://bit.ly/2J3DOE8) and the SELPA Administrators of California Association,[13] (accessible at: https://bit.ly/302m412) and adding new and updated information, this guide provides California educators and leaders with information that responds to current policies to promote equity and access for English learner students with suspected disabilities and for those already identified. Its development was a highly collaborative process, involving a team of writers, expert reviewers, and California Department of Education staff. A statewide work group, comprised of researchers, administrators, state and local agency staff, and practitioners, as well as focus groups of teachers, also provided suggested revisions and additions, ensuring the accuracy, relevance, and practicality of the contents. The information in this guide is best implemented though a collaborative approach. That is, when leaders, special education, general education educators, English learner program staff, and families work together, they can fully understand, accurately assess, and effectively address the strengths and needs of English learner students with disabilities.

Using This Guide

The diverse languages and cultures that California's students bring to the classroom are assets on which to build. This guide emphasizes the importance of respecting and being responsive to student and family culture and language when developing programs, services, and instruction for English learners in the state who may have a disability that impacts their ability to learn. Children, including children with disabilities, can successfully learn two or more languages, and multilingualism has linguistic, social, cognitive, academic, economic, and cultural benefits.[14] Since each child's background experiences, language proficiency (in both their primary language and in English), and academic needs vary widely, this guide presents a variety of methods to assist practitioners in providing the highest quality, most culturally and linguistically responsive educational program to all students.

Specifically, this guide provides information on:

- identification of English learners, Multi-Tiered System of Supports (MTSS), and pre-referral interventions;
- pre-referral and referral, assessment, and individualized education program processes;
- educational programs and instructional strategies;
- proposing exit from special education services; and
- reclassification from English learner status.

To ground the guidance provided, each chapter concludes with a hypothetical scenario that school-site educators could encounter. Each chapter also includes links to practical resources (checklists, sample forms) and a list of frequently asked questions.

A Note About Terminology

The authors of this guide aim to use people-first language throughout, avoiding labels that can be stigmatizing. They also recognize that many terms are used to refer to English learner students and students with disabilities and that these student groups are neither static nor homogeneous; rather, they are diverse groups comprising different sets of needs at different points in time. Although current efforts are underway in various localities to change or expand upon these definitions using an asset-based orientation, the authors use the following terms because they correspond to federal definitions:

Standard instructional program is defined by California *Education Code (EC)* 60811.8(a)(1) (accessible at: https://bit.ly/31iNCQF) as:

(a) Commencing in the 2019–20 school year, a middle school or high school pupil who is classified as an English learner, except as specified in subdivision (d), shall not be denied participation in the standard instructional program of a school by being denied any of the following:
(1) Enrollment in courses that are part of the standard instructional program of the school that the pupil attends. For purposes of this section, "standard instructional program" means, at a minimum, core curriculum courses, as defined in clause (i) of subparagraph (B) of paragraph (6) of subdivision (b) of Section 33126, courses required to meet state and local graduation requirements, and courses required for middle school grade promotion.

Core instruction, as used in this manual, means grade-level California Common Core-aligned instruction that also includes "standard instructional program."

English learner is a legal term, codified in Title 20 *United States Code (U.S.C.)* 7801(20) (accessible at: https://bit.ly/2IluMC1) and reflected as a parallel definition in California state law *EC* 435(a) (accessible at: http://bit.ly/2wMgJ0u) and *EC* 56305(h)(1) (accessible at: https://bit.ly/2wIlVTg). The authors recognize that English learners are students who are learning English and may be multilingual; this classification is meant to be a temporary, not fixed, status.

English learners with disabilities is a term that refers to English learners who are also "children with disabilities" under the Individuals with Disabilities Education Act, as defined in 20 *U.S.C.* 1401(3)(A) (accessible at: https://bit.ly/2v4Ej7N) of that act and Every Student Succeeds Act (ESSA) P.L. 114-95 (accessible at: https://bit.ly/1KLrqRS). As with English learners, the authors affirm that this status is not fixed and that students with disabilities may exit from services when appropriate.

English language development (ELD) is instruction focused on developing critical English language skills necessary for academic content learning in English through both integrated ELD and designated ELD instruction through use of the state adopted English Language Development Standards.

English learner services include strategies (Preview/Review), designated and integrated ELD, primary language instruction/support, scaffolding, graphic organizers support and more to provide a path to fluent English proficiency and attainment of the "standard instructional program" for success in the global economy.

Additionally, while this guide begins with information about students who may be English learners, and students with suspected disabilities, it focuses primarily on English learners with confirmed disabilities, and as such, the authors use the term English learners with disabilities.

Finally, in the interest of gender non-discrimination, the authors refer to individual students alternately as “she” and “he.” The authors recognize that many individual students identify as transgender, gender non-binary, gender non-conforming, agender, or other gender identities and may prefer gender-neutral pronouns or other emerging identifying terms.

Introduction Endnotes

1 This guide focuses on students in transitional kindergarten through grade twelve and does not provide comprehensive information on children in preschool. However, resources are provided in Appendix Introduction 1.1.

2 California Department of Education Data Reporting Office, 2017–18 Enrollment by English Language Acquisition Status and Grade (https://bit.ly/2VSh8JF).

3 I. M. Umansky, K. D. Thompson, and G. Díaz, *Using an Ever–English Learner Framework to Examine Disproportionality in Special Education* (https://bit.ly/2W0aO6w) (Sage Publishing, 2017).

4 E. Burr, E. Haas, and K. Ferriere, *Identifying and Supporting English Learner Students with Learning Disabilities: Key Issues in the Literature and State Practice* (http://bit.ly/2K1Pjfl) (Washington, DC: US Department of Education, 2015).

5 California Department of Education, *California English Language Development Standards* (https://bit.ly/2hp4D5S) (Sacramento, CA: California Department of Education, 2012).

6 California Department of Education, *English Language Arts/English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento, CA: California Department of Education, 2015).

7 "Integrated English language development" (ELD) means instruction in which the state-adopted English language development standards, the *California English Language Development Standards*, or *CA ELD Standards* are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English. "Designated English language development" means instruction provided during a time set aside in the regular school day for focused instruction on the *CA ELD Standards* to assist English learners to develop critical English language skills necessary for academic content learning in English.

8 California Statewide Task Force on Special Education, *One System: Reforming Education to Serve ALL Students* (https://bit.ly/2V7W40x) (Sacramento, CA: California Statewide Task Force on Special Education, 2015).

9 California Department of Education, *Global California 2030* (https://bit.ly/2V51BF8) (Sacramento, CA: California Department of Education, 2018).

10 K. Hakuta, and California Department of Education, *The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs, and Practices for English Learners* (https://bit.ly/2IKWgkb) (Sacramento, CA: California Department of Education, 2018).

11 California Department of Education, *California Dyslexia Guidelines* (https://bit.ly/2Pt14fj) (Sacramento, CA: California Department of Education, 2017).

12 A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

13 J. Butterfield, G. Lopez, and L. Gonzalez, *Meeting the Needs of English Learners with Disabilities Resource Book* (https://bit.ly/302m412) (Sacramento, CA: SELPA Administrators of California Association, 2017).

14 National Academies of Sciences, Engineering, and Medicine, *Promoting the Educational Success of Children and Youth Learning English: Promising Futures* (Washington, DC: The National Academies Press, 2017).

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SECTION 1: Identification of English Learners, Multi-Tiered System of Supports (MTSS), and Pre-Referral Interventions

Chapter 1: Students with Disabilities Who May Be Identified as English Learners

Chapter 2: Supports for English Learners within the Multi-Tiered System of Supports Framework

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Chapter 1: Students with Disabilities Who May Be Identified as English Learners

Chapter Contents

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  - Annually Assessing an English Learner's Progress Toward and Attainment of the "English Proficient" Performance Standard on the Summative ELPAC
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- Detecting and Correcting the Misclassification of Students as English Learners
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Questions Addressed in This Chapter

For Teachers

- How are students with disabilities identified and classified as being English learners?
- What types of services and programs are available to my English learner students?
- What types of accessibility resources are available for my students with disabilities who also are English learners?
- What types of information do families receive and what information should I consider sharing with them?

For Administrators

- What strategies can I use to reduce misclassification?
- How can I implement an appropriate and consistent initial identification process?

Chapter Overview

This chapter describes how students with disabilities may also be classified as English learners, using appropriate assessment accessibility resources, and placed in a language acquisition program (California *Education Code [EC]* 306[c]) (accessible at: https://bit.ly/2PbN8WJ).[1] It also describes the process to correct the misclassification of students with disabilities as English learners.

Identifying and Classifying English Learners

In the transitional kindergarten (TK)/K–12 school context, current law and regulations[2] require state and local educational agencies (LEAs) to identify students whose current language use or home environment includes a language other than English. The basic trajectory of how a student enters, moves through, and exits English learner status includes four phases:[3]

1. identifying a student as a potential English learner;

2. classifying a student as English learner or initial fluent English proficient (IFEP) based on results on the Initial English Language Proficiency Assessments for California (Initial ELPAC);

3. annually assessing an English learner's progress toward English proficiency using the Summative ELPAC; and

4. reclassifying a student to fluent English proficient (RFEP) through the use of multiple exit criteria.

A summary of the first three phases follows. Information on the fourth phase is discussed in chapter 9 of this guide.

1. Identifying a Student as a Potential English Learner

LEAs identify potential English learners using the home language survey (HLS) at the point of the student's school enrollment in grades TK–12. The current California HLS (accessible at: https://bit.ly/2v7LufA) asks parents/guardians to answer the following questions:

1. Which language did your child learn when he/she first began to talk?

2. Which language does your child most frequently speak at home?

3. Which language do you (the parents or guardians) most frequently use when speaking with your child?

4. Which language is most often spoken by adults in the home (parents, guardians, grandparents, or any other adults)?[4]

If a language other than English is indicated on any of the first three questions, the student's English language proficiency is assessed using the Initial ELPAC. If a language other than English is indicated only on question 4, the LEA has discretion to test that student or not, using the Initial ELPAC.

Based on their HLS responses, students who use or are exposed to a language other than English will proceed to the next phase.[5]

If the HLS is completed in error, the parent or guardian may make a request to change it prior to the assessment being scored. However, once a student is identified as an English learner on the basis of the results of the Initial ELPAC and the student has been administered the Summative ELPAC, changing the HLS will not change the student's identification. Note: see the

Detecting and Correcting section in this chapter for more information about possible correction of classification errors between the administration of the Initial and Summative ELPAC.

2. Classifying a Student as an English Learner or Initial Fluent English Proficient Based on the Initial ELPAC

When a student is identified as a potential English learner based on HLS results, it triggers the requirement to administer the Initial ELPAC. This initial assessment of the student's English proficiency confirms whether the student is an English learner or is English proficient. The student who scores below the English proficient performance standard established on the Initial ELPAC (that is, at the Novice English Learner or Intermediate English Learner level) is classified as English learner. Following classification, an English learner can be placed into an appropriate language acquisition program, initially selected by the family when enrolling the child in school. A student who meets or exceeds that Initial ELPAC performance standard is classified as initial fluent English proficient (IFEP) and is not classified as an English learner. That is, an IFEP student is considered to have sufficient initial English proficiency not to require specialized language instruction support services.

Assessing a student's academic and linguistic proficiency in her[6] primary language and using informal/dynamic assessments are also extremely useful steps in this process to yield a more comprehensive picture of the student. It also ensures that she is placed appropriately into academic coursework and that teachers can support the transfer of academic and linguistic skills from her primary language to English in a culturally competent way. For example, a student in the primary grades may already know how to decode in an alphabetic language, and a newcomer student in the secondary grades may already have completed advanced coursework in mathematics. Knowing this helps to ensure that the English learner receives appropriately designed instruction that leverages the assets she brings to school.

The Initial ELPAC window is July 1 through June 30. The LEA administers the Initial ELPAC locally and produces the official score in accordance with the directions of the test contractor. The LEA notifies the parents or guardian, in writing, of the results of the Initial ELPAC within 30 calendar days after the student's school enrollment date (or, if administered prior to the student's initial date of California enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the student's initial enrollment). Parents or guardians of English learners with an IEP also must be notified as to how the placement in an English language instructional support program will help their child meet the objectives of the IEP.

Parents/guardians cannot opt out of the Initial ELPAC. State and federal law (*EC* 313 and 60810) (accessible at: https://bit.ly/2VNknSS and https://bit.ly/2Qcz0No) and federal law Titles I and III of the Every Student Succeeds Act require that all students whose primary language is other than English be assessed for English language proficiency. The legal basis for requiring English language proficiency testing is that all students have the right to an equal and appropriate education, and any English language limitations left unidentified or unaddressed could preclude a student from accessing that right.

The Initial ELPAC has three performance level descriptors: Novice English Learner, Intermediate English Learner, and IFEP, which apply to all grades and describe a general range of student performance (refer to the current ELPAC Information Guide on CDE's ELPAC web page (accessible at: https://bit.ly/2Tw9I0J) for the full descriptions of the performance levels). These three performance level descriptors map onto three broad ELD proficiency levels—Emerging, Expanding, and Bridging—as defined in the *2012 California English Language Development Standards, Kindergarten Through Grade 12 (CA ELD Standards* [accessible at: https://bit.ly/2hp4D5S]).

3. Annually Assessing an English Learner's Progress Toward and Attainment of the "English Proficient" Performance Standard on the Summative ELPAC

Once a student is classified as an English learner, he is placed in an appropriate language acquisition program and receives specialized linguistic and academic instructional services to support both English language development (ELD) and academic progress. If the language acquisition program is a bilingual or dual immersion program, primary language is also used to provide instructional services. As required under state and federal law, the student is assessed annually in his progress toward English language proficiency on the Summative ELPAC, which is administered between February 1 and May 31. There are four general performance levels for the Summative ELPAC: (1) Minimally Developed, (2) Somewhat Developed, (3) Moderately Developed, and (4) Well-Developed.

The Summative ELPAC has four performance level descriptors. As figure 1.1 shows, ELPAC Level 1 corresponds to the Emerging ELD proficiency level; ELPAC Level 2 corresponds to the low- to mid-Expanding ELD proficiency level; ELPAC Level 3 encompasses the upper-Expanding through lower-Bridging ELD proficiency levels; and ELPAC Level 4 reflects the upper-Bridging ELD proficiency level.

Figure 1.1.
Relationship of ELPAC Performance Levels and ELD Standards Proficiency Levels

ELPAC Performance Level	ELD Standards Proficiency Level
Level 1: Minimally Developed	Emerging — requires substantial linguistic support
Level 2: Somewhat Developed	Expanding — requires moderate linguistic support
Level 3: Moderately Developed	Expanding and bridging — requires moderate to light linguistic support
Level 4: Well-Developed	Bridging — requires light linguistic support

Source: California Department of Education, ELPAC Academy PowerPoint (ELPAC Academy, Fall 2017).

Figure 1.2 provides a detailed description of each Summative ELPAC performance level identified in the first row of figure 1.1.

Figure 1.2.
Summative ELPAC Performance Levels Descriptions

Level	Description
Level 4	English learners at this level have well-developed oral (listening and speaking) and written (reading and writing) skills. They can use English to learn and communicate in meaningful ways that are appropriate to different tasks, purposes, and audiences in a variety of social and academic contexts. They may need occasional linguistic support to engage in familiar social and academic contexts; they may need light support to communicate on less familiar tasks and topics. This test performance level corresponds to the upper range of the Bridging proficiency level as described in the *CA ELD Standards*.
Level 3	English learners at this level have moderately developed oral (listening and speaking) and written (reading and writing) skills. They can sometimes use English to learn and communicate in meaningful ways on a range of topics and content areas. They need light-to-minimal linguistic support to engage in familiar social and academic contexts; they need moderate support to communicate on less familiar tasks and topics. This test performance level corresponds to the upper range of the Expanding proficiency level through the lower range of the Bridging proficiency level as described in the *CA ELD Standards.*

Level	Description
Level 2	English learners at this level have somewhat developed oral (listening and speaking) and written (reading and writing) skills. They can use English to meet immediate communication needs but often are not able to use English to learn and communicate on topics and content areas. They need moderate-to-light linguistic support to engage in familiar social and academic contexts; they need substantial-to-moderate support to communicate on less familiar tasks and topics. This test performance level corresponds to the low- to mid-range of the Expanding proficiency level as described in the *CA ELD Standards*.
Level 1	English learners at this level have minimally developed oral (listening and speaking) and written (reading and writing) English skills. They tend to rely on learned words and phrases to communicate meaning at a basic level. They need substantial-to-moderate linguistic support to communicate in familiar social and academic contexts; they need substantial linguistic support to communicate on less familiar tasks and topics. This test performance level corresponds to the Emerging proficiency level as described in the *CA ELD Standards*.

Source: California Department of Education, 2018-19 *English Language Proficiency Assessments for California Information Guide* (https://bit.ly/2Zx6WbP) (Sacramento, CA: California Department of Education, 2018).

Figure 1.3 is a screen shot from the *CA ELD Standards* that indicates Emerging and Expanding ELD proficiency levels, including descriptors for early and exit stages across three modes of communication: collaborative, interpretive, and productive. The full figure, on pages 21 and 22 of the *CA ELD Standards*, illustrates the entire continuum of English language proficiency, including the Bridging level.

Figure 1.3.

ELD Standards Proficiency Level Descriptors

ELD Proficiency Level Continuum: Emerging

Mode of Communication	At the early stages of the Emerging level, students are able to perform the following tasks:	Upon exit from the Emerging level, students are able to perform the following tasks:
Collaborative	• Express basic personal and safety needs and ideas, and respond to questions on social and academic topics with gestures and words or short phrases. • Use basic social conventions to participate in conversations.	• Express basic personal and safety needs and ideas, and respond to questions on social and academic topics with phrases and short t sentences. • Participate in simple, face-to-face conversations with peers and others.
Interpretive	• Comprehend frequently occurring words and basic phrases in immediate physical surroundings. • Read very brief grade-appropriate text with simple sentences and familiar vocabulary, supported by graphics or pictures. • Comprehend familiar words, phrases, and questions drawn from content areas.	• Comprehend a sequence of information on familiar topics as presented through stories and face-to-face conversation. • Read brief grade-appropriate text with simple sentences and mostly familiar vocabulary, supported by graphics or pictures. • Demonstrate understanding of words and phrases from previously learned content material.

Mode of Communication	At the early stages of the Emerging level, students are able to perform the following tasks:	Upon exit from the Emerging level, students are able to perform the following tasks:
Productive	• Produce learned words and phrases and use gestures to communicate basic information. • Express ideas using visuals such as drawings, charts, or graphic organizers. • Write or use familiar words and phrases related to everyday and academic topics.	• Produce basic statements and ask questions in direct informational exchanges on familiar and routine subjects. • Express ideas using information and short responses within structured contexts. • Write or use learned vocabulary drawn from academic content areas.

ELD Proficiency Level Continuum: Expanding

Mode of Communication	At the early stages of the Expanding level, students are able to perform the following tasks:	Upon exit from the Expanding level, students are able to perform the following tasks:
Collaborative	• Express a variety of personal needs, ideas, and opinions and respond to questions using short sentences. • Initiate simple conversations on social and academic topics.	• Express more complex feelings, needs, ideas, and opinions using extended oral and written production; respond to questions using extended discourse. • Participate actively in collaborative conversations in all content areas with moderate to light support as appropriate.

Mode of Communication	At the early stages of the Expanding level, students are able to perform the following tasks:	Upon exit from the Expanding level, students are able to perform the following tasks:
Interpretive	• Comprehend information on familiar topics and on some unfamiliar • topics in contextualized settings. • Read independently a variety of grade-appropriate text with simple sentences. • Read more complex text supported by graphics or pictures. • Comprehend basic concepts in content areas.	• Comprehend detailed information with fewer contextual clues on unfamiliar topics. • Read increasingly complex grade-level text while relying on context and prior knowledge to obtain meaning from print. • Read technical text on familiar topics supported by pictures or graphics.
Productive	• Produce sustained informational exchanges with others on an expanding variety of topics. • Express ideas in highly structured and scaffolded academic interactions. • Write or use expanded vocabulary to provide information and extend- ed responses in contextualized settings.	• Produce, initiate, and sustain spontaneous interactions on a variety of topics. • Write and express ideas to meet most social and academic needs through the recombination of learned vocabulary and structures with support.

Source: Adapted from: California Department of Education, *California English Language Development Standards, Kindergarten Through Grade 12* (https://bit.ly/2hp4D5S) (Sacramento: California Department of Education, 2014), 21–22.

It is important to note the differences among and relationship between ELPAC performance levels and the *CA ELD Standards* proficiency levels. The *CA ELD Standards* are primarily a

tool to guide teachers in their day-to-day lesson planning, observations of students as they are engaged in school learning tasks, and evaluations of student work (e.g., writing assignments, oral presentations). The *CA ELD Standards* help teachers track student progress and plan lessons with appropriate levels of scaffolding so that students' progress in a steady manner toward English language proficiency. The ELPAC is a summative measure of year-to-year progress in English language development, intended to inform what students are aiming for at the end of the year.

Using Assessment Accessibility Resources for Students with Disabilities

The ELPAC allows for differential weights in the calculation of the overall performance level for each grade span (for more information visit the CDE ELPAC web page at: https://bit.ly/2Tw9I0J). The scoring of the ELPAC has implications for students with disabilities who may be English learners and underscores the importance of accessibility resources.

In the case of a student diagnosed with a disability prior to entering school for the first time, accurate assessment and identification of a student with disabilities who may be an English learner requires that educators use appropriate assessment accessibility resources (e.g., universal tools, designated supports, and accommodations) when assessing English language proficiency using the Initial ELPAC. Additionally, using appropriate accessibility resources in the classroom throughout the year and getting feedback as to whether they are effective ensure that a student's English language proficiency is not underestimated and that appropriate instruction is provided.

Some students with disabilities are able to participate fully on the ELPAC. For students whose disabilities preclude them from participating in one or more domains of the ELPAC, their IEP teams may recommend, on a student-by-student basis, accommodations or an alternate assessment (*EC* 56385) (accessible at: https://bit.ly/2GgqxEm) and (5 *CCR* 11516.5 through 11516.7) (accessible at: https://bit.ly/2InF5Wb). Alternate assessments are locally decided and can only be used by students with significant cognitive disabilities. Because of the unique nature of individual students' disabilities, and because the state does not yet have an alternate assessment to the ELPAC for individual ELPAC domains, the California Department of Education (CDE) does not make specific recommendations as to which alternate assessment instruments to use. The appropriate alternate assessment must be identified annually in a student's IEP. In January 2019, the CDE began development of a statewide Alternate ELPAC for students with the most significant cognitive disabilities. When the Alternate ELPAC is operational, LEAs will no longer locally determine an alternate assessment as all students identified as eligible for an alternate assessment, per their IEP, will take the Alternate ELPAC.

Identified English learners with disabilities must take the ELPAC with any accommodations specified in their IEP or take identified alternate assessments, as documented in their IEP, every year until they are reclassified. Current universal tools, designated supports, and non-embedded accommodations can be accessed on the CDE's California Assessment of Student Performance and Progress (CAASPP) (accessible at: https://bit.ly/2CSADvR) and ELPAC (accessible at: https://bit.ly/2Tw9I0J) web pages.

- Universal tools are available to all students on the basis of student preference and selection.

- Designated supports are available to all students when determined for use by an educator or team of educators (with parent/guardian and student input, as appropriate) or specified in the student's IEP or Section 504 plan.[7] If enacted during daily instruction, designated supports should also be available during assessment events.

- Approved accommodations (non-embedded), found in the accessibility resource matrix, must be permitted on ELPAC tests to all eligible students if specified in the student's IEP or Section 504 plan.

Additionally, chapter 6 of this guide has more information about educational programs.

Annually, the CDE revises ELPAC accessibility resource documents that define the universal tools, designated supports, and accommodations (embedded and non-embedded) allowed as part of the ELPAC assessment system.

As with the Initial ELPAC, educators need to ensure that those English learners with disabilities receive proper accommodations during administration of the Summative ELPAC. Such accommodations are needed to ensure fairness and accuracy in measuring the students' English language proficiency and to ensure valid use of the assessment results for measuring annual English language proficiency (ELP) progress, making appropriate pedagogical decisions within a given language acquisition program, and determining English language proficiency, ELP progress, and possible readiness to exit English learner status.

The four ELPAC domains—Listening, Speaking, Reading, and Writing—may be administered in any order, but the parts within a domain must be administered sequentially and in a single sitting. For grades three through twelve, Listening is administered via streamed audio recordings that test examiners access through the test contractor's management system. Information on delivery is available in the ELPAC Test Administration Manual. (accessible at: https://bit.ly/2YJdCST)

Placing English Learners in Language Acquisition Programs

Once classified as an English learner, a student should be placed in a language acquisition program with ELD instruction based on her level of English language proficiency (i.e., Emerging, Expanding, Bridging) and the preferences of her parents or guardians regarding particular program model goals (e.g., biliteracy and academic achievement in two languages; English proficiency and academic achievement in English only). At a minimum, an LEA is required to provide a program of Structured English Immersion (SEI) for English learners, which includes both integrated ELD[8] and designated ELD.[9] Depending on the program model, students can be homogeneously grouped for designated ELD and heterogeneously group for integrated ELD. Regardless of language acquisition program model, the current evidence based on best and promising practices indicates schools and districts should integrate English learners with students who are proficient in English (i.e., not segregate or isolate English learners) to promote inclusivity and provide standard English language models. Following the 2016 passage of Proposition 58, California Education for a Global Economy (Ed.G.E.) Initiative (accessible at: https://bit.ly/2MlZlGm), California public schools have greater discretion over language acquisition programs, and students can learn English through multiple programs beyond the SEI model—for example, dual-language immersion (DLI) and transitional or developmental bilingual instructional program models (*EC* 306[c][10],[2],[3]) (https://bit.ly/2PbN8WJ).

Table 9.3 (page 892) of the *English Language Arts/English Language Development Curriculum Framework for California Public Schools* (ELA/ELD Framework), "Instructional Characteristics in Programs for English Learners," (accessible at: https://bit.ly/2VkKc0a) summarizes instructional characteristics of language acquisition programs for English learners.

The school site administrator should have processes in place to facilitate the review of the student's file by school personnel to place the student in a program model that matches the student's linguistic and academic strengths and needs, and to the extent possible, fulfill the parents request for the type of language program. Ideally, the classroom teacher and English learner specialist will be consulted in the placement, taking into consideration English proficiency levels and primary language knowledge. The classroom teacher and English learner specialist will use the student's results from the ELPAC assessments and local screening assessments to determine the level of scaffolding and best instructional strategies to use in lesson planning. An accessibility resources video is available on the ELPAC Portal (accessible at: https://bit.ly/2Tw9I0J) and includes steps to use the Individual Student Assessment Accessibility Profile (ISAAP) process when making these important decisions.

Detecting and Correcting the Misclassification of Students as English Learners

Identifying and classifying English learners can be a complex process. Given the realities of measurement error, the assessment of young children, and the complexities of distinguishing English language development features from possible language-related learning issues, it is possible that errors will occur. Chapter 2 of this guide has more detail. Inappropriate or inconsistent classification practices can lead to misclassifications within a given district or school. That is, a student with a language-related learning disability can be classified as solely English learner rather than as an English learner student with a disability. Alternatively, a student who has been inappropriately classified as an English learner may instead be a bilingual/multilingual student who is fluent in English but has a language-related learning disability. It is therefore crucial to have in place procedures for detecting and correcting misclassifications. This subsection describes California's approach to detecting and correcting misclassifications and the implications for administrators and teachers.

California's Approach to Detecting and Correcting Misclassifications

The English Language Proficiency Assessments for California Information Guide (accessed at: https://bit.ly/2Tw9I0J), 5 *CCR* 11518.20 (accessed at: https://bit.ly/2XeRyPq) indicates three scenarios in which a correction process may take place:

1. If a student is classified as English only but the LEA has an indication that the student's primary or native language is not English and the student is unable to perform ordinary classroom work in English, the LEA may collect and review evidence. Based on this review, the LEA shall determine whether the student shall be administered the Initial ELPAC in order to determine the student's classification. At least 10 calendar days prior to administration of the Initial ELPAC, the LEA shall notify the student's parent or guardian, in writing, that the student will be assessed. If the Initial ELPAC is administered and the student does not meet the Initial ELPAC criterion for proficiency, the LEA shall classify the student as English learner. The LEA shall notify the student's parent or guardian, in writing, of the results of the review, including the evidence that led to the determination and the results of the Initial ELPAC, within 14 calendar days of its determination.

2. If an LEA administers the Initial ELPAC to a student who is not eligible for the assessment, the student's classification shall remain unchanged regardless of the assessment results, and the LEA shall not maintain any such results as student records, including in the California Longitudinal Pupil Achievement Data System.

3. After the administration of the Initial ELPAC—but before the student takes the Summative ELPAC and at the request of the student's parent or guardian or a certificated employee of the LEA—the LEA shall collect and review evidence about the student's ELP. Based on the results of the review, the LEA shall determine whether the student's classification should remain unchanged or be changed. The LEA shall notify the student's parent or guardian in writing of the results within 14 calendar days of its determination. This review shall occur only once over the course of the student's enrollment in the California public school system.

As specified in 5 *CCR* 11518.20 (accessible at: https://bit.ly/2XeRyPq) for the detection and correction of classification errors, a parent/guardian or a certificated employee of the LEA may request a review of a student's classification. This can occur only once, and after the administration of the Initial ELPAC, but before the Summative ELPAC. In that event, an LEA must collect and review evidence about the student's English language proficiency. Based upon its review of the evidence,[10] the LEA then determines whether the student's classification should remain or be changed. The LEA then notifies the student's parent or guardian in writing of the results of the review within 14 calendar days of its determination. During the time evidence is being collected and reviewed, the original classification remains and services consistent with that classification should continue.

Implications and Strategies for Administrators and Teachers

The accurate classification of students is critical to provide appropriate ELD instruction for students who are indeed English learners and to avoid providing English learner services to students who do not need them. Researchers[11] have described a process for detecting and addressing the ways in which students might be misclassified. For example:

- A student classified as initial fluent English proficient might be found to struggle in comprehending and using English for learning academic content or engaging in content practices in the classroom.

- A student initially classified as an English learner exhibits language use in grade-level content practices in the classroom that clearly suggests she has been misclassified. After formal review of evidence of the student's language use through a protocol involving a teacher, parent, and administrator, educators may conclude the student should be classified as initially fluent English proficient and may discontinue the supplemental services designated for English learner students.

- An initially classified English learner student is later assessed and found to be eligible for special education and related services for having a language-related learning disability.

The assessment process provided evidence that the student, who is multilingual, has a language related disability and was inappropriately classified as an English learner.

Further, a national expert working group recently identified several promising strategies educators use to help reduce misclassifications.[12] School and district administrators may wish to consider whether one or more of these strategies would be useful in their context:

- Districtwide experts train school staff in the initial classification process using a range of scenarios/cases of potential English learner students to develop understanding and to help resolve challenging classification decisions.

- Educators engage in informal interviews with parents regarding those students with more complex "linguistic histories" (information about the students' language experiences) as captured on the HLS prior to the administration of the instrument to better understand observed performance on the classification assessment.

- A school- or district-based English learner classification committee, staffed with appropriately qualified and trained educators, reviews potential misclassifications and appropriately involves parents in deliberations and decisions.

- Educators with appropriate English learner training and expertise examine ambiguous English learner classification results and support classification decision-making in consultation with parents.

Correspondingly, to implement an initial classification process that is appropriate and consistent, other experts further recommend the following as specific practices for administrators:

- Identify individuals with sufficient preparation and experience working with (culturally and linguistically diverse) students, whose job responsibilities include conducting the initial English learner classification process;[13]

- Provide training on classification instruments, procedures, and practices that is designed to support a variety of educational contexts (e.g., schools and districts with small versus large numbers of English learners), delivered by qualified personnel, and available as needed (e.g., annually as well as on-demand);[14]

- Collect and electronically store HLS responses and determinations (potential English learner/not potential English learner), classification instrument score results for potential

English learners, classification determinations, and any misclassification corrections made; and

- Audit and/or monitor the initial English learner classification process (at school and district levels) to ensure integrity of the process and to identify training or resource needs that schools or districts may have.[15]

Student Scenario

The scenario that follows illustrates the application of information provided in this chapter.

Javier

Javier is a five-year-old kindergartner who was diagnosed with autism when he was four years old. He is the oldest child in his family, with two younger siblings. His family had concerns that he was not speaking and was communicating only through gestures and crying. Not sure what to do, the family took him to the neighborhood school at the suggestion of neighbors. Javier was assessed and identified as a child needing special education services due to the diagnosis of autism and speech and language delays. His IEP team recommended a special education preschool program for students on the autism spectrum that was housed at another school in the district.

In preschool Javier communicated primarily through pictures but used very few symbols to communicate his needs. His preschool teachers were concerned that he struggled with following directions, but they provided instruction only in English as the special education preschool is attended primarily by English speakers.

Because Javier is non-verbal, his parents did not include information to questions number one and two on the HLS (i.e., which language did your child learn when he/she first began to talk and which language does your child most frequently speak at home). For questions three and four, the parents did respond that they most frequently use Spanish when addressing Javier, and that others in the home, including his younger siblings, speak Spanish. Based on these responses, Javier was identified as a potential English learner, and he was administered the Initial ELPAC.

Javier used designated supports when he took the Initial ELPAC, including having audio or oral presentation of test directions repeated as necessary and testing in a separate room (being directly supervised by an employee of the school district) during all four assessment domains. Also specified in his IEP, Javier used accommodations of a picture communication system

and an assistive device, and his responses were transcribed into the answer book during the Listening, Speaking, and Writing domains. Additionally, Javier's IEP specified his use of pictures as dictation, and his responses were noted by a scribe for selected items across Listening, Reading, and Writing domains. Based on the ELPAC results, it was determined that Javier is an English learner.

Based on the recommendation of the IEP team, including the English learner specialist at Javier's school, Javier is receiving integrated and designated ELD instruction in his special education class from his special education teacher. When he is in his general education homeroom, he receives integrated ELD from the general education classroom teacher. The special education paraprofessional who is bilingual, works in the classroom also supports Javier and other students with IEPs in the classroom.

Chapter Summary

This chapter summarizes how students with disabilities may also be classified as English learners, how misclassifications can occur and be corrected, and how to support English learner students' progress in and attainment of English language proficiency.

Frequently Asked Questions

Q: Should a student be given both the Initial and Summative ELPAC if she enrolls in school midyear, close to the Summative ELPAC window opening?

A: Yes. After the student has been identified as a potential English learner (based on the HLS), the student is administered the Initial ELPAC. The LEA has 30 days to assess and notify the parents of results. Whether this occurs before or during the Summative ELPAC window, if the student is classified as an English learner, within the Summative ELPAC window, she should be administered the Summative ELPAC.

Q: Can a special education teacher provide English language development services to English learner students in her classroom or on her caseload?

A: Yes. Under the current credentialing requirements, all special education teachers should have the appropriate English learner authorization to provide English learner services to students. It is not a requirement that the special education case manager or teacher provide the ELD instruction, unless the IEP states so, but ELD is a federal requirement.

Q: How do I request the use of an unlisted resource for the ELPAC for my LEA?

A: The LEA ELPAC coordinator must submit a request in writing to ELPAC@cde.ca.gov for approval of an unlisted resource that is not included in the accessibility matrix (accessible at: https://bit.ly/2Tw9I0J). Include the following information:

- LEA name and school name
- LEA ELPAC coordinator name
- Number of students needing that resource
- Contact information

Q: What are the different types of braille test forms?

A: Contracted and uncontracted braille refer to the type of braille language used. Contracted braille includes word contractions; uncontracted braille refers to writing in which the words are spelled completely (according to the National Federation of the Blind). Braille test forms are uncontracted for kindergarten through grade two and contracted for grades three through twelve and are available for both the Summative and Initial ELPAC paper and pencil administrations. As the ELPAC transitions to a computer-based assessment, more information will be provided.

Q: Are breaks the same as pausing?

A: No. Breaks are for students who need a break in the middle of a domain due to fatigue. In these instances, the audio for Listening or Speaking (Summarize an Academic Presentation) can be paused only once, and it is not necessary for the LEA to request an unlisted resource for this.

Pausing is for students who need to have the audio pause between each question because they need time to process the information they are hearing. Pausing is an unlisted resource, which requires approval from the CDE. To date, all unlisted resource requests for pausing and repeating the audio for the Listening domain have been approved.

Q: What do I do with a student's completed alternate assessment?

A: If a student takes an alternate assessment, the LEA should refer to the ELPAC Test Administration Manual and ELPAC Examiner's Manual for current guidance. Also note:

- The braille version of the ELPAC is not an alternate assessment and should not be identified as such.

- Students who take locally determined alternate assessments will receive the lowest obtainable scale score (LOSS) on each domain affected. Caution should be used when interpreting results because the LOSS on one or more domains may lower the overall performance level on the ELPAC. The LOSS on the ELPAC will be used to calculate the ELPI for Title I accountability purposes. If the student is not reclassified, the LOSS will be entered as the "Most Recent Previous Scale Score(s)" at the next year's administration of the locally determined ELPAC.

- If a student takes a locally determined alternate assessment for all domains, the overall scale score will also be the LOSS.

- In January 2019, the CDE began development of a statewide Alternate ELPAC for students with the most significant cognitive disabilities. When the Alternate ELPAC is operational, LEAs will no longer locally determine an alternate assessment as all students identified as eligible for an alternate assessment, per their IEP, will take the Alternate ELPAC.

Q: What happens when a student's IEP or Section 504 plan specifies that the student has a disability for which there are no appropriate accommodations for assessment in one or more of the Speaking, Listening, Reading, and Writing domains?

A: In this case, the student is assessed in the remaining domains in which it is possible to assess the student, per 34 *CFR* 200.6 (accessible at: https://bit.ly/2WXTsHU). The IEP team may determine that the student should be exempt from a domain if there are not appropriate accommodations for the student to access the affected domain. A student may be assigned an overall score only if assessed in both oral and written language. To be considered as having been assessed in oral language, the student must have been assessed in either Speaking or Listening. To be considered as having been assessed in written language, the student must have been assessed in either Reading or Writing.

Chapter 1 Endnotes

1 Language acquisition programs are educational programs designed to ensure English is acquired as rapidly and effectively as possible and to provide instruction to pupils on the academic content standards, including the *English Language Development Standards*. According to *EC* 306(c) (https://bit.ly/2PbN8WJ), …"language acquisition programs provided to pupils shall be informed by research and shall lead to grade level proficiency and academic achievement in both English and another language." In addition, language acquisition programs may include, but are not limited to, all of the following: dual-language immersion, transitional or developmental bilingual, structured English im-mersion.

2 Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974.

3 R. Linquanti, H. G. Cook, A. L. Bailey, and R. MacDonald, *Moving Toward a More Common Definition of English Learner: Collected Guidance for States and Multi-State Assessment Consortia* (https://bit.ly/2HaUp5x) (Washington DC: Council of Chief State School Officers, 2016).

4 A sample home language survey, with translations in other languages, is available from the California Department of Education (https://bit.ly/2ICETSI)

5 For more information on tools and resources for identifying all English learner students, see chapter 1 in the US Department of Education's *English Learner Tool Kit* (https://bit.ly/2J9rtOK).

6 In the interest of gender non-discrimination, the authors refer to individual students alternately as "she" and "he." The authors recognize that many individual students identify as transgender, gender non-binary, gender non-conforming, agender, or other gender identities and may prefer gender-neutral pronouns or other emerging identifying terms.

7 A Section 504 plan is a blueprint, or plan, for how a child with a disability will have access to learning at school. For more information about Section 504 of the Rehabilitation Act of 1974, see the US Department of Education, Office for Civil Rights website (https://bit.ly/2GsEKiX).

8 "Integrated English Language Development" means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English (5 *CCR* 11300[c]) (https://bit.ly/2GqZrfe)

9 "Designated English Language Development" means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development (ELD) standards to assist English learners to develop critical English language skills necessary for academic content learning in English (5 *CCR* 11300[a]) (https://bit.ly/2Z8f56m).

10 Evidence about the English language proficiency of a student for this purpose includes: (1) the results of the survey administered pursuant to 5 *CCR* 11518.5(a) (https://bit.ly/2V7Wkkg); (2) the results of the assessment of the student's proficiency in English, using an objective assessment instrument, including, but not limited to, the initial assessment; (3) parent or guardian opinion and consultation results; and (4) evidence of the student's performance in the LEA's adopted course of study, including courses as described in *EC* 51210 (https://bit.ly/2Gmf5Ht) (for pupils in grades one to six) and *EC* 51220 (https://bit.ly/2GqYDa9) (for pupils in grades seven to twelve) and English language development, as applicable, obtained from the pupil's classroom teacher and other certificated staff with direct responsibility for teacher or placement decisions.

11 R. Linquanti, H. G. Cook, A. L. Bailey, and R. MacDonald, *Moving Toward a More Common Definition of English Learner: Collected Guidance for States and Multi-State Assessment Consortia* (https://bit.ly/2HaUp5x) (Washington DC: Council of Chief States Schools Officers, 2016)

12 R. Linquanti, and H. G. Cook, *Re-Examining Reclassification: Guidance from the National Working Session on Policies and Practices for Exiting Students from English Learner Status* (Washington DC: Council of Chief State School Officers, 2015), 13.

13 L. Espinosa, *Assessment of Young English-Language Learners* (Blackwell Publishing, 2012); A. Lopez, E. Pooler, and R. Linquanti, *Key Issues and Opportunities in the Initial Identification and Classification of English Learners* (Educational Testing Service, ETS Research Report Series, 2016), 1-10; National Association for the Education of Young Children (NAEYC), *Screening and Assessment of Young English-Language Learners* (The National Association for the Education of Young Children, 2005); C. Keller-Allen, *English Language Learners with Disabilities: Identification and Other State Policies and Issues* (Alexandria, VA: National Association of State Directors of Special Education [NASDSE], 2006); R. M. Santos, *Ensuring Culturally and Linguistically Appropriate Assessment of Young Children* (Washington DC: National Association for the Education of Young Children, 2004), 48-50.

14 Per ELPAC regulations, ELPAC assessments can only be administered by employees or contractors of an LEA or nonpublic school who are proficient in English, have received formal ELPAC administration and scoring training, and have signed the Test Security Affidavit. Test examiners do not necessarily administer or score all domains and are only required to be trained on the portions they do.

15 R. Linquanti, and H. G. Cook, *Re-Examining Reclassification: Guidance from the National Working Session on Policies and Practices for Exiting Students from English Learner Status* (Washington DC: Council of Chief States Schools Officers, 2015).

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Chapter 2: Supports for English Learners within the Multi-Tiered System of Supports Framework

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- Introduction and Overview of the MTSS Framework
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  - Supporting Academic Writing and Positive Behavior in Core Tier I Instruction in Fourth Grade
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Questions Addressed in This Chapter

For Teachers

- How does the MTSS framework provide a coherent system that helps me support my English learners academically, social-emotionally, and behaviorally prior to and after identification for special education services?
- What are some specific assets and learning needs of English learners, including those who are newcomer immigrant students or migratory students?
- How can I modify the way I approach teaching and learning for individual English learners in response to assessment data

For Administrators

- What systems and structures need to be in place to ensure an equitable, inclusive, and effective MTSS framework that will support English learners in my school or local educational agency (LEA) to succeed?
- What school- or LEA-wide systems and services need to be in place to ensure that appropriate and informed decisions are made prior to referring English learners for special education evaluation?

Introduction and Overview of the MTSS Framework

California's Multi-Tiered System of Supports (MTSS) model establishes an integrated and comprehensive framework focused on quality teaching and learning for all students in all content areas, which includes comprehensive English language development (ELD) for English learners, along with any necessary supplemental and intensive instruction students may need to be successful. Created to meet the needs of all students, this framework unifies and amplifies the range of support systems for English learners, students with disabilities, students who are identified as gifted and talented, and students who are academically underperforming and at risk of not succeeding. A key notion of the MTSS model is that all students can be academically successful and that instruction and support systems must be designed to be accessible to all learners.

Because the MTSS framework is designed to support all students, an important question regarding English learners is this: What must be explicitly leveraged in California's MTSS framework to specifically support English learners? This chapter addresses this question,

and in doing so provides guidance and a systematic pre-referral process for avoiding over-identification and under-identification of English learners for special education services.

Student-centered learning and close attention to addressing individualized student needs, beginning with the core instruction[1] in which all students are enrolled, is at the heart of California's MTSS. For this reason, the MTSS aligns all systems necessary for all students' academic, behavioral, and social-emotional supports with an understanding that these supports are interrelated and work together to promote student academic achievement and overall well-being.[2] Figure 2.1 illustrates how the California MTSS systemically supports all students.

Figure 2.1.
California's MTSS: Systemically Supporting All Students[3]

- **Aligns systems for shared accountability and responsibility:**
  - Promotes LEA-wide participation by aligning all systems for high quality first instruction, supports, and interventions and establishing processes and structures for building, improving, and sustaining systems.
  - Cultivates a schoolwide collaborative approach to using student data to meet student needs at all levels of the multi-tiered process.
  - Fosters family-school partnership by establishing a coherent system and transparent processes that families and schools can engage with collaboratively.
- **Systemically addresses high quality teaching and learning for all students:**
  - Endorses standards-based and research-informed instruction with the belief that every student can learn, including students living in poverty, English learners, and students with disabilities.
  - Positions culturally and linguistically relevant instruction as critical for all students, especially for English learners and ethnically diverse students.
  - Uses schoolwide and classroom research-based positive behavioral supports for achieving important social and emotional learning outcomes.
  - Enacts universal design for learning, so all students have opportunities to learn through differentiated teaching and learning processes, materials, and products.

- **Integrates assessment and data-informed systems:**
  - Includes multiple interrelated forms of appropriate assessment, including screening, diagnostic, formative, and progress monitoring, to inform instructional decision-making.
  - Relies on problem-solving processes and methods to accurately identify issues and evaluate the effectiveness of approaches to address them.

Implementing the MTSS framework in California schools involves using comprehensive and systematic processes to identify and address student needs to facilitate each individual student's highest level of achievement. Collaboration of teaching teams, including program specialists and English specialists to provide effective services to students is vital, as is the collaboration of site and LEA leadership teams in designing, implementing, and cultivating the needed systems for student success. All decisions in the MTSS framework are data-driven, informed by evidence and research, and based upon multiple assessment methods for ascertaining student knowledge and skills. Although this chapter primarily addresses guidance for teachers and school and LEA administrators, the MTSS encompasses a whole systems approach and involves all participants in the LEA, including students, families, communities, and policymakers. In the MTSS framework, "all" means "all." Figure 2.2 illustrates the comprehensive school- and LEA-wide nature of MTSS.

Figure 2.2.
MTSS: All Means All

DOMAINS & FEATURES

ADMINISTRATIVE LEADERSHIP

Strong & Engaged Site Leadership

- Lead development of a vision
- Attend instructional meetings and classes
- Create a leadership team
- Create opportunities to contribute
- Use data to guide decisions

Strong Educator Support System

- Provide access to instructional coaching
- Seek input from teachers
- Make learning opportunities available to all
- Use data
- Conduct strengths-based evaluations

MULTI-TIERED SYSTEM OF SUPPORT

Inclusive Academic Instruction

- Identify a comprehensive assessment system
- Create and utilize teams
- Provide universal academic supports
- Provide targeted interventions and supports
- Provide individualized interventions and supports
- Develop guidelines to implement curriculum with universal design for learning (UDL)

Inclusive Behavior Instruction

- Identify a comprehensive assessment system
- Create and utilize teams
- Provide universal behavior supports
- Provide targeted interventions and supports
- Provide individualized interventions and support

INTEGRATED EDUCATIONAL FRAMEWORK

Fully Integrated Organizational Structure

- Identify who has access
- Use non-categorical language and practices
- Use collaborative instruction among peers
- Use paraeducators to support inclusive education

Strong & Positive School Culture

- Foster collaborative relationships
- Create a shared vision
- Identify ways for all staff to contribute
- Ensure all students have access to extra-curricular activities
- Demonstrate culturally responsive practices

FAMILY & COMMUNITY ENGAGEMENT

Trusting Family Partnerships

- Engage with students and families
- Obtain input and feedback
- Provide engagement opportunities

- Facilitate home-school communication
- Provide information

Trusting Community Partnerships

- Engage with the community
- Identify mutual interests and goals
- Ensure reciprocity
- Maintain an open door policy
- Invite community members to serve

INCLUSIVE POLICY STRUCTURE & PRACTICE

Strong LEA/School Relationship

- Develop a district-based team
- Attend school-level meetings
- Provide district-level professional learning
- Identify and remove barriers
- Regularly communicate outcomes

LEA Policy Framework

- Link multiple initiatives
- Review data
- Review and revise policy
- Select research-based practices
- Expand

Source: Adapted from: SWIFT Education Center, *SWIFT Domains and Features* Placemat (Lawrence, KS: Author, 2016). Retrieved from http://bit.ly/2YfdZ7S. Used with permission.

In the MTSS framework, evidence-based practice is essential. Careful selection and effective implementation of evidence-based practices that have been shown to be effective for English learners is critical in all tiers of instruction.[4] Evidence-based core instruction, supplemental supports, and interventions for English learners must address their particular academic, linguistic, social-emotional, and behavioral learning needs, which will vary by the range of diverse groups of English learners (e.g., immigrant, migratory, long-term, newcomer). Culturally and linguistically relevant, responsive, and sustaining practices are paramount.

Design of the Tiered System in MTSS

California's MTSS uses a three-tiered system to encompass comprehensive and inclusive academic instruction, social-emotional learning, and behavior supports. In California, comprehensive ELD, which includes both integrated and designated ELD, has been added to the national MTSS model to emphasize that ELD is part of all English learners' core instruction and not an intervention. Therefore, comprehensive ELD is a critical consideration in all tiers.

Tier I of the MTSS encompasses core instruction for all students. As a result of well-designed and implemented Tier I core instruction, it is estimated that about 85 percent of students should be able to learn successfully. For English learners, Tier I planning processes systematically incorporate planning for integrated and designated ELD. Tier II encompasses short-term supplemental instruction and strategic and targeted intervention, with clearly identified goals, for a small number of students. This instruction is provided in addition to Tier I (core) instruction and is designed to amplify learning in a diagnosed area so that students can continue to progress toward their academic and behavioral goals. Because Tier I (core) instruction should be designed to meet the needs of all students, no more than 15 percent of students should need this Tier II level of support. Tier III entails intensified intervention support that is longer in duration than Tier II. This intensified support addresses issues that are not met through tiers I and II. Few students (no more than 5 percent) will need Tier III support. If more than these approximate percentages of students are receiving tier II and III intervention support, school teams need to reexamine their Tier I (core) instructional program during a problem-solving process.

Figure 2.3 summarizes the design elements of an LEA-wide and schoolwide MTSS framework system of supports and interventions for California public schools.

Figure 2.3.

California's MTSS Design Elements: Three Tiers of High Quality Core Instruction, Supports, and Interventions[5]

English Learners	Tier
All Students	**Tier I: Core Instruction, Universal Support** • Evidence-based practices are used to support all students' academic, behavioral, and social-emotional success. • The most equitable, inclusive, and integrated learning environment is established. • For English learners, instruction includes integrated and designated ELD. • Comprehensive assessment (including screening, formative, progress monitoring, benchmark) informs instruction for all students. • About 80 percent of students receive Tier I support.
Some Students	**Tier II: Targeted, Supplemental Supports** • Additional evidence-based support is for some students needing more academic, behavioral, and social-emotional help. • Specific skills are targeted and based on assessment results showing that students need more than core instruction. • For English learners, all interventions include integrated ELD. • Progress monitoring occurs more frequently than in core instruction to ensure the interventions are working. • If more than 15 percent of students are involved, engage in Tier I level systematic problem solving to improve services.

English Learners	Tier
Few Students	**Tier III: Intensive, Individualized Supports** • Targeted and intensive academic, behavioral, and social-emotional support is for a small number of students who need it. • Support is individualized to meet specific student needs, based on assessments. • Progress monitoring occurs more frequently than in Tier I or Tier II to ensure maximum acceleration of student progress. • For English learners, all interventions include integrated ELD. • If more than 5 percent of students are involved, engage in Tier I and Tier II level systematic problem solving to improve services.
All Students–All Tiers	**Overarching Guiding Principle** • Universal design for learning (UDL) principles are used beginning in the planning stage and throughout all three tiers.

These high quality multi-tiered instruction and interventions are based on state guidance in California's standards and curriculum frameworks, including the *CA ELD Standards and ELA/ELD Framework*. Delivered through high quality instruction in a single schoolwide, standards-based accountability system, the tiered system is driven by data-based and evidence-informed decision-making. In an effective and inclusive MTSS framework, students of color, ethnically diverse students, English learners, students living in poverty, and students with disabilities are expected to succeed because they are provided with equitable opportunities to learn.

When English learners are not making progress in academic achievement, teams of educators must ask whether the students' instruction, which includes comprehensive ELD, has been evidence-based, standards-aligned, and culturally and linguistically appropriate and whether it has been of sufficient quality.[6] This is important to avoid assigning Tier II and Tier III interventions or referral to special education services when what is happening is a lack of appropriate instruction for English learners. Some English learners will be identified, through a systematic process described in this guide, as having a disability or multiple disabilities and will need special education services. It is through a clear system of tiered supports and pre-referral processes that it can be ascertained if they will need these services. The interventions provided within the MTSS framework are recognized as pre-referral core instruction and interventions.

Tier I Core Instruction—Social-Emotional Learning and Positive Behavior Supports

Tier I core instruction for all students prioritizes establishing inclusive, affirming, and engaging schools and classrooms where students thrive. This includes social-emotional learning at every stage of a student's growth and the behavioral supports that help children and youth to interact successfully and positively with others in the school environment and grow as individuals. Clear expectations and structured and supportive opportunities to learn appropriate social skills throughout the school day are key components of this learning.

Tier I core instruction focused on social-emotional learning and positive behavior also involves systematically addressing behavior that is not productive for the student or the classroom community in ways that help students maintain personal dignity and integrity. Consist delivery of these universal supports in core instruction helps students learn expected classroom and school behaviors that support academic learning. Within these structured systems, students develop a respect for norms and can trust that the system is fair and will work. It is expected that students will need their teachers and administrators to help them at times to learn appropriate and productive school behaviors.

Social-Emotional Support Needs for English Learners

The US Department of Education's *English Learner Tool Kit and Newcomer Tool Kit*[7] outline specific social and emotional supports to consider in planning for effective Tier I instruction and school services. The tool kits outline four types of social-emotional supports schools can plan for, including formal adult-led, formal student-led, informal adult-led, and informal student-led supports. An example of informal student-led support would be peer-to-peer connections that emphasize casual and friendly interactions between students and are designed to promote inclusion. Opportunities that schools create for social-emotional learning and integration targeted to all English learners and specific groups of English learners are an essential area of Tier I (core) instruction. Promoting a positive, safe, and inclusive community; valuing diversity; and addressing issues of bullying systematically and appropriately benefit the health and well-being of these and all other students. Key considerations for planning and progress monitoring include the following student attributes:

- intrinsic motivation (initiative, persistence, self-direction)
- critical thinking skills (problem-solving skills, metacognitive skills, reasoning, and judgement skills)
- relationship skills (communication, cooperation, empathy)

- emotional self-regulation (impulse control, stress management, behavior)
- self-concept (knowing one's own strengths and limitations, believing in one's own ability to succeed, believing that competence grows with effort)

Figure 2.4 highlights classroom qualities that promote social-emotional development and positive integration into the classroom and school community. These classroom qualities serve as reference points for teachers and school leaders to think about and discuss as they collaborate to improve teaching and learning. These qualities reflect an environment where all English learners—and indeed all students—can develop social-emotional competence and positive behavior.

Figure 2.4.

Classroom Qualities Promoting Social-Emotional Learning and Growth[8]

- An intentional focus on building social-emotional competence systematically, using a process of modeling and discussing, practice with groups and individuals, providing feedback, trying on new skills, and reflection
- A warm and inviting classroom where teachers and students demonstrate care and respect for one another, where there are democratic norms including student voice, and where there is choice
- Effective processes, routines, and structures in the classroom that promote appropriate school behaviors and collaborative learning

- Meaningful academic work with high expectations and a teacher belief that students can and will succeed
- Abundant discussions centered on intellectually rich and relevant (to students) content, using open-ended questions that invite students to share and expand upon their own and others' ideas
- A fostering of student self-efficacy, with teachers acknowledging student effort and accomplishment using descriptive feedback and opportunities for students to self-assess, reflect on their progress, and create goals and next steps for improvement and growth

The qualities addressed in figure 2.4 can help teachers reflect on and understand how they are specifically meeting English learners' social-emotional needs. Because social-emotional learning and an affirming classroom climate positively impact academic learning, focusing on the qualities is time well spent.

In addition, individual English learners may experience specific and sometimes heightened needs for social-emotional support. Figure 2.5 identifies three specific English learner populations and describes the specific social-emotional needs to consider when planning Tier I instruction and supports.

Figure 2.5.

Social-Emotional Supports for Identified English Learner Populations[9]

English Learner Population	Description of Issue and Specialized Social-Emotional Needs
Long-Term English Learners	The vast majority of English learners in California schools were born in the United States. Long-term English learners often have been in a long-term pattern of receiving low scores on academic assessments and grades leading to abandonment of the school setting. Teachers can make specific efforts to acknowledge the assets brought by each student, while also working diligently to scaffold necessary skills development. Administrators should also identify areas to boost involvement of these students in sports, arts, and other extracurricular and club involvement and look closely at any school or LEA system that prevent or reduce their involvement as a group. These efforts help each student to develop strong self-efficacy and a sense of belonging in the school environment that is necessary for their success.

English Learner Population	Description of Issue and Specialized Social-Emotional Needs
Migratory English Learners	Migratory English learner students face issues of relocation and adaptation into new schooling environments. They may have moved several times throughout their schooling experience and had to build new friendships and new connections with teachers and others in schools. They have also had to adapt to the changing context of schooling in different LEAs and schools, learning new behavioral systems and norms as well as specific school academic expectations as they travel. Teachers offering warm welcoming environments and challenging instruction—and identifying early in the year specific areas of strength and needs in the behavioral, social-emotional, language, and academic areas for migratory English learners—is critical to students' success and is part of their Tier I instruction. Regional migrant education programs offer opportunities for migratory students to participate in extended and amplified learning and also offer engagement opportunities for their parents and families in their home language and English.
Newcomer Immigrant English Learners	Students who are new to US schools experience specific stressors that affect their emotional health, their interactions with peers and adults in school settings, and their academic success. Unique stress factors, such as difficulties of acculturation and loss of connections with family and peers, feeling pressure to behave more like their US-born peers and confusion around what this means, as well as navigating a range of unfamiliar social and school environments and systems, make learning all the more prohibitive. If the student has come to the United States as a refugee, his family might be focusing on basic needs such as housing, food, and other resettlement issues while also working through a detailed immigration process. Some newcomers also face issues of bullying based on real or perceived differences between them and their non-alike peers. Newcomers may be especially susceptible to bullying and discrimination due to their perceived differences by the general population, even at times experiencing physical threats of violence. Though they may be developing an additional language, the engagement they experience in the grade-level curriculum and age-appropriate behavioral instruction with well-planned scaffolding allows them to experience success. Newcomers learning in the least segregated environment possible allows them to accelerate their social integration and acculturation. Despite these challenges, newcomers come to California schools with a desire to succeed, and there are many ways that schools can support them.

When inclusive social-emotional and behavioral instruction is designed with consideration for students' strengths and challenges, all students will benefit, and schools can be sure that they are providing the type of inclusive, positive context for learning their students deserve.

Additional resources for establishing a context for supporting students' social-emotional learning and positive behavior include the following:

- The US Department of Education, Office of English Language Acquisition, provides guidance on supporting newcomer immigrant English learners which can be accessed at: https://bit.ly/2DT4Mdh

- The US Office of Special Education Programs describes seven qualities that work together to create a strong comprehensive Tier I system for behavior which can be accessed at: https://bit.ly/2GlmAhS

- The Positive Environments, Network of Trainers (PENT) is a California Positive Behavior Initiative designed to provide information and resources for educators striving to achieve high educational outcomes through the use of proactive positive strategies which can be accessed at: http://www.pent.ca.gov

- The National Center for Intensive Intervention offers behavior screening tools which can be accessed at: https://bit.ly/2lh1pmS

Culturally and Linguistically Responsive Teaching

For instruction to be effective for English learners, teachers and administrators alike must hold an asset-oriented vision and approach toward these students. This begins with acknowledging that English learners come to school with both language and knowledge that are valid in their own right and useful for school learning. The English learner population in California is diverse, including not only English learners of different English language proficiency levels and number of years in US schools, but also including individuals from diverse cultural and linguistic backgrounds, ethnic and religious groups, and varied immigrant or migratory statuses.

Appropriate first instruction for California's diverse English learner population starts with seeing each child or youth as complex, multifaceted, having assets, and capable of success in multiple languages. It also entails viewing students' home cultures and languages as resources and recognizing that English learners come to school with richly developed cultural knowledge and ways of interacting that may be different from the ways non-English learner students interact in a school setting. In school, English learners will also learn academic English, a powerful language that will help them be successful in school and offer them opportunities

in a range of areas beyond school. Understanding language and academic learning in this context helps students sustain the positive identity formation that is necessary to their academic success and social-emotional well-being. Depending on the language acquisition program the English learner is enrolled in, the student will learn English and maintain the home language or add a third language.

Thus, educators in California work to promote the highest levels of self-efficacy and cultural pride in English learners, knowing that this will support students to achieve their best academic outcomes. This type of thinking must carry into all content area instruction as well as electives, physical education, curriculum support, designated and integrated ELD, and any other course the student takes, as well as into extracurricular activities and across the greater school and district and community-wide context. This is the foundation upon which a high quality MTSS framework can be built.

Essential to educational equity for English learners is an underlying commitment on the part of educators to develop systems that are culturally and linguistically appropriate and responsive and thus incorporate the identities and cultures of students and families into school and classroom culture and pedagogical practices. Teacher-to-student and student-to-student interaction that maintains cultural integrity is essential. Because communication with and about families is an integral part of Tier I instruction, ensuring that this communication is positive and respectful is critical. Families of English learners, like all families, are partners in the schooling process. Figure 2.6 defines culturally and linguistically sustaining teaching and learning practices.

Figure 2.6.

Culturally and Linguistically Sustaining Pedagogy[10]

Culturally and linguistically sustaining pedagogy seeks to address and redress the inequities and injustices in school systems that harm culturally and linguistically diverse (CLD) students, especially those who are ethnically diverse and people of color. It teaches to and through the strengths of CLD students and is therefore validating and affirming.

- It recognizes and uses in daily classroom practice the cultural and linguistic knowledge, home and community experiences, frames of reference and world views, and learning styles of CLD students to make learning more relevant to and effective for them.
- It integrates the history and culture of students into the curriculum in all disciplines, providing accurate and positive depictions and counter-narratives to damaging and pervasive negative stereotypes.

- It promotes CLD students' healthy perceptions of their cultural and linguistic identity, along with a sense of inclusion and belonging in school.
- It supports students to sustain their cultural and linguistic identity while they simultaneously develop advanced academic proficiency and critical awareness of the codes of power in school and beyond.
- It is focused on issues of social justice for all marginalized and oppressed people. It empowers students by supporting their development of personal efficacy and cultural pride.

Culturally and linguistically responsive and sustaining education stems from an understanding that California's schools exist in a world that privileges some groups over others, based on race, skin color, ethnicity, gender, sexual orientation, English language proficiency (ELP) level, and socioeconomic status as well as other factors.

Culturally and linguistically sustaining education is vital for the social-emotional development of all students but especially students of color and English learners because it works to validate their cultural and linguistic knowledge and bring it into the norms and practices of school culture. English learners—whether they are typically progressing, have been identified as long-term English learners, are recently arrived immigrant newcomers, or are migratory—should hold the same place of privilege in the school community as any non-English learner student. Schools that work to bring equity to the classroom and comprehensive social-emotional development to the entire school and that help students create cultural congruence with their school environment are in a better place to serve students. Students whose voices and experiences are heard, respected, and validated are better able to engage as full members of the school community.

Additional guidance on culturally and linguistically relevant, responsive, and sustaining practices can be found in chapters 6 and 7 of this guide and in the *ELA/ELD Framework, Science Framework, History-Social Science Framework, Health Education Framework*, and other California curriculum frameworks.

Tier I Core Instruction—Inclusive Academic Instruction

A key and indispensable aspect of Tier I core instruction is necessarily extensive and intensive to ensure that the majority of students (i.e., 85 percent or more) will succeed without the need of additional interventions. English learner programs in California offer a rigorous and accelerated path to growth in literacy and content learning. Understanding the role of well-designed English language development (ELD) instruction as part of the instruction all English learner students in the school receive is fundamental to ensuring the success of English learners in California classrooms.

Comprehensive English Language Development

The foundational aspect of Tier I core instruction for English learners is access to a broad and comprehensive curriculum and high quality comprehensive ELD in the regular classroom as part of the core curriculum. In California, comprehensive ELD includes both integrated ELD and designated ELD as defined in 5 *CCR* 11300(a) and (c) (both accessible at: https://bit.ly/2Z8f56m):

Integrated ELD:

"Integrated English Language Development" means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English (5 *CCR* 11300[c]).

Designated ELD:

"Designated English Language Development" means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development (ELD) standards to assist English learners to develop critical English language skills necessary for academic content learning in English (5 *CCR* 11300[a]).

- It is critical that California's English learners experience well-planned, rigorous instruction that integrates English language development and content learning on a daily basis in all content areas.[11] Access to a broad content curriculum with a strong focus on accelerating their academic English language development will afford English learners maximum opportunity to be successful in school.

The *CA ELD Standards* are central to comprehensive ELD. Figure 2.7 outlines the critical principles of the *CA ELD Standards*, which help teachers to focus their attention on supporting English learners in three areas of ELD: interacting in meaningful ways, learning about how English works, and using foundational literacy skills.

Figure 2.7.
Critical Principles of the California English Language Development Standards[12]

Part I: Interacting in Meaningful Ways

A. **Collaborative** (engagement in dialogue with others)
   1. Exchanging information and ideas via oral communication and conversations
   2. Interacting via written English (print and multimedia)
   3. Offering opinions and negotiating with or persuading others
   4. Adapting language choices to various contexts

B. **Interpretive** (comprehension and analysis of written and spoken texts)
   1. Listening actively and asking or answering questions about what was heard
   2. Reading closely and explaining interpretations and ideas from reading
   3. Evaluating how well writers and speakers use language to present or support ideas
   4. Analyzing how writers use vocabulary and other language resources

C. **Productive** (creation of oral presentations and written texts)
   1. Expressing information and ideas in oral presentations
   2. Writing literary and informational texts
   3. Supporting opinions or justifying arguments and evaluating others' opinions or arguments
   4. Selecting and applying varied and precise vocabulary and other language resources

Part II: Learning About How English Works

A. **Structuring Cohesive Texts**
   1. *Understanding text structure* and organization based on purpose, text type, and discipline
   2. *Understanding cohesion* and how language resources across a text contribute to the way a text unfolds and flows

B. **Expanding and Enriching Ideas**

1. *Using verbs and verb phrases* to create precision and clarity in different text types
2. *Using nouns and noun phrases* to expand ideas and provide more detail
3. *Modifying to add details* to provide more information and create precision

C. **Connecting and Condensing Ideas**

1. *Connecting ideas* within sentences by combining clauses
2. *Condensing ideas* within sentences using a variety of language resources

Part III: Using Foundational Literacy Skills

While there are no standards for Part III, this part signals to teachers that they will need to consider particular background characteristics of their K–12 English learners (e.g., age, primary language, primary language writing system, schooling experience, and literacy experience and proficiency) when designing, teaching, and monitoring foundational literacy skills.

Source: Adapted from: California Department of Education, *California English Language Development Standards, Kindergarten Through Grade 12* (https://bit.ly/2hp4D5S) (Sacramento: California Department of Education, 2014)

In integrated ELD, California educators use the *CA ELD Standards* to support all content area learning and progress toward content standards, including electives and P.E. In designated ELD, educators bring a strategic focus to the *CA ELD Standards* to assist English learners to develop critical English language skills necessary for engaging in academic content in English. In integrated ELD, English learners are fully integrated with non-English learners, and in designated ELD there is an opportunity for very specialized instruction with a group of students at the same or similar English language proficiency level. Designated ELD groups are flexible and highly dependent on formative assessment process data. Designated ELD is not defined as a prescriptive class, but rather a protected time each day.

Educators have to make critical decisions about how to best combine the efforts of integrated and designated ELD and which texts, tasks, and topics will weave into designated ELD and through integrated ELD. Although designated ELD is a protected time and with a defined group of learners, it is not above and beyond Tier I instruction. Designated ELD is part of an English learner's core curriculum and not an intervention. Both integrated and designated ELD support the achievement of ELD and content standards in all content areas.

Student language skills do not fall neatly within one proficiency level. Students may be more proficient in speaking than in writing, for example. Because the standards are highly dependent

on the different types of texts and tasks used in the disciplines, it also happens that students may have "Bridging" writing skills when writing information reports, but lower proficiency, perhaps somewhere in "Expanding" range, when constructing stories. When speaking of a student's language capacities it is helpful to convey this complexity, for example by stating, "This student appears to have early Expanding skills in writing stories with the appropriate text structure but has Bridging skills when explaining how he solves his math problems. He uses a very developed structure and his ideas flow together cohesively." This understanding of student development requires ongoing formative assessment and a keen eye toward what students are showing they know and can do.

When planning lessons for content with integrated ELD, teachers use the *CA ELD Standards* to guide how they will scaffold learning, taking into account the English language proficiency of the majority of the students and also considering individual English learner students' language learning needs. For example, most of the English learners in the class may be at an Expanding level of English language proficiency related to the lesson's learning target, and further differentiation may be needed for students at an Emerging or Bridging level. When planning designated ELD lessons, English learner students are grouped by English language proficiency level, and teachers use the relevant *CA ELD Standards* that are focused on that level (although further differentiation may still be needed, based on individual student needs).

Because the *CA ELD Standards* are clear and are condensed at just 19 standards total, teachers can focus their attention on what is most critical for students' language development and use the standards flexibly to differentiate instruction. At each English language proficiency level (i.e., Emerging, Expanding, Bridging), the standards guide teachers to provide appropriate levels of scaffolding needed, as well as guidance on what to scaffold toward at the next level of development. California teachers need initial and ongoing support in what these standards mean and how to expertly embed them into all instruction to benefit student learning.

The *ELA/ELD Framework* and other content curriculum frameworks are the primary resources for Tier I instructional approaches, including specific strategies. In the *ELA/ELD Framework* Vignette Collection (accessible at: https://bit.ly/2VQoi4t), teachers will find specific and detailed examples of what integrated and designated ELD looks like in each grade level (for grades TK–eight) or grade span (for grades nine to ten and eleven to twelve). Figure 2.8 summarizes what Tier I core academic content instruction is and is not.

Figure 2.8.

Tier I Core Instruction—What It Is and Is Not[13]

Tier I is…	Tier I is not…
High quality, grade-level standards-based, culturally sustaining teaching and learning for all students with integrated and designated ELD for English learners	An environment in which some students are included, affirmed, and successful and some are not
A process that includes a comprehensive assessment system: universal screening, progress monitoring, formative assessment practices, and summative assessments	Testing that is not aligned with learning targets, that monitors students' progress infrequently, and that does not use assessment results to refine or revise instruction
Teaching and learning approaches that attend to individual student needs, with specific scaffolding methods, adaptations, and modifications based on assessed learning assets and needs	One-size-fits-all instruction with no scaffolding or differentiation tailored to what students need
Targeted and intensive instructional support within the classroom for any student who may be experiencing difficulty	Reliance on other instructional support staff (e.g., English learner or special education staff) to determine and attend to a student's needs
A variety of flexible grouping configurations to ensure students have access to a range of experiences, perspectives, language models, and peers	Whole class instruction, segregated groups, or fixed instructional groups consisting of students who are high, average, and low achievers
A team approach with teachers, specialists, administrators, and parents working collaboratively	Teachers who work primarily in isolation and on their own

Universal Design for Learning

Universal design for learning (UDL) is an approach to building instruction that is accessible for all learners. It aims to give all students an equal opportunity to access and make steady progress toward California grade-level content standards regardless of the students' language acquisition levels, disability, or other learning needs. Figure 2.9 is adapted from the CAST graphic and summarizes the UDL guidelines.

Figure 2.9.
Universal Design for Learning

The Universal Design for Learning Guidelines

Stage	Provide multiple means of Engagement	Provide multiple means of Representation	Provide multiple means of Action & Expression
Access	Provide options for Recruiting Interest • Optimize individual choice and autonomy • Optimize relevance, value, and authenticity • Minimize threats and distractions	Provide options for Perception • Offer ways of customizing the display of information • Offer alternatives for auditory information • Offer alternatives for visual information	Provide options for Physical Action • Vary the methods for response and navigation • Optimize access to tools and assistive technologies
Build	Provide options for Sustaining Effort & Persistence • Heighten salience of goals and objective • Vary demands and resources to optimize challenge • Foster collaboration and community • Increase mastery-oriented feedback	Provide options for Language & Symbols • Clarify vocabulary and symbols • Clarify syntax and structure • Supporting decoding of text, mathematical notation, and symbols • Promote understanding across languages • Illustrate through multiple media	Provide options for Expression & Communication • Use multiple media for communication • Use multiple tools for construction and composition • Build fluencies with graduated levels of support for practice and performance

Stage	Provide multiple means of Engagement	Provide multiple means of Representation	Provide multiple means of Action & Expression
Internalize	Provide options for Self Regulation • Promote expectations and beliefs that optimize motivation • Facilitate personal coping skills and strategies • Develop self-assessment and reflection	Provide options for Comprehension • Activate or supply background knowledge • Highlight patterns, critical features, big ideas, and relationships • Guide information processing and visualization • Maximize transfer and generalization	Provide options for Executive Functions • Guide appropriate goal-setting • Support planning and strategy development • Facilitate managing information and resources • Enhance capacity for monitoring progress
Goal	Expert Learners who are… Purposeful & Motivated	Expert Learners who are… Resourceful & knowledgeable	Expert Learners who are… Strategic & Goal-Directed

Source: Adapted from: CAST, Universal Design for Learning Guidelines Version 2.2. (Graphic Organizer) (Wakefield, MA: CAST, 2018). (https://bit.ly/2JkjSfr) (accessed December 5, 2018). Used with permission.

When educators design lessons, lesson series, and units or modules that truly embody universal design for learning, the lessons are designed from the beginning with all users in mind, all students in mind. Providing multiple means of engagement, representation, and action and expression are all mechanisms by which teaching and learning are made accessible for all students. UDL leads educators to make sure that all materials are accessible to all students and to make sure that all learning includes processes by which students can accelerate and slow down as needed. Because language is pervasive and inseparable from learning information in all content areas, planning for English learners impacts the overall design of all lesson planning and depending on the language acquisition program, builds literacy in two or more languages. This implies that the instruction for all in UDL has embedded English learner accessibility features of which all students may take advantage. These features are not elements that can

simply be added for English learners after planning is complete or restricted to specific English learners because the standards will appear in every aspect of instruction.

At the start of planning, teachers use questions that help them to plan for all students as well as additional questions that assist them in planning for English learners. Teachers use these questions to create instruction that is accessible to English learners but that will be offered to all learners in the classroom. California's *ELA/ELD Framework* points to framing questions to consider during instructional planning in order to amplify learning for English learners (figure 2.10). These framing questions correspond with UDL guiding principles.

Figure 2.10.

Framing Questions for Instructional Planning[14]

Framing Questions for All Students

- What are the big ideas and culminating performance tasks of the larger unit of study, and how does this lesson build toward them?
- What are the learning targets for this lesson, and what should students be able to do at the end of the lesson?
- Which clusters of California content standards and California CCSS for ELA/literacy does this lesson address?
- What background knowledge, skills, and experiences do my students have related to this lesson?
- How complex are the texts and tasks I will use, and how might they be challenging for students?
- How will students make meaning, express themselves effectively, develop language, and learn content? How will they apply or learn foundational skills?
- What types of scaffolding, accommodations, or modifications will individual students need for effectively engaging in the lesson tasks?
- How will my students and I monitor learning during and after the lesson, and how will that inform instruction?

Add for English Learners

- What are the English language proficiency levels of my students?
- Which CA ELD Standards amplify the California content standards and California CCSS for ELA/literacy at students' English language proficiency levels?
- What language might be new for students and/or present challenges?
- How will students interact in meaningful ways and learn about how English works in collaborative, interpretive, and/or productive modes?

Additional information about universal design for learning can be found in chapter 7 of this guide.

Academic Needs of Newcomer and Long-Term English Learners

The majority of English learner students in California were born in the United States. English learners who are newcomers to the US (newcomers) and those who are identified as long-term English learners are populations whose specific academic needs must be accounted for in the planning process beyond generalized planning for English learners. This section discusses some of the characteristics of each group and can be used as a planning resource. Guidance in this section is based on the California Education for a Global Economy (Ed.G.E.) Initiative (Proposition 58), the *ELA/ELD Framework*, and the *California ELD Standards*, which are described in chapter 6 of this guide.

Newcomer English Learners

Intellectual and academic rigor are criteria for excellent newcomer English learner education. It is essential that all English learners who are newcomers participate equitably in coursework that helps them learn the English language, learn content through language, and learn how English works. This means that all classes will need to focus on supporting these students to develop the disciplinary language and literacy needed to be successful.[15] This focus on support is no different from teaching for all other English learners, but for newcomers, the teaching often requires substantial scaffolding while using the *CA ELD Standards* to rapidly advance the students' use of disciplinary academic English. An example is in the teaching of vocabulary, which must be explicit, extensive, systematic, and intensive with a strong focus on general academic terms used in the complex texts students are reading. Another example is supporting students' reading of complex texts by structuring equitable discussions and crafting open ended questions that promote extended discourse. Still another example is helping students produce well-organized and cohesive, albeit sometimes brief, texts even at the Emerging level through the use of success criteria and by analyzing mentor texts (texts in

the same genre that model proficient writing). These types of scaffolded tasks are helpful for all students but are critical for newcomer English learners to have equitable access to a robust, grade-level curriculum.

In California, bilingualism and biliteracy are promoted through California's Education Code as well as curriculum frameworks. A student's first language, especially for secondary school newcomers, can and should be leveraged to promote conceptual understanding and academic acceleration, as well as to encourage biliteracy and sustain cultural pride, whether or not a student is enrolled in a recognized bilingual program.

Regarding foundational skills, the *CA ELD Standards* offer a guide to helping newcomer English learners at any grade level to advance in this area and put these skills to use.[16] Students may come with a need for foundational reading skills instruction to include phonemic awareness, phonics, fluency, vocabulary, and basic text comprehension. The instruction that newcomer English learners receive is adjusted according to the knowledge and skills with which they arrive in California schools and is amplified according to the particular similarities and differences their first language shares with English. A focus on rich oral language interactions further promotes newcomers' foundational skills development by allowing learners to decode and comprehend more words, phrases, and sentences in reading that are already familiar in terms of their oral language development. This focus on oral language interactions also allows for the development of their effective expression in writing.

If foundational reading skills instruction is part of an English learner newcomer student's identified needs, this instruction should take place for a small part of the school day with an eye toward rapid acceleration. Foundational reading skills instruction does not preclude students' access to scaffolded, meaningful interaction with complex texts and intellectually stimulating, grade-level disciplinary coursework.

Long-Term English Learners

Long-term English learners are students who have been in California schools for more than six years, are in sixth grade or above and have not yet reclassified from English learner status or reached a basic level of literacy as noted on the CAASPP assessment level 3 or 4. Some long-term English learners have not progressed because for multiple years they have been missing the type and rigor of instruction and comprehensive English language development necessary for their steady growth and acceleration. Their lack of progress has negatively impacted their achievement in a range of academic areas, their feelings about school, and their feelings about themselves as smart, capable individuals. Long-term English learners do not always appear to their teachers as being true English learners. For many long-term English learners, English is the only language they use consistently in school and at home, and generally long-term English

learners are able to communicate their ideas and use language to interact meaningfully with others in class. They are generally proficient in "everyday" uses of English but not yet proficient in academic uses of English.

Understanding and effectively attending to long-term English learners' specific academic, linguistic, and social-emotional learning needs is necessary for the individual student, as well as for the healthy functioning and statewide performance of the school and LEA. Therefore, in Tier I instruction, long-term English learners need to receive an intensified focus on academic development, potentially focusing extra effort on Part II of the *CA ELD Standards* to analyze and compose disciplinary texts in the context of meaningful interaction with grade-level complex texts and disciplinary learning, as guided by Part I of the *CA ELD Standards*.

Amplified Foundational Skills Instruction

Young English learners in California may first learn foundational reading skills in their primary language or in English. When English is the medium of instruction, English learners in the primary grades develop foundational reading skills, according to the progressions emphasized in the CCSS for ELA/literacy, using the foundational literacy skills for English learners' alignment charts in chapter 6 of the *CA ELD Standards*, and in the manner outlined in the *ELA/ELD Framework*. This amplified instruction ensures that young English learners develop the ability to read independently as quickly as possible. Newcomer immigrant English learners who arrive at US schools in the middle to late elementary grades or in the secondary grades may also need amplified foundational reading skills instruction in English, particularly if their formal education has been interrupted.

When planning for foundational reading skills instruction in English, it is critical for teachers to take into account students' proficiency in their primary language and in English so that interpretation of assessments and instructional decisions are accurate. In addition, educators need to amplify instruction in specific ways, including the following:

- Leveraging primary language and literacy skills (e.g., if students already can orally blend phonemes in their primary language, they can use this knowledge for learning to decode in English);

- Highlighting similarities between the student's primary language and English (e.g., cognates and use of the Latin alphabet in both Spanish and English); and

- Highlighting differences between the student's primary language and English (e.g., phonemes that exist in English but not in the student's primary language).

Language transfer charts that highlight similarities and differences between students' primary languages and English are useful to assist California educators to understand transfer across languages and plan instruction. Similarities and differences between a student's primary language and English should be made explicit for English learners as this transparency supports their metalinguistic awareness and therefore may accelerate their learning. Students should be encouraged to view their primary language and literacy competencies as assets and to build further upon them. In addition, it is important for teachers to remember that for assessment and instruction, pronunciation differences due to primary language, dialect influences, or regional accent should not be misunderstood as decoding or comprehension difficulties.

Great care should be taken to ensure that English learners understand the importance of making meaning when practicing fluent and accurate decoding skills. English learners in the primary grades who are in their first years of formal schooling in English may not always know the meaning of the words that appear in early decoding texts when those words are not yet in their listening and speaking repertoire. Because oral word knowledge in English assists students to decode printed words, it is critical to focus on the speaking and listening development that will fuel the decoding development. Teachers should teach—in context and in meaningful ways—the meanings of words students are decoding. It is also critical to ensure that English learners engage in meaningful speaking and listening interactions using language rich, complex texts as these experiences build their knowledge of the meaning of words and familiarity with English syntax and grammar, as well as broader aspects of literacy.

Students can draw upon this growing linguistic knowledge to make meaning as they are learning to decode printed text. Teachers should emphasize meaning making when teaching students to decode as this reinforces the importance of monitoring comprehension while reading and the authentic purposes of reading. With amplified foundational skills instruction, English learners beginning their foundational reading skills development in primary-grade classrooms are able to progress alongside and at the same pace as their English-only peers.[17]

For newcomer immigrant English learners that start in California schools in the mid- to late-elementary or secondary grades, appropriate assessment of students' primary language and literacy competencies, whether that language uses a Latin or non-Latin alphabet, is critical for appropriately accelerating their foundational skills development. Students who already have developed foundational literacy skills in their primary language can transfer those skills to English literacy tasks. For those English learners who have the assessed need for more substantial foundational reading skills instruction in English, building this important instructional time into their weekly schedule is part of their guaranteed Tier I core instruction. However, foundational reading skills instruction for newcomer English learners should not preclude

their full and equitable participation in a comprehensive disciplinary curriculum that includes integrated and designated ELD. Foundational skills instruction for newcomer English learners needs to be differentiated based on a variety of factors, including the following:

- Age (e.g., secondary students need age-appropriate reading materials)
- Experiences with formal schooling in the home country
- Proficiency in literacy in the primary language
- Similarities and differences between students' primary language and English
- Students' oral language proficiency in English and prior experiences with written English

For English learners enrolled in a bilingual program where one of the partner languages is their primary language, the expectation is that teachers will use the CA CCSS for ELA/literacy and the *CA ELD Standards* in tandem with the CCSS-aligned world language standards as specified by the program model, to support students' foundational literacy skills in both the primary language and in English. A careful scope and sequence for building foundational skills in both the primary language and in English is critical to ensure that English learners have the foundational literacy skills for fluently and accurately decoding complex texts as they progress through the grades.

Online resources for teaching foundational reading skills to English learners can be found at the following websites:

- *ELA/ELD Framework Resource Guide to the Foundational Skills of the CCSS for ELA/literacy* is accessible at: https://bit.ly/2YijJOa

- Teaching foundational reading skills to Newcomer English learners in High School who are students with interrupted formal education (SIFE):
  - Teaching Channel—*Foundational Literacy Skills with Newcomers* is accessible at: https://bit.ly/2U99ePk

  - Teaching Channel—*Gradual Release of Responsibility for SIFE with Developing Literacy* is accessible at: https://bit.ly/2Gr0bRs

- Teaching foundational reading skills to Newcomer English learners in the upper elementary grades:
  - *ELA/ELD Framework Resource Guide to the Foundational Skills of the CCSS for ELA/literacy —Reading Basics with Fifth-Grade Newcomers* is accessible at: https://bit.ly/2UEujS9

- Teaching foundational reading skills to English learners in the primary grades:
  - Leading with Learning at WestEd—*Developing Foundational Skills in the Early Grades: Teaching Decoding Skills Through Small-Group Lessons* is accessible at: https://bit.ly/2IDsTQr

- Teaching foundational reading skills to English learners in preschool:
  - Colorín Colorado—*Early Literacy Instruction in Dual Language Preschools* (Spanish/English) is accessible at: https://bit.ly/2XhYStJ

Academic Interventions

Tier II Supplemental Academic Instruction

Tier II, or supplemental support, is characterized as additional, differentiated instructional time to address academic skills needs that align with grade-level, standards-based, general education instruction. Tier II instruction is above and beyond Tier I core instruction but does not replace grade-level, standards-aligned instruction. Individual academic skills needs are identified through progress monitoring and diagnostic assessments, careful observation of students during classroom interaction, analysis of multiple writing samples, and analysis of additional ongoing assessments to understand student skills development within Tier I core instruction. Students who have similar needs may be grouped together in small groups for additional and intensive support. Students may also receive support individually. While Tier II interventions are in process, Tier I core instruction continues in all areas. Students do not miss out on core instruction because they are receiving supplemental intervention. In Tier II instruction, classroom teachers and specialists typically work with small groups, preferably by pushing into the classroom, but sometimes by using a pull-out model that does not remove the student from core instruction (especially ELD), electives, or P.E. Collaboration with an English learner specialist and special education specialist can aid in both the assessment and the planning for instruction stages.

The goal of Tier II instruction is to apply rigorous and targeted teaching and learning to a clearly identified student need in order to quickly help the student remedy a skills gap. Between 1 and 15 percent of students may need Tier II instruction. When the percentage exceeds 15 percent, it is important for teaching teams, schools, and LEAs to engage in a problem-solving process focused on the quality of Tier I instruction. Most students who receive Tier II targeted intervention should be able to perform the targeted skills successfully as a result of this supplemental instruction. The Tier II instruction often includes collaboration between teachers at a grade level and other specialists in order to group students based on needs. When collaborating across grade spans, teachers need to pay close attention to the progression

of grade-level standards in order to provide targeted support to help students meet desired outcomes.

Some core Tier II intervention principles include:[18]

- **Small groups:** Students are heterogeneously grouped with other students who are working on similar skill gaps.
- **Clear learning targets:** Clear and specific learning targets are established for the intervention time with specific daily learning targets for each lesson.
- **Appropriate materials:** Content materials are appropriate for the group and for individual students. Different students in a group may have different materials (e.g., assistive technology) even though they are working toward the same learning target.
- **Intensive, rapid pacing:** Rapid pacing requires students to respond frequently, allowing for ample opportunities for skill growth and less time for distraction.
- **Many opportunities for success:** Teachers need to maximize the number of correct response opportunities for each student. Students may not take the risk to respond if they are rarely successful, and therefore numerous opportunities and numerous avenues for successful responses are critical.
- **Corrective feedback:** Explicit corrective procedures are the crux of the model. Students are praised for correct and appropriate responses and when they approximate appropriate responses. When an incorrect response is given, students are led to the correct response. Students are clear about why the response is the appropriate one.

Tier II intervention may address foundational reading development, but it may also address writing, speaking, and listening competencies per the California content standards, as well as conceptual understanding in the content areas (e.g., mathematics development). It is important for schools to carefully consider the areas planned for Tier II intervention. If Tier II intervention at a school site is limited to foundational reading skills development, schools will miss the range of areas where students require support and development. For foundational reading skills development, it is critical that the instruction be based on very clear diagnostic and ongoing assessments that provide teachers with specific areas to address intensively. Importantly, students' capacities in written literacy development are impacted greatly by speaking and listening development and access to engagement with a range of rich, complex texts. An

exclusive focus for intervention on fluent decoding may not move students forward in the ways that schools desire.

It is recommended that teachers and specialists serving English learners plan their interventions using the *CA ELD Standards*. This applies across all disciplines so that when interventions involve science or mathematics for example, close attention to the language of those disciplines is needed. Teachers and administrators need to carefully consider the materials they use for interventions to ensure that they have a clear understanding of the linguistic demands of the materials and the related linguistic development needs of English learners. Figure 2.11 summarizes what Tier II academic content instruction is and is not.

Note that Tier II interventions for English learners need to (a) integrate ELD and (b) not replace designated ELD, which is part of English learners' core curriculum.

Figure 2.11.
Tier II Intervention—What It Is and Is Not[19]

Tier I is…	Tier I is not…
Supplemental instruction (in addition to the core grade-level instruction)	A replacement of core curriculum (If students do not have access to the core curriculum, they will only fall further behind.)
Focused and targeted to specific skills that are associated with broader academic success	Time to reteach concepts or skills that students did not master, such as changing decimals to percent in math or character traits in language arts (This re-teaching needs to be done in Tier I.)
Designed for students who are not making adequate progress on core skills that are associated with broader academic success	Designed for students who did not master a specific skill or concept (These students need to receive differentiated instruction in Tier I.)
Explicit instruction aligned with the CA ELD Standards	A replacement for English language development
For approximately 15 percent of the students in a given class, grade level, or school	For more than 15 percent of the students in a given class, grade level, or school (If more than 15 percent, this may reflect inadequate Tier I instruction.)

The California curriculum frameworks are the primary resources for Tier II instructional approaches, including specific strategies. Additional resources for Tier II academic supports can be found at the following websites:

- Mathematics Tier II intervention which is accessible at: https://bit.ly/1qNCCr0
- Tools and resources in the *ELA/ELD Framework* (chapter 9) to support Tier II instruction which is accessible at: https://bit.ly/2YfVSyC
- Doing What Works website with evidence-based approaches that might be used in Tier II interventions, specifically designed for English Learners which is accessible at: https://bit.ly/2npZeAQ
- Florida Center for Reading Research which is accessible at: https://fcrr.org
- RTI Action Network with information on differentiating between Tier II and III interventions which is accessible at: https://bit.ly/2GsEJva

When effective Tier II instruction is provided, most students who have received the additional support are able to benefit from the intervention and close skill gaps. For a small percentage of students, there is a need for more intensive intervention in Tier III. Questions school teams should ask themselves when determining the need for Tier III intervention include the following:

- Are we giving our English learners enough time in Tier II before considering Tier III?
- Are the teachers providing the Tier II interventions qualified in their content areas and in effective teaching methods for English learners?
- Are the progress monitoring methods and tools appropriate for English learners? Do they contain a language bias that may be affecting the data?
- Have culturally and linguistically responsive practices and specific language learning needs been considered?

Tier III Intensified Academic Support

Tier III is characterized by intensified instructional intervention to students who have not made significant progress based on the Tier II supplemental supports and Tier I core instruction they received. This general education intense level of intervention is intended to increase students' rate of progress toward grade-level academic skills aligned to the CCSS. Intensified support is

provided in small, homogenous groups or one-on-one settings with increased intensity, through more frequent instructional opportunities for a longer period of time. Instruction is provided by a teacher or specialist with expertise in the targeted intervention area. Tier III interventions are delivered in more substantial blocks of time and are often prescribed specifically based on the recommendations of a student study team (SST).

In Tier III intensified academic supports, the goal is remediating and accelerating progress on identified skill deficits and proactively avoiding new skill deficits that will increase the gap between these students and their peers. Tier III typically entails some individualized intensive intervention, which ensures that the intervention is specifically targeted to the skill deficit. Progress is monitored weekly or even more frequently, and the intervention usually lasts for several weeks to several months.

It is critical that teachers understand the cause of students' skill gaps and the extent to which the issues students exhibit are indicative of typical English language development or a potential learning issue so that instructional time and focus are maximized. (Detailed information on distinguishing between typical English language development and a potential disability is provided in chapter 3 of this guide.)

For English learners, many of the considerations teachers use to inform their Tier III instructional planning mirror those they would use in planning for Tier II instruction, including students' English language proficiency. Figure 2.12 summarizes differences between Tier II and Tier III academic interventions.

Figure 2.12.

Differences Between Tier II and Tier III Support[20]

Organizational Factors	Tier II	Tier III
Typical time allotted for instruction	30 minutes, 3 to 5 days/week	45 to 120 minutes, 5 days/week
Typical instructional grouping	4 to 6 students	1 to 3 students
Typical duration of intervention	8 to 15 weeks, <20 weeks	20+ weeks
Interventionist facilitating group	General education teacher, intervention specialist	Intervention specialist, content specialist, special education teacher

Assessment Factors*	Tier II	Tier III
Level of diagnostic assessment	Group (and sometimes individual) diagnostic assessment	Individual diagnostic assessment
Intensity of progress monitoring	Biweekly or monthly	Several times/week or weekly

Instructional Factors**	Tier II	Tier III
Opportunities to respond (OTRs)	Ensure at least 6 to 8 OTRs/ minute	Ensure at least 8 to 12 OTRs/ minute
Instructional focus	Use of core and supplemental programs to support the group's needs	More strategically structured, remediation intervention programs focused on individual students' needs
Behavioral expectations	Provide more structured systems to reinforce and correct challenging behavior	Use functional behavioral assessment to plan an individualized intervention
Amount of review and repetitions	Review and practice of core concepts taught in Tier I	More intensive practice of core and remediation content Considerably more time spent on reviewing concepts and allowing practice
Error correction	Prompt students to correct errors themselves (e.g., "Look at the word again…")	Provide direct error correction procedures ("That word is ___. What is that word?")
Scaffolding	Use "I do, we do, you do together, you do alone" model	Provide more intensive guided practice during "we do" phase

**Assessments are culturally and linguistically responsive. Teachers use a CA ELD Standards lens and focus to understand how typical English language development may be influencing certain performance measures when analyzing student data. This allows teachers to target instruction more precisely to English learners' needs and use the CA ELD Standards to assist in this instruction.*

***Instructional tasks are additionally informed and amplified by the ELD standards (PI, PII, and PIII). The environment for teaching and learning is culturally and linguistically responsive. In addition to progress monitoring, teachers use ongoing minute-by-minute and daily formative assessment practices to move students forward. Help students to talk about the language that is helping them to make meaning and to construct texts (metacognition and metalinguistic awareness). For foundational reading skills development, use of the ELD standards guidance charts is critical.*

Tier III instruction is often provided by an intervention specialist, a content specialist, or a special educator. Collaboration with an English learner specialist can support appropriate assessment and instruction. Tier III instruction typically uses core instructional materials as well as supplementary remediation materials. As in Tier II intervention, any materials used with English learners should be carefully reviewed to assess the degree to which appropriate instruction for English learners has been thoroughly integrated. In many cases, careful planning for interventions for English learners is done collaboratively between the classroom teacher and whichever specialist teaches the intervention. Fidelity of implementation is important for intensified, evidence-based, targeted interventions since the identified research-based program or practice is intended to accelerate academic skill development under specific research conditions. Implementers of intensified interventions should also strive to provide the same conditions as in the research in order to expect similar results.

Tier III intervention, while longer than tiers I and II, is intended to be temporary. Students should not be in intensified interventions for numerous years, nor should intensified interventions replace the student's grade-level standards-aligned general education instruction. The goal of Tier III instruction is to provide students with the opportunity to receive the intensified support necessary to accelerate academic skill growth, allowing students to successfully step into Tier II interventions and enhance access to the grade-level standards-aligned curriculum.

Additional resources can be found at the following websites:

- A list of proven interventions found effective for English learners on the What Works Clearing House website which is accessible at: https://bit.ly/2DcZCZx

- Evidence-based intensive interventions on the American Institutes for Research National Center on Intensive Intervention website which is accessible at: https://bit.ly/2w6sX6I

Behavioral Interventions

Tier II Supplemental Behavioral and Social-Emotional Supports

Tier II supplemental behavioral and social-emotional supports are intended and designed for the approximately 15 percent of students for whom the universal supports provided in Tier I were not enough. For these students, supplemental supports are intended to prevent behavior that negatively impacts a student's ability to progress in grade-level academic standards. Tier II supports target prevention through increased:[21]

- instruction and practice with self-regulation and social skills;
- adult supervision;
- opportunity for positive reinforcement; and
- access to academic supports.

SSTs work to increase their own precision with data and understanding the cause of student behavior issues so that they may appropriately support the student. Most students receiving Tier II support will be able to reduce the number, intensity, and duration of problematic behaviors and engage in pro-social behaviors with fellow students and adults alike.

The supplemental supports focus on meeting an unmet behavioral or social-emotional need by providing extra time, attention, and/or instruction to the student. These supplemental supports are informed by classroom observation data from student-to-student and student-adult interaction, repeated counseling conversations at the classroom level on behavioral and social-emotional issues, disciplinary referrals from the classroom teacher or other school staff, and any further information that identifies these students as needing additional opportunities to learn appropriate options for behavior. Tier II supports are not punitive and are developed with input from the student, if appropriate.

In addition, culturally and linguistically responsive supports might include increased classroom structure and predictable routines, providing more intensive social skills instruction, and/or providing more frequent behavioral reminders with more frequent reinforcements. They are marked by respectful interactions and respect for families and communities. These types of interventions usually require minimal time to implement and typically reduce problem behaviors.[22]

Tier III Intensified Behavioral and Social-Emotional Supports

Tier III intensified behavioral and social-emotional supports are provided for the few students (between 1 and 5 percent) who did not significantly benefit from the universal and supplemental supports provided in Tiers I and II and who exhibit serious problematic behaviors. These

students' behaviors are serious enough to require more immediate intensive support and highly individualized attention.[23] Students whose behavior problems are not reduced by supplemental behavioral or social-emotional supports, or who engage in dangerous or severe behavior will need the development of a function-based positive behavior support plan. The plan may include intensified guidance for the student using new skills as a replacement for behavior problems, removing elements in the environment that interfere with student progress, and continuing with ongoing progress monitoring. Support plans in Tier III are designed for a range of students, including those with autism and specific emotional and psychological disorders. The goal of Tier III behavioral interventions is to reduce complication, severity, and intensity of current cases. Importantly, this level of support is focused on improving lifelong outcomes for the student(s) in question.

Wraparound support may be selected for students who would benefit from full family and community engagement. The school would look to family and outside agency resources to assist the student in her growth. The wraparound support would involve further evidence-based interventions and leveraging all relevant school-based resources in helping the student. Characteristic of wraparound support is an asset-based view of the child and family as well as a centering on the student's and family's goals and ideas. Tier III services are most successful when a strong system is experienced schoolwide through Tier I universal social-emotional learning and behavioral supports (described earlier in this chapter) and after the 1 to 15 percent of students who are not successful through Tier I services receive well-formulated and delivered Tier II behavioral intervention services. All tiered supports are culturally and linguistically responsive and respectful. The asset-orientation embedded in Tier III support is critical for English learners and their families in order to engage as full partners in helping the student to succeed.

Additional resources for Tier II and III behavioral and social and emotional learning supports can be found in chapter 7 of this guide and at the following websites:

- PENT: http://www.pent.ca.gov
- Positive Behavior Supports: https://www.pbis.org
- CDE web page on behavior support plans: https://bit.ly/2IyAHTI
- PBIS Tier II and III resources: https://bit.ly/2GkPfUh and https://bit.ly/2GdBUwI
- National Center on Intensive Intervention (American Institutes for Research): https://bit.ly/2lh1pmS
- Intervention Central: https://bit.ly/2TY2vne

Ensuring an Effective MTSS for Pre-Referral Decisions

English learners are eligible to be evaluated for and receive special education and related services. Because it can be a complex process to determine if a learning behavior a student presents is related to normal English language development or a disability, LEAs must develop careful processes for referring English learners for special education and related services. The LEA has a responsibility to establish policies and procedures for a continuous and comprehensive system for students with special needs that includes identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment.

The MTSS processes in this chapter endeavor to ensure that referral to special education for an English learner is based on sound evidence in a collaborative problem-solving process and to guide LEAs to act on each student's behalf (*EC* 56301) (accessible at: https://bit.ly/2KPMT50). The MTSS by design exists to proactively provide for a pre-referral process. Per Congress's Individuals with Disabilities Education Act (IDEA) of 2004:

> It is not enough for schools to wait until parents ask about or request a special education evaluation based on suspicion that their child may have a disability and struggling in school as a result. Schools must maintain a system of notices, outreach efforts, staff training, and referral processes designed to ascertain when there are reasonable grounds to suspect disability and the potential need for special education services (20 *U.S.C.*1412[a][3]) (accessible at: https://bit.ly/2UiB9Ys); and 34 *CFR* 300.111 (accessible at: https://bit.ly/2Un7YTU).

A strong pre-referral process that guides teams to make evidence-based decisions prevents both under and over referral of English learner students to special education programs. The data derived from an organized review should provide a clear picture to the SST as to whether or not a referral for additional assessment for special education is appropriate. This process involves reviewing the comprehensive academic and behavioral instruction and interventions a student has received, considering differences between a student's English language development and a possible disability, and considering how extrinsic factors may affect student performance.

Informed decision-making around special education referral involves a review of four broad areas (figure 2.13):

Figure 2.13.
Broad Areas of Pre-Referral Review

- Review of noted learning behaviors and differences between English language development and a potential disability
- Review of Tier I academic and behavioral instruction, including comprehensive ELD (integrated and designated ELD) and amplified foundational skills instruction (especially important for young learners)
- Review of Tier II and Tier III Interventions, including their appropriateness for English learners, and students' responses to academic and behavioral interventions
- Information gathering and review of extrinsic factors possibly affecting learning

Based on the data reviewed around these four broad areas, the SST will determine the appropriateness of referring a student for assessment to determine eligibility for special education services. This referral process is described at length in chapter 3 of this guide.

Critical Considerations for Long-Term English Learners

When assigning Tier II and Tier III academic interventions for long-term English learners, educators must take into account that the student may not have had the opportunity to learn deeply and appropriately in Tier I core instruction in a grade-level, standards-aligned way and in a range of areas with appropriate and comprehensive ELD. Tier I core instruction must be amplified in all content areas using the *CA ELD Standards*, including while the student is receiving a specific, targeted intervention. The interventions planned in Tier II must be rigorous and impactful to address skills that were potentially not learned by the student through adequate instruction and skills not mastered by the student due to a lack of appropriate instruction.

When long-term English learners move into Tier III services and if they are later considered for special education testing and programming, teaching and administrative teams should clearly understand if the student's lack of progress is somewhat or mostly due to the lack of appropriate instructional planning and delivery. The student in question who is experiencing difficulties may in fact need Tier II or Tier III interventions or referral to special education services to meet his needs. However, if the school does not analyze the data closely, they may continue to see more long-term English learners in Tier II and Tier III services at levels not representative of their population in the school and LEA. Long-term English learners

referred for special education services will continue to need amplified instruction that meets their English language development needs (i.e., comprehensive ELD) with the expectation of advancement. A close look at the long-term English learner cohort data at the classroom, school, and LEA level is necessary to understand this issue because it cannot be understood on the basis of individual student data alone.

Addressing Linguistic Segregation and Implicit Bias

The MTSS framework proposes that instruction be designed with all learners in mind, but some historical and structural factors may keep educators from fully realizing the potential of student empowerment and achievement. These factors are linguistic segregation and implicit bias. In all tiers of instruction, these factors must be considered carefully, and proactive development of all educators in these areas should be considered to ensure the highest levels of student success.

Segregation occurs when a group of students is separated from learning with the school's general population due to a characteristic of the group. Although de facto segregation of English learners due to the linguistic separation of neighborhoods and thus neighborhood schools is hard to address by a school, schools can work to ensure that classrooms experience the highest levels of integration as is reflective of their school communities. Schools and LEAs must look at a range of ways to address issues of linguistic segregation on an LEA level.

Segregation of English learners within schools and LEAs can impede learning. Linguistic segregation is often accompanied by lowered expectations for English learner achievement and a questioning as to whether English learners are capable of grappling—and succeeding—with the grade-level curriculum. These expectations and beliefs are not based in research but rather in implicit biases and harmful stereotypes that are pervasive in broader US society. Linguistic segregation can be one of the greatest barriers to accelerated learning for English learners and one of the most important issues for school and LEA leadership to confront head-on.

English learners benefit from the opportunity to learn alongside and interact with peers with more experience and skill in using the English language. English learners also bring into classrooms unique perspectives and knowledge. Linguistically integrated classrooms offer a multitude of opportunities in terms of social-emotional learning and global competence as students strive to understand the experiences and expertise of others, show respect for others whose experiences are different from their own, learn to negotiate meanings and worldviews, and expand their own perspectives.

English learners are grouped together by English language proficiency level for designated ELD; this protected time constitutes a short and highly targeted time during the school day.

During the rest of the day, every effort should be made to integrate English learners with their English-proficient and English-only peers.

A related concept, implicit bias, can be a bias or an implicit stereotype, an unconscious attribution of particular qualities to a member of a certain social group. Implicit stereotypes are influenced by experience and based on learned associations between various qualities and social categories, including race or gender. Implicit biases are pervasive and deeply held, and they usually entail a privileging of one's own group in deeply held assumptions. Importantly for the educational context, implicit bias can impact how one treats others who are different based on prominent characteristics. Implicit bias is very problematic in educational contexts when these views are held by teachers and administrators, especially when educators underestimate the potential of students of color and expect or are unsurprised by lower levels of group academic achievement.

Because many of California's English learners are students of color, it is critical to evaluate how the school community addresses issues of implicit bias and identifies how bias is incorporated into the behavioral, social-emotional, and academic instruction students receive. For guidance, each California curriculum framework addresses issues of access and equity and offers information that can be used by schools and LEAs for self-reflection and improvement. For example, the *California History-Social Science Framework* provides critical discussions on race, ethnicity, and social justice that are imperative to include in the school's curriculum.

Additionally, many studies have revealed how implicit bias permeates how people perceive others' experience with physical and emotional pain. Specifically, people tend to undervalue someone's self-reporting of their own pain if that person is different in race or ethnicity, and they therefore behave with less empathy. Because self-reflection, communication about feelings, and expressing empathy are critical to students' social-emotional development, it is important for educators to examine whether and how they are understanding and appropriately tending to the social-emotional experiences of English learners.

Bias can also lead people to believe that one cultural approach to addressing social-emotional and behavioral development is the right one. Close work with families and communities can lead educators to develop communication approaches that are responsive to culturally diverse students and families. Educators, schools, and LEAs can take additional proactive steps in limiting the impact of implicit bias by providing quality professional learning in these areas to all employees and establishing clear protocols when an educator or parent suspects or suggests that implicit bias (or linguistic segregation) might be at play. This may lead to "courageous conversations" that are helpful in guiding individual educators, schools, and LEAs in their next steps toward equity.

Student Scenarios

The following scenarios illustrate the guidance this chapter provides on MTSS. The first scenario addresses Tier I core instruction in the upper elementary grades with an amplified focus on supporting academic writing and positive pro-social behaviors. The second scenario addresses foundational reading skills instruction in first grade. This scenario focuses on systems within a school for providing Tier II supplemental instruction for a small number of students and making sound decisions for potential Tier III intensive interventions for an even smaller number of students.

Supporting Academic Writing and Positive Behavior in Tier I Core Instruction in Fourth Grade

Allyson is a fourth-grade teacher at Leading the Way Academy. She has been teaching for six years, three of these in fourth grade at this school. In her classroom of twenty-eight students, Allyson has twelve students who are English learners, along with two students who were reclassified as fluent English proficient (RFEP) earlier this same year, five multilingual students who were assessed as initially fluent English proficient (IFEP) in kindergarten, and eleven English-only students. Ten of her English learners are, overall, in the late Expanding level of English language proficiency and two have skills in the Bridging proficiency level and seem ready to reclassify soon. Her students' families speak four different languages, including Spanish, Punjabi, Hmong, and Arabic. Three African American and four white students are in Allyson's class as well as several other students of color and students of mixed ethnic heritage. Allyson has one student with autism and another student with a learning disability. An additional student is striving for pro-social behaviors for which he is currently receiving Tier II support. Allyson plans regularly for integrated and designated ELD, working to integrate carefully planned scaffolding for English learners to advance their learning.

Allyson works with a team of teachers who have collaborated over the past three years. The team determines what they want students to be able to do as a result of engagement in lessons and units and then works backward to design a series of learning tasks so students are supported to achieve the intended outcomes. This planning involves the use of the *CA ELD Standards* to support English learners. The team members consider the conceptual and linguistic demands of the texts that students will read, including how different genres in different disciplines are organized and what makes them cohesive. This is an area of the ELD standards that the team is trying to bring focus to because they have noticed that it is helping their students to improve in writing as well as in reading.

The teachers are also very focused on supporting students to collaborate effectively and engage in student-led, extended discussions. In their classrooms, the teachers have posted

class-generated norms for collaborative group work, protocols for peer writing feedback sessions, and language frames that students can choose to use to interact with one another in a more scholarly and respectful way.

Scaffolding Academic Writing

In a recent lesson, students were asked to work in pairs to reassemble the sentences from a short paragraph that had been cut into strips, separated, and mixed up. (The students had read and discussed the paragraph the previous day in small groups; it was part of a longer informational report explaining bioaccumulation in owls.) The game-like "sentence jumble" task required students to talk as they collaborated to figure out a logical sequence for the sentences and an organized structure for the paragraph. The students were also instructed to identify specific language in each sentence that provided clues about where the sentence would fit in relation to the other sentences.

Allyson asked the students to highlight the language and draw lines or arrows to show how the "clue" language connected. Her goal was to support students' understanding of how cohesive paragraphs are structured by giving them interactive opportunities to explore the mentor paragraph and discuss how one sentence "flows" into the next, using specific language.

Before the students began their work, Allyson posted a list of phrases and questions the students might choose to use as they engaged in the task. One declarative statement was "I think this sentence goes here because ____." One question was "What words in the sentence makes you think ____?" The students practiced the words and phrases with Allyson before they began the task. As she listened in as students worked together, she was pleased to hear them using some of the target phrases and questions as needed to help them communicate.

Strategic Grouping

Allyson carefully paired her student striving for improved pro-social behaviors, Bo, with two students who not only had very productive social behaviors but who were also very kind and supportive of others in the class. Before starting the task, she invited the class to review the norms for effective collaboration, and students identified one norm they would particularly focus on during the task.

She observed Bo carefully to see how he interacted with his partners and noticed that he was intentionally using the sentence stems provided for the task. She also noticed that Bo was successfully letting other students talk and using some phrases the class had worked on in previous weeks to interject or disagree respectfully. She was excited about what she observed all students doing during the lesson because her goal for the task was to help them better

understand how ideas can be ordered in this type of writing, which would help them when reading similar texts and writing their own informational reports.

During the task, she noted that two of her English learners at the Expanding level of English language proficiency, Thao and Sandra, were finding it challenging to figure out which sentence might go first and were unsure of two sentences that started with the words "So" and "Because of this." She noted in her observational journal that these would be good areas to address more deeply in designated ELD. She also stepped in to provide "just-in-time" scaffolding by prompting the students to try out a more structured approach:

- Put the sentences together and read the paragraph aloud.
- Try the sentences in another order and read the paragraph aloud.
- Decide which way sounds more fluid.
- Discuss the language that makes this sentence order sound more fluid.

Allyson watched as Thao and Sandra used this approach and was pleased to see that they were then able to arrange the sentences in the most logical order.

Teacher Collaboration

The fourth-grade teaching team works together to design and continuously improve a quarterly, semester, and year-long map (aligned to all content standards) that illustrates the instructional outcomes for their students. They carefully incorporate Part I and Part II of the *CA ELD Standards* into lesson and unit planning but also adapt quite often as a result of recognizing where their English learners are progressing more rapidly than anticipated or where they need more support.

Allyson reflects that for most of her students, the focus on careful planning to support students in the planning stage and formative assessment practices during instruction is paying off, and students are progressing well. However, she also has noticed that three of her students do not seem to be progressing at the same pace as their peers. Two of these students are English learners, and that makes her question some of her own planning and delivery of instruction. She decides to study her classroom observation data and carefully analyze these students' writing and reading assessments so she can identify ways of differentiated instruction to meet their needs. At the same time, she decides to take this problem of practice to her team and problem solve together.

Tier II Supplemental Foundational Reading Skills Intervention in First Grade

Jatinder is a first-grade teacher at Larry Itliong Elementary School. Over the past several years, there has been a schoolwide emphasis on using complex and language-rich texts, beginning in the primary grades through teacher read-alouds, throughout the day, and across the disciplines. Teachers at the school have also been learning how to ensure that integrated ELD occurs in all content areas and that all English learners receive designated ELD that is targeted to their English language proficiency levels and connected to a content area.

Recently, Jatinder and the other primary grades teachers have focused more intensively on foundational reading skills instruction for their students, using the CCSS for ELA/literacy, the guidance charts in the ELD Standards, and the *ELA/ELD Framework* to guide them. The school in which Jatinder works is in the process of developing a clear system for small group decoding instruction in the primary grades to ensure that all students are decoding fluently as early as possible. Prior to this, there was not a clear system with clear grade-level expectations in place. Fourteen of Jatinder's students are English learners, and most are at the Expanding proficiency level of English. It is a few months before the end of the school year, and at this point, Jatinder has six students who are not yet able to independently decode and comprehend decodable texts.

Using Assessment Data to Inform Instruction

When she administered the most recent battery of foundational reading skills assessments (including phonological awareness, letter-sound correspondence, and decoding), Jatinder noted that most students were making progress as expected and that some were able not only to read the decodable texts fluently but were already reading and comprehending grade-level children's literature. However, six of her students, about a quarter of her class, were able to orally blend phonemes but were still striving to blend consonant-vowel-consonant (CVC) words in isolation and in connected text. These same students also were still having difficulty reading common high frequency words. The assessment results match Jatinder's observation of these students from the small group instruction she provides them daily. This data, though concerning for Jatinder, provided her vital information for instruction. Because she is aware of the importance of an early emphasis on strong decoding skills, and she is also aware that it is unusual to have so many students not decoding at the level needed at this point in the year, she decides to consult with her grade-level team about the issue at their weekly team meeting.

The first-grade team includes Jatinder and four other teachers, who are each having a similar experience. They come together and decide that it will be very important for them to carry out clear, data-informed plans for small-group decoding instruction designed to accelerate students' progress. While they have been teaching students in small groups, they consider the possibility that more intensive and more targeted instruction is needed for some students. They decide to analyze the recent assessment data together and use the results to sort the students into small groups. They also discuss the progression of foundational skills they read about in chapter 3 of the *ELA/ELD Framework* as they are forming the groups to ensure that students will benefit from instruction that is targeted to their specific needs. They find that there are roughly one to two distinct groups of three to four students in each class. Each teacher makes a plan to provide targeted small-group reading instruction for these students each day.

While analyzing the student assessment data, the team finds that the Arabic-speaking students were striving to read and enunciate the "p" sound while a few of the Hmong speakers were encountering difficulties when talking about and writing plural objects. There were other notable differences in Spanish-speaking and Punjabi-speaking students. The team decides they need support to understand what they are seeing in the data and call in the assistance of the school's ELA/ELD coach to help them identify areas to amplify foundational skills instruction for their English learners. They write these notes into their daily plans and create a reference guide for language transfer items to remind them of areas where their students' primary languages are similar to or different from English and so they could draw these language transfer items to students' attention.

Providing Tier II Short-Term Supplemental Instruction

Jatinder puts her plan into place to provide daily additional and intensified small-group reading instruction for her six students. Students decoding fluently at or above grade level still meet with Jatinder for small-group reading instruction during the week, but not all students need to meet with her every day or for the same amount of time. Students who have the most needs—the students the first-grade team identified for short-term supplemental instruction—meet every day, and sometimes more than once a day, and typically for a longer period of time. This extra time for small-group reading instruction does not replace students' access and engagement with other early language and literacy tasks, such as interactive teacher read-alouds using complex texts and daily independent reading time, where students choose the texts they want to explore with friends. Jatinder understands that all students need full access to a well-rounded curriculum.

The first-grade team carries out the new action plan for four weeks, monitoring students along the way and taking notes in their observation journals, and then assessed students again. When they meet to review student assessment data and their observation notes, they find that

about half of the students in each class had made little to moderate progress, and the other half had made substantial progress and were now back on track in their progression toward standards. For the students who still need the intensified support, including three students in Jatinder's class, the teachers use the most current student assessment data to plan lessons that target specific skills the students still needed to master. The teachers agree to put the new plan in place and reevaluate student progress together in four more weeks.

Considering Tier III Intensive Intervention

After another four weeks had passed, all but one of Jatinder's students, an English learner student named Cruz, had made significant progress. Jatinder attributes her students' progress to the systematic process her team engaged in, which helped them to identify specific student needs, intervene early, monitor progress, and make informed decisions for next steps based on data. While Cruz has made some progress over the past eight weeks, Jatinder is concerned that it has been very little, and she is unsure about what to do next. Like most of Jatinder's English learner students, Cruz was born in the United States. Her primary language is Spanish, and she is at the Expanding level of English language proficiency. Cruz enjoys speaking both Spanish and English during teaching and learning tasks, which Jatinder encourages. She is fluent in everyday English and is learning to use more academic forms of language, including general academic and domain-specific vocabulary. She participates eagerly in all teaching and learning tasks and especially enjoys retelling, in both speaking and writing, the stories that Jatinder reads and rereads to the class.

Jatinder arranges to meet with the school's "student study team," which consists of the school's ELA/ELD coach and special education teacher and the LEA EL specialist. The team reviews Cruz's progress monitoring data and discusses the potential need for Tier III intensive intervention for Cruz and how to provide it. The team begins with a broader set of data, including Jatinder's observation notes focused on Cruz's progress toward ELD Standards. These include observations of Cruz's interactions in paired or small discussion groups about complex texts, whole group literacy tasks, and independent literacy stations. These observations reflect that Cruz is developing as expected in terms of interacting in meaningful ways using English (Part I of the ELD Standards). From Jatinder's observation notes of Cruz's oral story retelling, Cruz also seems to be progressing well in her understanding of how texts are organized and how communication in English can be enhanced and enriched in various ways (Part II of the ELD Standards).

In reviewing Cruz's writing samples, the team notices that Cruz's ability to orally retell stories is not reflected in her writing. Jatinder confirms that in addition to the challenges Cruz is experiencing with decoding, she also has difficulty with encoding. For example, she can tell a story or state an opinion orally but has challenges writing the letters that correspond with the words she is

expressing. She adds that Cruz has progressed much more slowly in terms of encoding than her peers who are English learners at the Expanding level of English language proficiency.

When they analyze Cruz's foundational skills assessments, they observe that Cruz has had phonological awareness skills, including oral phoneme blending, since the beginning of the school year. However, Cruz has made little growth in applying grade-level phonics and word analysis skills in decoding words both in isolation and in text. The school ELA/ELD coach notes that Cruz's overall English language development appears to be developing on target but that her grade level English learner peers are reading and decoding at much higher levels than Cruz. The team recommends a Tier III intensive intervention for Cruz, one that will be provided by the school reading specialist in the last month of school and continued in the extended year summer school program.

The primary grade teachers meet at the end of the school year to debrief their MTSS process for foundational skills. They regard their experience in the past school year as their first steps in addressing the improvements needed in core instruction so that in future years, they will have fewer students needing supplemental support and intensive interventions for foundational skills.

Chapter Summary

California's MTSS framework provides a systematic approach for ensuring that all students receive appropriately designed instruction that will ensure their success and that referral for special education services is appropriate. In cases where students are referred for special education evaluation and services, the structures supporting students and the data collected through MTSS processes will help inform the most strategic service plan in the student's individualized education program (IEP) as the student continues with appropriate and comprehensive services. Chapter 3 of this guide discusses the pre-referral process in more depth.

Frequently Asked Questions

Q: Does a student need to receive all the levels or tiers of support before they can be referred for assessment for special education?

A: No. At any time, a request can be made that a student study team become involved in determining if a referral for special education evaluation is appropriate. However, the team needs to evaluate multiple areas in a pre-referral checklist to determine how the student's needs will be served. In some cases, the team will decide that close monitoring in tiered instruction is merited to carefully assess a complex issue before assigning special

education services and developing an IEP. In other cases, the evidence of a specific disability is pronounced, and the student may receive services immediately while also participating in continued comprehensive tiered instruction.

Q: When a parent requests an assessment for special education, does the assessment process need to wait until the student has completed all the tiers of supports in the MTSS framework?

A: No. The parent has a right to request an assessment at any time. However, the team needs to evaluate multiple areas in the pre-referral checklist in determining how the student's needs will be served. In some cases, the team will decide that close monitoring in tiered instruction is merited to carefully assess a complex issue before assigning special education services and developing an IEP. In other cases, the evidence of a specific disability is pronounced and the student may receive services immediately while also participating in continued comprehensive tiered instruction.

Q: Can students with IEPs receive supports in the Tier I, Tier II and/or Tier III intervention groups?

A: Yes. They have access to the general education interventions as any other student, and this is in addition to their individualized special education services. Their IEPs take this into account as part of the comprehensive plan.

Q: Do English learners who need interventions receive their ELD instruction during the Tier II or Tier III intervention time?

A: No. Interventions address very specific identified skill areas and are not comprehensive. Every student retains comprehensive ELD instruction (both integrated and designated ELD) in Tier I (core) instruction, and the ELD Standards and principles of ELD instruction inform how they receive Tier II and Tier III interventions.

Q: Who can provide intervention instruction? Can special education staff provide these supports to any general education students in their groups? We used to do that but not sure how it is today.

A: Yes. This can be done. Please refer to the California Commission on Teacher Credentialing (accessible at: https://www.ctc.ca.gov) and the specific document in CL-808CA 10/2016. Also refer to the CTC description for Education Specialist Instruction Credential. This allows for the credential holder to provide instruction in a general education setting. Also see specialty areas as they may offer more information.

Q: Can students receive support in different tiers? If so, what does that look like?

A: All learners receive consistent and ongoing support in Tier I core instruction. A student may receive Tier II interventions, respond to that intervention through progress in academic and/or behavioral growth, and then continue to engage in Tier I without the Tier II support. Few students will receive Tier II support and then need more intensive support through Tier III. In this case, they would still fully engage in Tier I core instruction with universal supports and the Tier III services would be additional.

Chapter 2 Endnotes

1 Please see definition of core instruction in the terminology section of the introduction.

2 Before MTSS, social-emotional learning and behavioral supports were kept separate from tiered academic supports, formerly referred to as Response to Instruction and Intervention (RtI²). Now, California's MTSS amplifies the principles of RtI² and integrates academic, social-emotional, and behavioral support.

3 Figure created from the MTSS sections of the California curriculum frameworks for K–12 schools and other resources, including the following: California Department of Education, *English Language Arts/English Language Development Framework for California Public Schools* (*ELA/ELD Framework*) (accessible at: https://bit.ly/2uRx7wp); (Sacramento, CA: California Department of Education, 2015); Orange County Department of Education, *California MTSS Introduction Video* (Orange County Department of Education).

4 For more information on such evidence-based practices, see the following resources: California Department of Education (*ELA/ELD Framework*) (accessible at: https://bit.ly/2uRx7wp); R. Harry, *Why Are So Many Minority Students in Special Education? Understanding Race and Disability in Schools* (New York: Teachers College Press, 2014).

5 Adapted to differentiate MTSS specifically for English learners, including the addition of ELD from figure 9.9, Multi-Tiered System of Supports, from the *ELA/ELD Framework*; and from the original source of figure 9.9, University of South Florida, I*mplementing a Multi-Tiered System of Support for Behavior: A Practical Guide* (Tampa: University of South Florida, 2011).

6 For more information and additional considerations, see Chapter 9: *Access and Equity*, in the *ELA/ELD Framework* (accessible at: https://bit.ly/2YfVSyC).

7 US Department of Education (DOE), Office of *English Language Acquisition, English Learner Tool Kit for State and Local Agencies* (accessible at: https://bit.ly/2J9rtOK) (Washington, DC: US Department of Education, 2015); US Department of Education, National Center for English Language Acquisition (NCELA), *Newcomer Tool Kit* (Washington DC: US Department of Education, 2016).

8 NCELA. *Newcomer Tool Kit*.

9 US Department of Education, *English Learner Tool Kit for State and Local Agencies* (accessible at: https://bit.ly/2J9rtOK) NCELA, *Newcomer Tool Kit* (accessible at: https://bit.ly/2DT4Mdh) L. Olsen, *Meeting the Unique Needs of Long-Term English Learners: A Guide for Educators* (National Education Association, 2014); L. Olsen, *Reparable Harm: Fulfilling the Unkept Promise of Educational Opportunity for California's Long Term English Learners* (accessible at: https://bit.ly/2DVQfO0) (Long Beach, CA: Californians Together, 2010); D. Short, and B. Boyson, *Helping Newcomer Students Succeed in Secondary Schools and Beyond* (accessible at: https://bit.ly/2Uol5UX) (Washington, DC: Center for Applied Linguistics, 2012).

10 From figure 9.11 of the *ELA/ELD Framework*; G. Gay, "Teaching to and Through Cultural Diversity" (*Curriculum Inquiry* 2015, 43: 48–70); P. Gorski, and S. Pothini, *Case Studies on Diversity and Social Justice Education* (New York: Routledge, 2014); G. Ladson-Billings, "Culturally Relevant Pedagogy 2.0: a.k.a. the Remix" (Harvard Educational Review, 2014, 84: 74–84); D. Paris, and H. S. Alim, *Culturally Sustaining Pedagogies: Teaching and Learning for Justice in a Changing World* (New York: Teachers College Press, 2017).

11 Note that in dual-language programs, integrated ELD will occur in all content areas identified by the program model.

12 California Department of Education, *California English Language Development Standards* (Sacramento: California Department of Education, 2012); (accessible at: https://bit.ly/2hp4D5S), 35.

13 *ELA/ELD Framework* (accessible at: https://bit.ly/2uRx7wp).

14 Adapted from *ELA/ELD Framework* (accessible at: https://bit.ly/2uRx7wp), 98.

15 D. Francis, et al., *Research-Based Recommendations for Instruction and Academic Interventions* (Center on Instruction).

16 See chapter 6 of the *CA ELD Standards* (accessible at: https://bit.ly/2hp4D5S) for this guide.

17 D. August, and T. Shanahan, *Developing Literacy in Second-Language Learners: Report of the National Literacy Panel on Language-Minority Children and Youth* (Mahwah, NJ: Lawrence Erlbaum, 2006); C. Richards-Tutor, et al., "Response to Intervention for English Learners: Examining Models for Determining Response and Nonresponse" (Assessment for Effective Intervention 2012, 38: 172–184).

18 M. Gerber, et al., "English Reading Effects of Small-Group Intensive Intervention in Spanish for K–1 English Learners" (Learning Disabilities Research & Practice, 2004); S. Linan-Thompson, P. Cirino, and S. Vaughn, "Determining English Language Learners' Response to Intervention: Questions and Some Answers" (Learning Disability Quarterly, 2007).

19 *ELA/ELD Framework* (accessible at: https://bit.ly/2uRx7wp).

20 J. Harlacher, A. Sanford, and N. Walker, *Distinguishing Between Tier II and Tier III Instruction in Order to Support Implementation of RTI* (Accessible at: https://bit.ly/2GsEJva). RTI Action Network.

21 Technical Assistance Center on Positive Behavioral Interventions and Supports (accessible at: https://www.pbis.org)

22 S. Fairbanks, B. Simonsen, and G. Sugai, *Classwide Secondary and Tertiary Tier Practices and Systems* (Teaching Exceptional Children).

23 B. Simonsen, G. Sugai, and M. Negron, *Schoolwide Positive Behavior Supports: Primary Systems and Practices* (Teaching Exceptional Children).

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Section 2: Pre-Referral and Referral, Assessment, and IEP Processes

Chapter 3: Special Education Referral Process for English Learners

Chapter 4: Assessment of English Learners for Identification as Students with Disabilities

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Chapter 3: Special Education Referral Process for English Learners

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Questions Addressed in This Chapter

For Teachers

- What pre-referral steps should be documented to ensure that a special education referral for an English learner is appropriate?
- What information do I need from parents to help me determine if a referral to special education is appropriate?
- What data do I need to collect to make sure that the referral is appropriate?

For Administrators

- What is the process to ensure that a special education referral for English learners is appropriate and does not lead to over- or under-identification of English learners for special education services?
- How do I ensure that I meet the state and federal child find requirements for English learners?

Chapter Overview

Children from diverse language backgrounds may fall behind in academic English environments. Without effective instruction, pre-referral interventions and support they may be inappropriately referred to special education and labeled as having a disability. A multidisciplinary team, frequently referred to as a "student study team," or SST, makes decisions regarding whether to refer students for assessment to determine their potential eligibility for special education. Therefore, it is highly recommended that the multidisciplinary team determine if continuing academic difficulties are truly the result of a disability or language factors and if the student may ultimately need a referral for special education assessment to determine eligibility. Additionally, it is recommended that school-site multidisciplinary teams use a process that involves the collaboration of general, English learner, and special education staff. As Gaviria and Tipton [1] point out, this "sharing of responsibilities and expertise strengthens the process to support students with diverse backgrounds and needs." Moreover, a collaborative approach will help ensure that English learners receive effective academic supports they need to be successful and are not inappropriately identified as having a disability.

English learner students may struggle due to lack of appropriate instruction or other factors that serve as barriers to learning (i.e., frequent moves, lack of consistent instruction or literacy

in primary language, health factors, etc.). Many English learners who are struggling with reading need more intensive academic support and the opportunity to learn in an appropriate, culturally responsive environment using the resources and pedagogy identified in the *English Language Arts/English Language Development Framework for California Public Schools (ELA/ELD Framework* accessible at: https://bit.ly/2uRx7wp). Meeting the academic and English language development needs of a student who is an English learner in the general education setting is a critical first step in determining whether a student's academic struggle is due primarily to a disability or to inadequate instruction.[2] Artiles and Ortiz[3] suggest that educators engage in the following two pre-referral intervention steps prior to referring English learners to special education:

- Analyze the school environment to see if there is appropriate curriculum and instruction for English learners.

- Provide pre-referral intervention to English learners or intervention within a Multi-Tiered System of Supports (MTSS) framework that includes screening, observing, intervening, and tracking progress over time.

Acting quickly upon concerns related to academic progress allows for early intervention. In addition to the grade level core instruction and English learner services, the provision of evidence-based, intensive early intervention services for struggling English learners can minimize their being at risk for later school failure. These "supplementary instructional services provided early in students' schooling, often are intense enough to bring at-risk students quickly to a level at which they can profit from high quality classroom instruction."[4] The pre-referral process identified by Gaviria and Tipton[5] in figure 3.1, highlights the systematic collection of data from various sources and illustrates the importance of specific pre-referral information to inform decision-making.

Figure 3.1.
Pre-Referral Data Sources



When a child like Cruz, the student introduced in chapter 2 of this guide, is continuing to acquire English language skills, and despite intensive reading interventions in English does not close the gap between herself and her "like peers" (i.e., peers of similar grade level, age level and language-proficiency level), a recommendation to an SST is appropriate. The SST

then engages in a thorough analysis of the data and seeks input from various team members including the student (if age appropriate), parents, teachers, English learner support staff, intervention staff, and administrators to make appropriate next-step recommendations.

To make appropriate recommendations, it is important for the SST to be aware of the three categories of English learners who may experience academic difficulties:[6]

1. those who receive inadequate instruction or learning in their teaching or learning environment and/or lack effective ELD instruction and support

2. those experiencing academic difficulties not related to a learning disability, interrupted schooling, limited and formal education, medical problems, low attendance, high mobility, or other factors

3. English learners who truly have a disability and need special education services

It is strongly recommended that SST members have an extensive depth and breadth of knowledge about English language development and also understand the characteristics of disabilities. It is also a recommended best practice that all educators be knowledgeable in primary and English language development principles and culturally responsive methodology and consult with specialists who are trained in discerning cultural and linguistic differences from disabilities to ensure appropriate instruction and support for English learner students.[7]

In addition to background knowledge of the student, SST members must also be familiar with state and federal law as they pertain to special education and English learners. Federal and state law require that all children with disabilities residing in the state who are in need of special education and related services be "identified, located, and assessed" (*EC* 56301) (accessible at: https://bit.ly/2KPMT50). This code section also applies to "highly mobile individuals with exceptional needs, including migratory children, and children who are suspected of being an individual with exceptional needs pursuant to *EC* Section 56026 (accessible at: http://bit.ly/2ZGbv2) and in need of special education, though they are advancing from grade to grade."

The local educational agency (LEA) has a responsibility to establish policies and procedures for a continuous child find system that addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment to include English learners identified for special education.

For this reason, the processes described in this chapter will help a teacher or other staff member address such concerns in a systematic manner to ensure the data either corroborates

or negates suspicion of disability and determines whether it is appropriate to refer an English learner for assessment to determine potential eligibility for special education.

Considerations for Referral of English Learners for Assessment to Determine Eligibility for Special Education

To make the most informed decision about when to refer an English learner for assessment to determine whether the student qualifies for special education or continuing current interventions, it is recommended that the SST consider multiple factors including:

- the school environment including classroom instruction in the core curriculum, designated and integrated ELD instruction, and the classroom interventions that have been provided (ELD instruction is not an intervention and is part of the required core curriculum);
- English language acquisition level including an investigation of the student's current English language capacity in the classroom;
- identifying the differences between language acquisition delays and delays related to a potential disability;
- investigating the cumulative file to identify current language levels in English and the student's primary language, current and previous interventions, and other important factors such as attendance, grades, and other medical factors;
- investigating extrinsic factors that may affect an English learner's academic progress, including interrupted schooling, limited education in the past, medical problems, homelessness, mobility, and other factors that might impact learning; and
- reviewing previous interventions and intervention data that inform how the student responded to the interventions to determine if the student made enough progress to eventually close achievement gaps.

While a referral for special education assessment may be made at any time, when a disability is suspected, the LEA can follow the suggested steps and collect data as described in this chapter. These steps will assist the SST in developing a culturally sensitive picture of a child's overall strengths and weaknesses and will better inform the decision of whether a referral for assessment to determine eligibility for special education is appropriate.

The Role of School Environment

Prior to referring an English learner for assessment to determine eligibility for special education, it is important that the school environment includes effective practices for English learners in the general education classroom and that the student receives core content instruction including designated and integrated ELD instruction. Multidisciplinary teams should evaluate the learning environment to determine if effective instructional practices are being used during instruction and this data should be considered when making decisions regarding recommended next steps during SST meetings. When reviewing classroom instructional practice, the SST should identify if practices for English learners include the following:

- explicitly teaching English language features along with ample meaningful opportunities for practice and application
- systematic carefully designed, designated, and integrated English language development instruction
- dedicated ELD instructional time (designated ELD)
- explicitly teaching the principle components of literacy including phonics, phonemic awareness, reading fluency, vocabulary comprehension, and writing
- increased opportunities to develop academic English vocabulary and comprehension
- emphasis on academic English language skills in all subject areas (integrated ELD)
- direct instruction that provides explicit teaching of skills or knowledge including modeling, corrective feedback, and guided practice; and
- elements of universal design for learning (UDL) used in the general education classroom to ensure English learners can access the core curriculum (i.e., use of visuals, diagrams, role play, and breaking content into concrete steps to present new learning)

To help multidisciplinary student study teams, the pre-referral checklist developed by Jarice Butterfield[8] provides key points to consider when determining if a child has received core curriculum instruction appropriate for an English learner, intensive intervention instruction, and regular progress monitoring data analysis to identify learning rate over time. The SST team can use this checklist, available in appendix 3.1, to identify the areas they need to further investigate to make an informed decision about referring an English learner for special education services.

The pre-referral checklist requests that the student study team review information about the interventions and instruction the student has received in the following areas:

- Has the student received appropriate core curriculum instruction that is appropriate for English learner students (it may be useful for LEAs and districts to establish clear criteria at the local level for this step)?

- Has the student received evidence-based intensive interventions in academic areas of difficulty using appropriate materials and strategies designed for English learners—implemented with fidelity over time—and demonstrated little or no progress as evidenced by data tracking?

- Does the team have data regarding the rate of learning over time (compared to like English learner peers) to support that the difficulties are most likely due to a disability versus a language difference?

- Has the team consulted with the parent regarding learning patterns and language use in the home and community?

- Are the error patterns seen in the primary language similar to the patterns seen in English? If not, are the error patterns seen in English typical of second-language learners versus a learning disability?

- Are the learning difficulties and language acquisition patterns manifested over time similar in different settings and in different contexts (home, school, and community)? and

- Have competing hypotheses been ruled out—extrinsic factors considered (physical, personal, cultural, and learning environment)?

The impact of English language development is the cornerstone of literacy and learning; it is through language that students learn, think, and express information, ideas, perspectives, and questions. Chapter 4 of the *ELA/ELD Framework* (accessible at: https://bit.ly/2J1pjRr) provides specific descriptions in each area for each grade span.

Understanding a student's English language proficiency includes a variety of contexts. Determining language development will focus on how students use the English language to interact in meaningful ways, learn how English works, and use English in developing their foundational English literacy skills.

English learners who interact in meaningful ways collaborate through listening, reading, and expressing themselves; offer opinions; and negotiate or persuade others. They also communicate in writing and are able to adapt language choices to various contexts. Students acquiring English will develop skills in understanding text structure, how text unfolds, and how to use language conventions to connect ideas and condense ideas when reading and writing. Foundational skills such as age, primary language, prior schooling experience, and literacy experience and proficiency must be considered when determining how to best provide instruction to an English learner.

In determining how acquiring English plays into a student's overall learning, it is important to observe and identify how a student is using English in a purposeful manner, how she is interacting in meaningful ways, and how she is developing an understanding of how English works.

When determining the role of language development in the pre-referral process, SSTs must first identify the child's language proficiency level. Figure 3.2, adapted from chapter 2 of the *ELA/ELD Framework* is accessible at: https://bit.ly/2J5J2zk, identifies stages of English language development.

Figure 3.2.
General Progression of the ELD Continuum

ELD CONTINUUM

NATIVE LANGUAGE

ELs come to school with a wide range of knowledge and competencies in their primary language, which they draw upon to develop English.

EMERGING

ELs at this level typically progress very quickly, learning to use English for immediate needs as well as beginning to understand and use academic vocabulary and other features of academic language.

EXPANDING

ELs at this level increase their English knowledge, skills and abilities in more contexts. They learn to apply a greater variety of academic vocabulary, grammatical structures, and discourse practices in more sophisticated ways, appropriate to their age and grade level.

BRIDGING

ELs at this level continue to learn and apply a range of advanced English language knowledge, skills, and abilities in a wide variety of contexts, including comprehension and production of highly complex texts. The "bridge" alluded to is the transition to full engagement in grade-level academic tasks and activities in a variety of content areas without the need for specialized instruction.

LIFELONG LANGUAGE LEARNERS

Students who have reached full proficiency in the English language, as determined by state and/or local criteria, continue to build increasing breadth, depth, and complexity in comprehending and communicating in English in a wide variety of contexts.

Source: Adapted from: California Department of Education, *English Language Arts/ English Language Development Framework for California Public Schools* (Chapter 2: https://bit.ly/2J5J2zk) (Sacramento: California Department of Education, 2015).

Chapter 2 of the *ELA/ELD Framework* also offers additional information on the proficiency level descriptors and grade-level and grade-span standards related to these stages of language development. Using the proficiency level descriptors in each grade span will provide a picture of what an English learner should be able to do at each grade span in each of the areas including meaning making, language development, effective expression, content knowledge, and foundational skills. Although this guide offers direction on the general stages of English language development, keep in mind that the complex and multilayered process of learning English as an additional language does not necessarily occur in a linear fashion.

Differentiating Between Language Acquisition and Disability

In the scenario in this chapter, the SST for Cruz used the charts depicted in figure 3.3 to reflect on and determine whether her classroom responses may be more related to English language development than to a possible learning disability. Cruz's teacher, interventionist, and English learner specialists discussed how Cruz had responded in situations related to nine areas, depicted in figure 3.3: oral comprehension and listening, speaking and oral fluency, phonemic awareness and reading, reading comprehension and vocabulary, writing, spelling, mathematics, handwriting, and behavior. Reflecting on these areas helps the team to better determine which areas of concern may be related to her early language development skills or to a possible disability.

All individuals who work with the child, including the classroom teacher, grade-level team members, the English learner specialist, and other intensive interventionists, should provide input into this reflective process to determine if the skill deficits or areas of concern are related to English language development or possible disability.

Figure 3.3.
Comparison of Language Differences Versus Disabilities

Oral Comprehension/Listening

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student does not respond to verbal directions	Student lacks understanding of vocabulary in English but demonstrates understanding in L1	Student consistently demonstrates confusion when given verbal directions in L1 and L2; may be due to processing deficit or low cognition
Student needs frequent repetition of oral directions and input	Student is able to understand verbal directions in L1 but not L2	Student often forgets directions or needs further explanation in L1 and L2 (home and school); 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 L2; gradual improvement seen over time	Student consistently takes a longer time period to respond in L1 and L2 and it does not change over time; may be due to a processing speed deficit

Speaking/Oral Fluency

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student lacks verbal fluency (pauses, hesitates, omits words)	Student lacks vocabulary, sentence structure, and/or self-confidence	Speech is incomprehensible in L1 and L2; may be due to hearing or speech impairment
Student is unable to orally retell a story	Student does not comprehend story due to a limited understanding and background knowledge in English	Student has difficulty retelling a story or event in L1 and L2; may have memory or sequencing deficits

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student does not orally respond to questions or does not speak much	Is still developing expressive language skills in English to effectively communicate ideas; may be comprehending more than can communicate	Student speaks little in L1 or L2; student may have a hearing impairment or processing deficit

Phonemic Awareness/Reading

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student does not remember letter sounds from one day to the next	Student will initially demonstrate difficulty remembering letter sounds in L2 since they differ from the letter sounds in L1, but with repeated practice over time will make progress	Student does not remember letter sounds after initial and follow-up instruction (even if they are common between L1 and L2); may be due to a visual or auditory memory or low cognition
Student is unable to blend letter sounds in order to decode words while reading connected text when appropriate instruction is provided, including ample practice	The letter sound errors may be related to L1 (for example, L1 may not have long and short vowel sounds); with explicit instruction, student will make progress over time	Student makes letter substitutions when decoding not related to L1; student cannot remember vowel sounds; student may be able to decode sounds in isolation, but is unable to blend the sounds to decode whole word; may be due to a processing or memory deficit
Student is unable to decode words correctly	Sound not in L1, so unable to pronounce word once decoded	Student consistently confuses letters and words that look alike; makes letter reversals, substitutions, and so on that are not related to L1; may be processing or memory deficit

Reading Comprehension and Vocabulary

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student does not understand passage read, although may be able to read with fluency and accuracy	Lacks understanding and background knowledge of topic in L2; is unable to use contextual clues to assist with meaning; improvement seen over time as L2 proficiency increases	Student does not remember or comprehend what was read in L1 or L2 (only applicable if student has received instruction in L1); this does not improve over time; this may be due to a memory or processing deficit
Does not understand key words or phrases; poor comprehension	Is still developing vocabulary knowledge in English; improves over time	The student's difficulty with comprehension and vocabulary is seen in L1 and L2

Writing

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Errors made with punctuation and capitalization	The error patterns seen are consistent with the punctuation, capitalization, and print concept rules for L1; student's work tends to improve with appropriate instruction in English	Student consistently makes capitalization, punctuation, and print concept errors even after instruction or is inconsistent; this may be due to deficits in organization, memory or processing
Student has difficulty writing grammatically correct sentences	Student is still developing grammatical knowledge in English; student's syntax is reflective of writing patterns in L1; typical error patterns seen in second-language learners (verb tense, use of adverbs or adjectives); improves over time	The student makes more random errors such as word omissions, missing punctuation; grammar errors are not correct in L1 or L2; this may be due to a processing or memory deficit

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student has difficulty generating a paragraph or writing essays but is able to express his ideas orally	Student is still developing writing skills in English even though he may have well-developed verbal skills; student makes progress over time and error patterns are similar to other English learners	The student seems to have difficulty paying attention or remembering previously learned information; the student may seem to have motor difficulties and avoids writing; student may have attention or memory deficits

Spelling

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student misspells words	Student will "borrow" sound from L1; progress seen over time as L2 proficiency increases	Student makes letter sequencing errors such as letter reversals that are not consistent with L1 spelling patterns; may be due to a processing deficit
Student spells words with letters that 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 L1 (sight words may be spelled phonetically based on L1)	The student makes letter sequencing errors such as letter reversals that are not consistent with L1 spelling patterns; may be due to a processing deficit

Mathematics

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student manifests difficulty learning math facts and/or math operations	Student is still developing comprehension skills for oral instructions in English; student shows marked improvement with visual input or instructions in L1	Student has difficulty memorizing math facts from one day to the next and requires manipulatives or devices to complete math problems; may have visual memory or processing deficits
Student has difficulty completing multiple-step math computations	Student is still developing comprehension skills for oral instruction in English; student shows marked improvement with visual input or instructions in L1	Student forgets the steps required to complete problems from one day to the next even with visual input; student reverses or forgets steps; may be due to a processing or memory deficit
Student is unable to complete word problems	Student is still developing mathematical language in English; student shows marked improvement in L1 or with visuals	Student does not understand how to process the problem or identify key terms in L1 or L2; may be a processing deficit or reading disability

Handwriting

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student is unable to copy letters or words correctly	Lack of experience with writing the English alphabet	Student demonstrates difficulty copying visual material to include shapes, letters, and so on. This may be due to a visual or motor or visual memory deficit

Behavior

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student appears inattentive and/or easily distracted	Student does not understand instructions in English due to level of English language proficiency	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 does not understand instruction due to level of English language proficiency and does not feel successful; student has anger or low self-esteem related to second-language acquisition	Student does not understand instruction in L1 or L2 and across contexts; may be frustrated due to a possible learning disability
Student does not turn in homework	Student may not understand directions or how to complete the homework due to level of English language 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; this may be due to a memory or processing deficit

Source: Adapted from: J. Butterfield, G. Lopez, and L. Gonzalez, *Meeting the Needs of English Learners with Disabilities Resource Book* (accessed at: https://bit.ly/302m412) (Sacramento, CA: SELPA Administrators of California Association, 2017).

Pre-Referral Data Review

Investigating the Cumulative File

The San Diego Unified School District, in its guidance document, *A Comprehensive Evaluation Process for English Learners*,[9] identifies a comprehensive process for collecting data prior to making a referral. This process was developed in collaboration with stakeholders to create a system for making an appropriate referral of an English learner for a special education eligibility evaluation. In addition to the data already collected on language acquisition and disability, the district recommends a thorough student cumulative file review, extrinsic factor investigation, and summary of interventions including multiple data measures.

It is recommended that the team conduct a thorough review to examine a child's educational history including ELD instruction and supplemental support as well as any previous special education testing or services, evidence of previous interventions in a Response to Intervention (Rtl) or MTSS framework, any health concerns including vision, hearing and gross motor, or speech and language concerns. The cumulative file should also be checked for school attendance, mobility, testing history, report card grades, and retention history. The cumulative file will also identify any behavioral concerns and if the student had counseling or other behavioral interventions.

The Cumulative File Check form in appendix 3.2[10] helps the teacher or team in their review of a cumulative student file to ensure that all areas of concern are addressed and to identify areas for further investigation.

Identifying Extrinsic Factors

The cumulative file is a tremendous resource reflecting the school history of the child, but it does not contain all the information needed to identify the extrinsic variables including the quality of classroom instruction, designated and integrated ELD instruction, physical and psychological factors (personal and cultural), language factors, and previous and current learning environment factors that might affect learning and contribute to a child's academic and behavioral difficulties.

English learners often have a wider variety of extrinsic factors affecting their lives, which can have an adverse effect on their learning and must be examined in depth at the individual level, given specific family, regional, and other intra- and inter-cultural differences.[11]

Prior to the multidisciplinary SST meeting, staff complete all pertinent sections of the English Learner Extrinsic Factors check sheet (found in appendix 3.3). The information on the check sheet includes parent or guardian participation and attendance at previous SST meetings or other information gained from opportunities to meet with the parent individually, at home, or at school to discuss the child with an interpreter when necessary. The English Learner Extrinsic Factors check sheet[12] is intended to guide a discussion about the individual child and is not a questionnaire or list of interview questions. The questions are designed to initiate conversation about the factors that could be hindering or supporting the student's educational success. The check sheet addresses the following sections and topics, listed here and available in full as appendix 3.3.

Section A: Physical and Psychological Factors That May Impact Learning

Guiding questions around physical and psychological factors include information about:

- access to health care;
- nutritional needs;
- health history;
- untreated medical conditions;
- exposure to chemicals in the environment;
- experiencing traumatic events;
- physical conditions that may impact learning; and
- school environment in relation to cultural diversity.

Section B: Personal and Cultural Factors That May Impact Learning

Guiding questions around personal and cultural factors include information about:

- frequent school moves;
- separation from family members and other early exposure to trauma;
- economic circumstances;
- hierarchical role shifts in the family;
- language barriers within the family;
- family support;
- access to community support systems;
- poverty;
- student interests;
- unaccompanied minor status;*
- homelessness;*
- foster youth status.*

**These items are not in the original document but are suggested as possible areas that an LEA may want to consider adding to the form to add to the background information in these areas.*

Section C: Language Development Factors That May Impact Learning

Language development factors may have a tremendous impact on learning. The guiding questions related to language development factors include information around:

- receiving systematic English language development instruction (integrated and designated);
- explicit oral and written language modeled in lessons;
- oral and written language levels of instruction;
- language expression processes;
- opportunities for student interaction;
- variety of talk structures used;
- explicit feedback on grammar and vocabulary errors;
- wait time to process language;
- appropriate match of instructional language level and classroom demands; and
- current language proficiency (data collected from various domains over time).

Section D: Previous and Current Learning Environment Factors That May Impact Learning

Guiding questions around previous and current learning environments include information about:

- similar concerns documented in previous school environment(s);
- amount of instruction in English in previous environments;
- prior formal instruction in primary language;
- amount of previous and current ELD instruction (integrated and designated);
- limited educational opportunities;
- Instruction differentiated to learning style or language level—access to UDL;
- comparison of student progress to "like peers" from similar background;
- performance across content areas; and
- academic performance in both English and the student's primary language (if the student has received instruction in her primary language).

When reviewing extrinsic factors, all areas in this tool should be addressed initially. If the team suspects a factor is having an impact on the student's learning, it is recommended that the team further investigate that area prior to making a special education referral.

There are a variety of ways to gather the information needed to complete the English Learner Extrinsic Factors check sheet. Information can be gleaned from record reviews such as the cumulative file review and other district data systems. Interviews with parents, caregivers, teachers, English learner specialists, and interventionists, as well as with the student, can provide information from those who know the student best. Observational data (gathered across content areas and in a variety of language contexts both in English and primary language) and anecdotal notes provide relevant information on behaviors in an authentic context. Classroom work samples, running records, integrated ELD performance, and oral language samples across contexts, as well as information from standardized and criterion references, provide data for analysis. Such data allows the team to provide information on specific areas and to compare student performance to established criteria of well-defined specific behaviors. Figure 3.4 is an at-a-glance resource describing tools that can be used for gathering the information to complete the English Learner Extrinsic Factors form.[13]

Figure 3.4.
Tools for Gathering Extrinsic Factors Data[14]

Type of Data	Description	Examples
Records Review	Gathering student background information through a review of existing data	• Primary language use • Previous school records • Problem-solving meeting notes (SST meetings; Health History, Speech, and Language) • Documentation from Related Agencies (may include physician reports, previous evaluations, counseling, or therapy reports) • District data collection systems • Demographics (classroom, school, community) • Home language survey • Report cards • Learning contracts • Instructional programs attended • Attendance history • Assessment results
Interviews	Gathering information from those who know the student best	• Often involves student, caregiver or family; teacher; may involve interpreter, cultural, and (or) linguistic liaison (e.g., a neighbor or other trusted community member) • Student interest inventories (dialogue journals, student work, informal discussions) • Questionnaires (open-ended or focused questions)

Type of Data	Description	Examples
Observations	Gathering information through a systematic and direct focus on actual and relevant behaviors in an authentic context	• Anecdotal notes (from teachers, caregivers, other professionals), narrative recording, and participant observations • Contexts for academic language observations: classroom lessons with extended opportunities to talk (e.g., shared or guided reading) • Contexts for social language observations: extended opportunities for social language (e.g., free time, collaborative learning activities, lunch and recess) • Observations across content areas (e.g., ELD, literacy, math, science, physical education) • Observations in areas of student strength
Sampling	Gathering samples for further analysis	• Classroom work samples (portfolio review, projects, learning logs, journals, writing samples) • Running records • Oral language samples across contexts (conversation, narrative, expository, oral reports, informal story telling) • Work samples from English learner "like peers" and English-only peers with similar suspected disabilities in order to make comparisons
Standardized Testing	Probing for information in a specific area during a highly structured task and comparing performance to groups of students	• English Language Proficiency Assessments for California (ELPAC) results to document progress over time in each domain • California Assessment of Student Performance and Progress (CAASPP) • Primary language academic assessments (CA Spanish Assessment)

Type of Data	Description	Examples
Criterion-Referenced Measures	Comparing student performance to established criteria of well-defined, specific behaviors	• Rubrics (e.g., Student Oral Language Observation Matrix [SOLOM], English language development proficiency indicators, rubrics for speaking, listening, reading, and writing) • Observation checklists (academic language and social language, classroom instruction) • Curriculum assessments (classroom-based measurements, formative and summative benchmarks)

Intervention Summary Data

To prepare for an informed SST multidisciplinary team meeting, it is important that the team bring data on multiple measures to the meeting to inform the decision process. This data should include information from the resources described earlier in this chapter as well as performance-based measures that reflect the students' skills and abilities in the context of the classroom and other social environments to focus on discrepant patterns that might exist in the data. For the data to be valid and meaningful, it is important to involve several different individuals in the data collection process including observations of multiple tasks and in different contexts over time.

This investigation into an English learner's diverse cultural and linguistic background will reveal different cultural and linguistic strengths. In comparison to peers it is important to consider the level of similarity in students' backgrounds, language use, and skill development.

The grade-level team will use the data from the response to interventions to begin to rule out academic, linguistic, and behavioral extrinsic factors as primary contributors to the child's academic or behavioral difficulties. The rich data from progress monitoring, curriculum-based measures, formative assessments, observations, and language development assessments inform the SST of the child's patterns of strengths and weaknesses. The English Learner Intervention Summary, a form developed by Gaviria and Tipton[15] for the San Diego Unified School District, can be used to record the extrinsic factors related to the area of concern, the academic concerns in comparison to peers, and any behavioral concerns that affect achievement of grade-level standards (figure 3.5 and available in appendix 3.4 which has been modified from the Gaviria/Tipton original document to add information to document if the student has been in a bilingual classroom or not). The form allows all individuals involved with the student to record and document the interventions they have provided over time and the outcomes of these interventions. This data allows the team to identify what has and has

not worked and if, despite intensive intervention, a referral for special education assessment is warranted.

Figure 3.5.
English Learner Intervention Summary

Appendix 3.4: English Learner Intervention Summary

Please use date format: mm/dd/yyyy

Student: ID:

Date: School: Grade:

Teacher: Program Type:

Student strengths:

Area of concern:	**Intervention:**	**Outcomes/dates:**
Extrinsic factors (refer to EL extrinsic factors form)		

An accessible long description of figure 3.5 is available at https://www.cde.ca.gov/sp/se/ac/ch3longdescriptions.asp#figure5.

Source: Adapted from: A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (Accessed at: https://bit.ly/2J3DOE8) (San Diego: San Diego Unified School District, 2012, updated 2016).

Appropriate Referral of an English Learner to Special Education Eligibility Evaluation/Assessment

A child's English learner status should never be seen as a barrier to referral for special education. It is important to remember that some English learners have disabilities, just as English-only students do, that make them eligible to receive special education and related services.

Assessing an English learner for a disability does not require a waiting period for English language skills to develop. Instead, districts should analyze data from a thorough review of all factors providing a clear picture to the SST as to whether a referral to special education is appropriate.

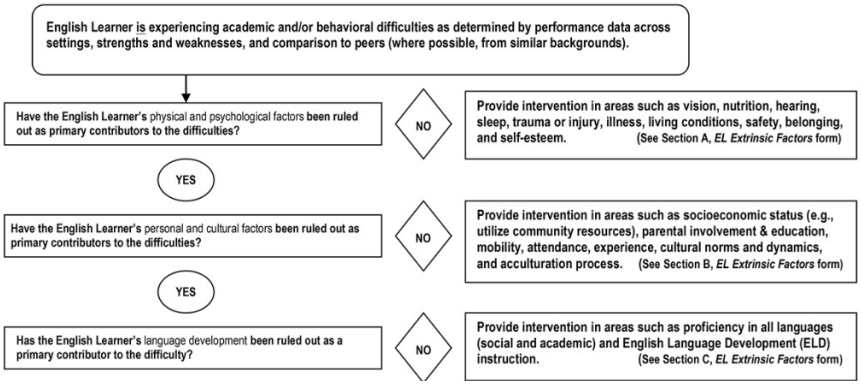
Possible appropriate reasons for referral of an English learner for special education assessment include the following:

- The English learner student is exhibiting academic or behavioral difficulties in both the primary and English language.
- Both the general education teacher and the English learner specialist indicate the English learner student is performing differently from his "like peers."
- The English learner student displays very little or no academic progress resulting from appropriate differentiated instructional strategies and intensive interventions.
- Parents confirm that academic or behavioral difficulties seen in the school setting occur at home.
- School personnel such as tutors, English learner specialists, and interventionists confirm the academic or behavioral difficulties seen in the classroom setting.

Figure 3.6, a screen shot of Gaviria and Tipton's[16] English Learner Initial Referral and Decision-Making Process found in appendix 3.5, is a flow chart that can help guide site teams in the step-by-step decision-making process prior to a special education referral. The chart is best used within an MTSS framework where grade-level and student study teams meet frequently to review student progress and rule out extrinsic factors as primary contributors to the student's difficulties.

Figure 3.6.
English Learner Initial Referral and Decision-Making Process

Appendix 3.5: English Learner Initial Referral and Decision Making Process



An accessible long description of figure 3.6 is available at https://www.cde.ca.gov/sp/se/ac/ch3longdescriptions.asp#figure6.

Source: A. Gaviria, and T. Tipton, *CEP-EL*: *A Comprehensive Evaluation Process for English Learners: A Process Manual* (Accessed at: https://bit.ly/2J3DOE8) (San Diego: San Diego Unified School District, 2012, updated 2016).

Student Scenarios

Originally introduced in chapter 2, Cruz is now a seven-year-old second grader who lives with her parents and siblings. Cruz is an English learner who is struggling with reading and, due to inadequate response to intervention, is being considered for special education assessment.

The Role of School Environment

Cruz's school environment did include effective practices for English learners. She received explicit teaching of the features of English along with ample meaningful opportunities to use it. Her classroom provided many opportunities for her to use English authentically such as through meaningful interactions with complex texts during teacher "read alouds" and text-based discussions, which focused on making meaning with text including inference-making and writing to learn (e.g., in literature response journals). Using the *CA ELD Standards* as guidance, this instruction included appropriate scaffolding (e.g., by providing sentence stems).

Cruz also was able to work frequently in cooperative groups with her peers, where students were encouraged to use their primary languages, which also provided her with more English

proficient language models and opportunities to expand English language skills. Throughout the day, Cruz benefited from content instruction with integrated ELD with attention to her English language proficiency on both Parts I and II of the *CA ELD Standards*. Cruz also benefited from designated ELD that built into and from content instruction, which included additional attention to oral language development, academic vocabulary, and writing in different genres. In addition, she engaged in intense and explicit teaching of foundational reading skills based on her assessed needs, including phonics, word recognition, and reading fluency.

During her classroom content instruction (all with integrated ELD), MTSS targeted intervention time, and designated ELD time, Cruz's teachers provided ample opportunities for her to develop academic English across the content areas. She benefited from both the facilitative and explicit instruction that she received and the carefully planned scaffolding her teachers provided including modeling, timely feedback, and guided practice. From Cruz's experience, it can be determined that her learning issues are not related to a lack of effective practices, both generally and those specifically for English learners, but rather to a potential disability.

English Language Development

While Cruz was assessed using the ELPAC in the spring, scoring in the Expanding proficiency level, her teachers provided more information about Cruz's use of English. They also needed to determine if Cruz's reading problems are related to her level of English language development.

Despite her struggles with decoding and subsequent weakness with comprehension of text she has read, Cruz continues to develop language and language awareness in English. She determines the meaning of words and phrases as they are used in the text when the text is read to her. She is beginning to distinguish literal from non-literal language and continues to develop word knowledge in understanding the meaning of general academic and domain-specific words. She recounts and describes key ideas and details from the text orally as well as sequences events and determines cause and effect. When responding to comprehension questions, she is able to elaborate and provide descriptive detail as determined by her teacher.

Differences Between Language Acquisition and Disability

The observation process or anecdotal record discussion about Cruz identified issues related mostly to decoding while reading connected text. She does not remember letter sounds consistently even after initial follow-up instruction was provided in classroom instruction and in Tier II and Tier III interventions. She continues to make letter substitutions not related to her primary language and struggles even more with consistency around vowel sounds when attempting to decode. While she can decode most sounds in isolation, she is unable to blend words consistently thus impeding her reading fluency. This lack of fluency does impede her

comprehension when she reads the text independently, but when it is read to her, she does not reflect errors when provided background knowledge and context to support her understanding of English. She also struggles with spelling, making letter sequencing errors while writing in her journal. While math concepts and skills are a strength area for Cruz, she struggles with word problems independently due to her decoding and fluency weaknesses.

Cumulative File Review

A review of Cruz's cumulative file revealed that she was not previously assessed for special education. The file showed extensive evidence of participation in the MTSS interventions as well as ELD instruction. The health file also included her vision and hearing tests, which did not reveal any abnormalities. No fine or gross motor concerns nor any issues related to behavior were identified.

As a second grader, she would not have CAASPP scores to review, but her standards-based report cards showed that she was approaching proficiency in all areas except phonics and phonemic awareness where she scored below proficiency for the last trimester in first grade and the first trimester in second grade. She has not been retained and her attendance has been good with less than three absences each year since kindergarten.

This review provides information that overall Cruz's reading problems were persistent for some time and that they were not due to lack of school attendance, vision problems, or not receiving designated and integrated ELD instruction in the general education classroom, supplemental supports, and academic interventions.

Identifying Extrinsic Factors

When reviewing physical and psychological factors, no outstanding issues were identified that would affect Cruz's learning. She is healthy and has access to health care. Her home environment is stable, and her school environment is culturally and linguistically supportive. No personal or cultural factors were identified as impacting her learning. She has lived in her community since birth and has only attended one school. Socioeconomically, both parents are gainfully employed, allowing stability in their home life. Her parents do not read and write English, but are literate in Spanish, Cruz, however, has an older sibling who can help her with homework. Her neighborhood, home, and church community provide a safe environment for Cruz and her family.

In reviewing language development factors, the team recognized that Cruz has benefited from the comprehensive approach to ELD instruction provided by her school, and classroom teachers gave Cruz the opportunity to develop English in meaningful ways. Since Cruz has only attended this school, no previous school factors affected her learning. She has excellent

attendance, and her teachers have provided differentiated instruction daily for her level of language proficiency. A thorough review of her academic progress includes work samples, multiple measures, and a comparison to her peers from similar backgrounds.

Based on the outcome of this review, which has included conversations with her family, there are no extrinsic factors causing her difficulties with reading decoding and fluency.

English Learner Intervention Summary

Cruz's teachers, interventionists, the English learner experts, and others involved in providing her pre-referral interventions completed the English Learner Intervention Summary when they addressed her needs at the student study team meeting.

The team added additional information from current Tier III interventions that she received and information from the extrinsic factor review and deeper cumulative file review. Her teacher provided ELPAC data showing that Cruz's overall language proficiency is at a beginning Level 3 putting her in the mid-Expanding proficiency level. Her listening skills are well-developed, and her speaking skills are somewhat to moderately developed providing her an oral language score of 3, putting her in the upper-Expanding and lower-Bridging proficiency levels. The written language score, which is a combination of her reading and writing performance, falls into a beginning Level 2 in the beginning-Expanding proficiency level.

The ELPAC and intervention data continues to show that despite intensive interventions, Cruz still struggles with reading fluency due to decoding problems. These phonemic awareness and phonics issues affect her reading fluency and comprehension, which has a negative effect on her academics across content areas.

In light of all the data collected by the student study team and Cruz's classroom teacher, intervention teachers, English learner specialist, parents, and others involved in Cruz's education, the decision was made that a special education referral was warranted due to her multiple issues related to reading.

Chapter Summary

A thorough review of an English learner's progress is imperative to making an informed decision regarding a referral to special education. Identifying factors in the instructional environment, English language proficiency (ELP) progress and its effect on academic progress, and the review of all pertinent school, intervention, behavioral and health data, as well as ruling out extrinsic factors, all help lead a student study team to make an appropriate referral to special education.

Frequently Asked Questions

Q: Is it advisable to group English learners with non-English learners for RtI?

A: Yes. English learners may benefit from being grouped with non-English learners and with English speaking peers with similar learning needs. However, it is important to remember that the English learners are progress monitored separately from the English-only peers and compared to "like peers" to determine if appropriate levels of progress are being made. Take into consideration the ELP of the student when grouping for instruction.

Q: What is the recommended or required amount of time an English learner must be in MTSS or RtI before making a referral for special education?

A: It is best practice or recommended for English learners to receive high quality, evidence-based interventions over a four- to six-month period in order to provide enough time to determine if the student is struggling academically due to a disability or language difference and if the student's academic difficulties can be remediated in general education. It is best to start progress monitoring after four weeks.[17]

Q: May LEAs or districts establish policies and procedures that delineate that English learners must have received a certain number of years of English language development prior to a referral for assessment to determine eligibility for special education?

A: No. Federal and state law require all children with disabilities residing in the state who are in need of special education and related services to be identified, located and assessed per *EC* 56301 (accessible at: https://bit.ly/2KPMT50).

Chapter 3 Endnotes

1 A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

2 R. Gersten, and S. Baker, *What We Know About Effective Instructional Practices for English Language Learners* (Exceptional Children, 2000), 54–70.

3 A. Artiles, and A. Ortiz, *English Language Learners with Special Education Needs: Identification, Assessment, and Instruction* (Washington, DC: Center for Applied Linguistics, 2002).

4 N. Madden, R. Slavin, N. Karweit, L. Dolan, and B. Wasik, *Success for All* (Phi Delta Kappan, 1991) 72: 593–99.

5 A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

6 A. Artiles, and A. Ortiz, *English Language Learners with Special Education Needs: Identification, Assessment, and Instruction*; W. Saunders, and D. Marcellett, *The Gap That Can't Go Away*: *The Catch-22 of Reclassification in Monitoring the Progress of English Learners* (Educational Evaluation and Policy Analysis, 2013) 35:139–156.

7 A. Artiles, and A. Ortiz, *English Language Learners with Special Education Needs: Identification, Assessment, and Instruction*; W. Saunders, and D. Marcellett, *The Gap That Can't Go Away*: *The Catch-22 of Reclassification in Monitoring the Progress of English Learners*.

8 J. Butterfield, G. Lopez, and L. Gonzalez, *Meeting the Needs of English Learners with Disabilities Resource Book* (https://bit.ly/302m412) (Sacramento, CA: SELPA Administrators of California Association, 2017).

9 A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

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11 A. Gaviria, and T. Tipton *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

12 A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

13 A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

14 A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

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17 American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*. Fifth Edition (Arlington, VA: American Psychiatric Association 2013); J.Butterfield, *Meeting the Needs of English Learners with Disabilities: Resource Book*.

References Chapter 3

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Chapter 4: Assessment of English Learners for Identification as Students with Disabilities

Chapter Contents

- Questions Addressed in This Chapter
- Overview: Assessing English Learners Suspected of Having a Disability
- Requirements for Assessing an English Learner Suspected of Having a Disability
  - Prior Written Notice
- Comprehensive Evaluation Process
  - Developing the Assessment Plan
  - Procedural Safeguards
  - Assessment Planning Process
  - Individualized Education Team Members
- Linguistically and Culturally Sensitive Assessments
  - Considerations Regarding Language of Assessment
  - Recommended Use of Interpreters for Bilingual Assessments
  - Language of Assessment Options
  - Academic Assessment Options for English Learners
- Multiple Measures of Student Progress
  - Intervention History
  - Interviews with Parents, the Student, the Teacher, and Specialists
  - Observations
- Recommended Components of the Assessment Report for an English Learner
- Student Scenarios
- Chapter Summary
- Frequently Asked Questions
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Questions Addressed in This Chapter

For Teachers

- What are the requirements of an assessment to determine special education eligibility?
- What role do I play in the assessment of my English learner students?
- What data is needed to inform the assessment to determine special education eligibility?
- What role do parents play in the assessment process?

For Administrators

- What are the state and federal regulations and guidance related to assessing English learners suspected of a disability for eligibility as a student requiring special education and related services?

Overview: Assessing English Learners Suspected of Having a Disability

After a referral for a special education evaluation has been made and the parents have consented to the assessment plan, the next step is to conduct the assessment to determine eligibility for special education. This chapter covers the legal requirements of the assessment process, how to assemble a multidisciplinary individualized education program (IEP) team, and how to plan the evaluation components and include culturally and linguistically sound evaluation tools. In addition to formal assessment, the chapter investigates best practices for gathering anecdotal data, including interviews and observations, to help determine eligibility. The processes described in this chapter intend to avoid the risk of English learners being misdiagnosed as having a disability, which can often occur when students have only developed basic interpersonal skills but need more time to develop academic language proficiency, and well-meaning education professionals mistake this lack of language proficiency for a disability.[1]

As chapters 2 and 3 show, prior to a referral for assessment to determine eligibility for special education for any student who is attending school, a multidisciplinary team of education professionals, often referred to as the student study team (SST), will meet over time to monitor and document concerns the teacher or parent has with a student's progress in school. While

an SST is a helpful approach, an LEA cannot have a policy requiring that an SST process be used prior to the LEA receiving a referral for assessment to determine if a student is eligible for special education and related services.

The referral process described in the earlier chapters provides the assessment team with background information and data collected from multiple sources, including the summary tool documenting interventions provided and the student progress monitoring data to determine the effectiveness of the intervention or rate of improvement over time. In addition, information on instructional practice in the school environment, the student's language proficiency, and cumulative file information, including information on extrinsic factors and all other existing data, will be reviewed in the assessment process. Using these multiple data sources, the assessment team is able to make an informed decision and appropriate determination as to whether the student potentially has a disability or whether the academic challenges may be due primarily to a language difference. The following sections provide specific state and federal legal requirements for conducting an assessment of an English learner to determine eligibility for special education.

Requirements for Assessing an English Learner Suspected of Having a Disability

The Individuals with Disabilities Education Act (IDEA) requires that all students referred for assessment to determine eligibility for special education receive an assessment that meets the requirements found in the IDEA (Title 34, *Code of Federal Regulations* [*CFR*] sections 300.304–305) (accessible at: https://bit.ly/2v9NeFc) and in state statute (California *Education Code* [*EC*] sections 56320–56330) (accessible at: https://bit.ly/2V1FROH).

The purpose of the assessment is to identify:

- whether the child is a child with a disability as defined in *EC* 56026 (accessible at: https://bit.ly/2IngfFX);
- whether the child has a disability as defined in 34 *CFR* 300.301(c)(2)(i) (accessible at: https://bit.ly/2Xk2yef);
- the educational needs of the student (34 *CFR* 300.301[c][2][ii]) (accessible at: https://bit.ly/2Xk2yef); (*EC* 56302) (accessible at: https://bit.ly/2VQwvCI); and

- the child's special education and related services needs (34 *CFR* 300.304[c][6]) (accessible at: https://bit.ly/2v9NeFc).

This process typically begins with special education personnel reviewing the referral for assessment to determine which areas of suspected disability need to be addressed on the proposed assessment plan, as well as the languages in which the various assessments will be administered and who will administer them (34 *CFR* 300.304) (accessible at: https://bit.ly/2v9NeFc). The assessment plan is then provided to the parent with a copy of the procedural safeguards and a Prior Written Notice (PWN)—specific information provided in writing to the parent, described in the following section of this chapter—with all documents in the parent's primary language, unless to do so is clearly not feasible (*EC* 56321) (accessible at: https://bit.ly/2DdqcSa) and (*EC* 56500.4) (accessible at: https://bit.ly/2VMJMvU). Once the assessment plan is signed by the parent and returned to the school, the 60-day timeline for the local educational agency (LEA) to complete the assessment and develop the IEP begins (*EC* 56321) (accessible at: https://bit.ly/2DdqcSa) and (*EC* 56344) (accessible at: https://bit.ly/2IBS4D1).

The following list identifies the steps in which the LEA or district can engage to assess English learners to determine eligibility for special education in California. Each step is then described in further detail.

- Send prior written notice of the intent to assess the student, assessment plan, and procedural safeguards to the parent or guardian (*EC* 56321) (accessible at: https://bit.ly/2DdqcSa).

- Conduct an evaluation by qualified personnel after receiving written consent from the parent/guardian for assessment.

- Schedule and convene an IEP meeting with required IEP team members after receiving written consent from the parent/guardian.

Prior Written Notice

Under *EC* 56321 (accessible at: https://bit.ly/2DdqcSa), "If an assessment for the development or revision of the individualized education program is to be conducted, the parent or guardian of the pupil shall be given, in writing, a proposed assessment plan within 15 days of the referral for assessment." In accordance with 34 *CFR*, the school district must provide the notice in language understandable to the general public and provided "in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so" (34 *CFR* 300.503[c]) (accessible at: https://bit.ly/2IoYTbR). The required content of notice, under 34 *CFR* Section 300.503(b) (accessible at: https://bit.ly/2IoYTbR), is as follows:

- A description of the action proposed or refused by the agency;
- An explanation of why the agency proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- A statement that the parents of a child with a disability have protection under the procedural safeguards; and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- A description of other options that the IEP team considered and the reasons why those options were rejected; and
- A description of other factors that are relevant to the agency's proposal or refusal.

Since this initial assessment plan proposes to begin the evaluation, identification, and potential placement in special education, a prior written notice is required.

Comprehensive Evaluation Process

Developing the Assessment Plan

The assessment process begins with the development of an assessment plan as defined in *EC* 56321(a) (accessible at: https://bit.ly/2DdqcSa):

> If an assessment for the development or revision of the individualized education program is to be conducted, the parent or guardian of the pupil shall be given, in writing, a proposed assessment plan within 15 days of the referral for assessment not counting days between the pupil's regular school sessions or terms or days of school vacation in excess of five schooldays from the date of receipt of the referral, unless the parent or guardian agrees, in writing, to an extension.

The requirements continue on to describe the provision of providing the parent a copy of their procedural safeguards and prior written notice (PWN):

A copy of the notice of a parent's or guardian's rights shall be attached to the assessment plan. A written explanation of all the procedural safeguards shall be included in the notice of a parent's or guardian's rights, including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; and the type of representative who may be invited to participate.

The assessment plan components are defined in *EC* 56321(b) (accessible at: https://bit.ly/2DdqcSa):

b. The proposed assessment plan given to parents or guardians shall meet all the following requirements:

    1. Be in language easily understood by the general public;

    2. Be provided in the primary language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is clearly not feasible;

    3. Explain the types of assessments to be conducted; and

    4. State that no individualized education program will result from the assessment without the consent of the parent.

The student, including English learners, must be assessed in all areas related to his[2] suspected disability as the process to determine eligibility as a child with exceptional needs, the initial educational placement (school or program site where the student with exceptional needs will receive special education instruction), and the creation of the student's IEP. The assessment plan must be provided to the parent in a language understood by the parent, if available, and must include all areas of evaluation and the title of the examiner for each assessment. No single measure or assessment should be used as the sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil.

The pupil should be assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history shall be obtained, when appropriate. For pupils with

residual vision, a low vision assessment shall be provided (*EC* 56320) (accessible at: https://bit.ly/2V1FROH). The assessment plan may include the following types of assessment as defined by *EC* 56320(e)(f)):

These various types of assessments are briefly described below:

- Academic Achievement: These evaluative tools measure reading, spelling, mathematics, oral and written language skills, and/or general knowledge. Some of these assessments offer Spanish translations (and, if available, other language translations) of the English edition on which they were based which may be used when appropriate. This may include editing certain items to be culturally appropriate or relevant. Spanish-language norms are collected from a US-based Spanish-speaking population. See *Components of the Evaluation Process* section below as well as (*EC* 56320[a]) for guidance on assessing the student in their primary language or mode of communication.

- Health: Health information and testing are gathered to determine how the student's health affects school performance. *EC* 49455 (accessible at: https://bit.ly/2V0MJvA) requires vision screening "During the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8."

- Intellectual Development (when necessary): These standardized assessments measure how well the student thinks, remembers, and solves problems. Bilingual school psychologists are trained to conduct assessments for English learners. These types of assessments involve measuring a student's intellectual ability, and it may or may not involve a traditional IQ test.

- Language/Speech Communication Development: These assessments measure the student's ability to understand and use language and speak clearly and appropriately. Bilingual speech pathologists are trained to conduct assessments for English learner students.

- Motor Development: These assessments measure how well the student coordinates body movements in small and large muscle activities. Perceptual skills may also be measured.

- Social-Emotional: These assessments indicate how the student feels about him/herself, gets along with others at home, at school, and in the community.

- Adaptive/Behavior: These assessments indicate how the student takes care of personal needs at home, at school, and in the community. The parent may require an interpreter to complete the assessments.

- Post-Secondary Transition: These assessments relate to training, education, employment, and, where appropriate, independent living skills.

- Other: Determined by the assessment team.

- Alternative Means of Assessment: Describe alternative methods of assessing the student, if applicable.

It is important to note that each assessment must be used only for the purpose that it was designed, and provided and administered in the language and form most likely to provide accurate information on what the student knows and can do academically, developmentally, and functionally.

As per *EC* 56321(c)(4) (accessible at: https://bit.ly/2DdqcSa), "the parent or guardian shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision." The LEA will document the date on which they received the assessment plan from the parent and, upon consent, a multidisciplinary team conducts an individual assessment of the student's educational needs. This assessment shall be conducted by qualified persons in accordance with the requirements of *EC* 56320 (accessible at: https://bit.ly/2V1FROH).

Procedural Safeguards

This information provides an overview of educational rights, which identify the procedural safeguards, to the parents, legal guardians, and surrogate parents of children with disabilities from three years of age through age twenty-one and students who have reached age eighteen, the age of majority.

The notice of procedural safeguards is required under 34 *CFR* 300.504(a) (accessible at; https://bit.ly/2Gmy9Fx) and must be provided to the parents, legal guardians, or surrogate parents in their primary language:

- Upon initial referral or parent request for evaluation

- Upon receipt of the first state complaint under 34 *CFR* 300.151 (accessible at: https://bit.ly/2Dss61F) through 300.153 (accessible at: https://bit.ly/2DkuPKq) and upon receipt of the first due process complaint under 34 *CFR* 300.507 (accessible at: https://bit.ly/2GoyTd4) school year

- In accordance with the discipline procedures in Section 34 *CFR* 300.530(h) (accessible at: https://bit.ly/2Ipg10W)

- Upon request by a parent

Components of the Evaluation Process

The special education evaluation requirements (from *EC* 56320 which is accessible at: https://bit.ly/2V1FROH) include the following components:

- informed consent from the child's parent or guardian must be secured by the LEA prior to conducting any assessment (refer to the following section on assessment plan for more information regarding the consent requirement as it relates to assessment)

- testing and assessment materials and procedures used for the purposes of assessment and placement of an individual with exceptional needs are selected and administered so as to not be racially, culturally, or sexually discriminatory (*EC* 56320[a])

- testing and assessment materials and procedures shall be provided in the student's primary language or mode of communication, unless it is clearly not feasible to do so (*EC* 56320[a])

Tests and other assessment materials for the special education evaluation must meet the following requirements:

- are provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer (*EC* 56320[b][1])

- are used for the purposes for which the assessments or measures are valid and reliable (*EC* 56320[b][2])

- are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that the individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist (*EC* 56320[b][3])

- include those tailored to assess specific areas of educational need and not merely those that are designed to provide single general intelligence quotient (*EC* 56320[c])

- are selected and administered to best ensure that when administered to a pupil with impaired sensory, manual, or speaking skills produce test results that accurately reflect the student's aptitude, achievement level, or any other factors the test purports to measure and not the student's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure (*EC* 56320[d])

- no single measure or assessment is used as the sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil (*EC* 56320[e])

- the pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history shall be obtained, when appropriate (*EC* 56320[f])

California Code of Regulations has specific language and additional requirements for assessment plans for students who are English learners:

- In addition to the assessment plan requirements (*EC* 56321) (accessible at: https://bit.ly/2DdqcSa), the proposed written assessment plan shall include a description of any recent assessments conducted, including any available independent assessments and any assessment information the parent requests to be considered, and information indicating the pupil's primary language and the pupil's language proficiency in the primary language as determined by *EC* 52164.1 (accessible at: https://bit.ly/2UYLRHY) and 5 *CCR* 3022 (accessible at: https://bit.ly/2IBLMDm).

The following requirements apply in conducting assessments for eligibility and for reassessments:

- In addition to the requirements in *EC* 56320 (accessible at: https://bit.ly/2V1FROH) and 56381 (accessible at: https://bit.ly/2IpV9qy), assessments and reassessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it is clearly not feasible do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity of the assessment may have been affected (5 *CCR* 3023[a]) (accessible at: https://bit.ly/2ICd2BI).

- The normal process of English language development, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a disabling condition (5 *CCR* 3023[b]) (accessible at: https://bit.ly/2ICd2BI).

- The Legislature's intent is for procedures and materials for assessment and placement of individuals with exceptional needs to be selected and administered so as to not be racially, culturally, or sexually discriminatory. No single assessment instrument shall be the sole criterion for determining the placement of a pupil. The procedures and materials for use with English learners, as defined in subdivision (m) of *EC* 52163 (accessible at: https://bit.ly/2MNwq2v) and in paragraph (18) of 20 *U.S.C.* 1401 (accessible at: https://bit.ly/2GIE910), shall be in the individual's native language, as defined in paragraph (20) of 20 *U.S.C.* 1401 (accessible at: https://bit.ly/2GIE910).

- All assessment materials and procedures shall be selected and administered pursuant to *EC* 56320 (accessible at: https://bit.ly/2V1FROH).

Obtaining the health and developmental history including prenatal history and development milestones is usually obtained through an interview with the parent or caregiver. If the parent is not an English speaker, best practice suggests care should be taken to provide an interpreter who is knowledgeable and professional, as some of the information discussed may be sensitive. It is recommended that positive rapport between the parent and the interpreter be established prior to the interview process. Providing the questions to the parent ahead of time in her primary language helps her to feel more prepared for this very important information.

Assessment Planning Process

The comprehensive multidisciplinary report should include background information, such as health and medical history; current educational information, including observations of the student in the classroom; the student's language levels on the playground and in the classroom; current grades; state testing scores; English Language Proficiency Assessments for California (ELPAC), and whether the student has a history of special education. Although the CELDT is no longer administered, the team could consider reviewing CELDT information from previous administrations of the test. The assessment reports will include at the minimum the following required components (*EC* 56327) (accessible at: https://bit.ly/2Zbzesi):

- whether the student may need special education and related services (*EC* 56327[a])

- the basis for making the determination (*EC* 56327[b])

- relevant behavior noted during the observation of the student in an appropriate setting (*EC* 56327[c])
- the relationship of that behavior to the student's academic and social functioning (*EC* 56327[d])
- educationally relevant health and medical findings, if any (*EC* 56327[e])
- for students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services (*EC* 56327[f])
- a determination concerning the effects of environmental, cultural, or economic disadvantages, where appropriate (*EC* 56327[g])
- the need for specialized services, materials, and equipment for pupils with low incidence disabilities (*EC* 56327[h])

Individualized Education Program Team Members

Each meeting to develop, review, or revise the IEP of a student with exceptional needs is conducted by an IEP team. The IDEA regulation in 34 *CFR* 300.321(a) (accessible at: https://bit.ly/2V9AY6o) specifies that the participants on each child's IEP team include:

1. the parents of the child;
2. not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
3. not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child;
4. a representative of the public agency who:
   - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
   - is knowledgeable about the general education curriculum; and
   - is knowledgeable about the availability of resources of the public agency;

5. an individual who can interpret the instructional implications of evaluation results;

6. at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; if the student is an English learner, an English learner specialist should attend; and

7. whenever appropriate, the child with a disability.

Although not required by IDEA, the Office of Special Education Programs (OSEP) gave guidance[3] citing that it is important for IEP teams for English learners with disabilities to include persons with expertise in English language development and other professionals, such as speech-language pathologists, who understand how to differentiate between limited English proficiency and a disability. The participation of these individuals on the IEP team is highly recommended in order to develop appropriate academic and functional goals for the child and provide specially designed instruction and the necessary related services to meet these goals.

To ensure parent participation, the LEA must meet the requirement stated in *EC* 56341.5(i) (accessible at: https://bit.ly/2GppTpv) stating that the LEA shall take any action necessary to ensure that the parent understands the proceedings at the IEP team meeting including arranging for an interpreter for a parent whose native language is other than English.

It is best practice that IEP teams for English learners with disabilities include a public agency representative, as described previously, who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of English learners with disabilities. This representative should be knowledgeable about the availability of agency resources needed to enable English learners with disabilities to meaningfully access the general education curriculum. This will ensure that the services included in the English learner student's IEP are appropriate for the student and can actually be provided. Under the IDEA, the IEP team must consider a number of special factors in developing, reviewing, or revising a child's IEP. Under 34 *CFR* 300.324(a)(2)(ii) (accessible at: https://bit.ly/2GprU50), the IEP team must "in the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP." Therefore, to implement this requirement, the IEP team should include participants who have the requisite expertise about the student's language needs. An IEP team that includes appropriate members should be able to make thoughtful decisions about the content of an English learner's IEP, including the manner in which the student participates in the annual state English language proficiency (ELP) assessment. In addition, states and LEAs are encouraged to provide other IEP team members with appropriate training in language development and the unique needs of English learners with disabilities.

Linguistically and Culturally Sensitive Assessments

Assessments must be "provided and administered in the language and form most likely to provide accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer" (*EC* 56320[b][1]) (accessible at: https://bit.ly/2V1FROH). Determining how best to assess an English learner to come to valid and reliable assessment results is not an easy task. Language acquisition must be taken into account when making decisions about how best to assess an English learner to avoid language barriers or cultural bias.

Considerations Regarding Language of Assessment

Multidisciplinary team members assessing English learners determine, through multiple measures, which language used during assessment will produce the most reliable result. They review and evaluate the English interpersonal communication skills (or document the current results of the ELP statewide assessment such as ELPAC) and include data from formal and informal assessments that measure the literacy-related aspects of language to determine the best language for assessment. For example, team members informally assess the language development of English learners by analyzing the student's ability to understand teacher-talk or reading comprehension through re-tell assessments. Unless these skills are analyzed and measured, teachers may attribute low achievement to learning disabilities when they may, in fact, be related to lack of academic language proficiency.

Determining a Student's Primary Language

To determine a student's primary language, the following federal definition (34 *CFR* 300.29) (accessible at: https://bit.ly/2KLEq2Q) provides: "The language normally used by that individual, or in the case of a child, the language normally used by the parents of the child. In all direct contact with a child, the language normally used by the child in the home or learning environment. In accordance with the 5 *CCR* 3001(q) (accessible at: https://bit.ly/2IBU8La), 'primary language' means the language other than English, or other mode of communication, the person first learned, or the language that is used in the person's home."

Assessing in the student's primary language provides comparative data to the multidisciplinary team about how the student performs in the primary language versus English. Primary language assessment provides the assessor (psychologist, speech and language specialist, special educator, etc.) the opportunity to see if similar error patterns appear in both the primary language and English (listening, speaking, reading, or writing) in order to discern if the student is having academic difficulty due to a language difference or a disability. It is especially

important that the school psychologist begin the assessment process of an English learner by assessing the student's cognition in both English and the primary language to determine if the student is cognitively higher in his primary language.

To determine the child's primary language, the following best practices can guide bilingual assessment decisions:

- An assessor fluent in both languages should determine the student's relevant strengths and weaknesses in her primary language and English to guide the assessment team regarding the types of assessment the team will perform by using like instruments in primary language and English when available. This helps to provide a more comprehensive view of what the student knows and can do.[4]

- All assessors should assess in the language of preference when possible.

- If primary language assessments are not available, use non-verbal measures with other information gathering to inform decisions.

- Assessors should be trained in English language development and assessment.

- The assessment reports should clearly document the decisions made regarding the language modality in which to assess.

Determining Language of Assessment

Many English learners have been educated overwhelmingly in English since kindergarten or upon entry in school and have received little to no formal academic instruction in their primary language. Whether to assess English learners in their primary language if they have had no academic instruction in that language is a question brought up frequently by student study teams. Knowing that a student is processing cognitively at a higher level in his primary language is highly relevant information prior to engaging in academic assessment. If an English learner is processing higher in his primary language, some level of academic assessment should be conducted to determine if the student has any academic skills in his primary language (this may be done informally). For instance, an English learner may have higher levels of verbal/oral language in his primary language than in English, and oral language is one area of academic consideration.

Potential tools for making this determination for students who are primarily Spanish speakers are contained in the Consortium in Reaching Excellence in Education's *Assessing Reading:*

Multiple Measures (available for sale at: https://bit.ly/2VLVB5s), which includes informal assessments in all areas of language arts in Spanish and English.

If the preliminary bilingual assessment data indicates the student has little or no skill in the primary language (in cognition, academics, or speech and language), the team may opt to continue the remainder of the assessment in part, or in whole, in English. If it is determined that a student has some level of academic skill in both languages, assessment in English and the primary language should be offered when feasible. In some situations, it may not be feasible to assess in the student's primary language. Examples of such situations include:

- The student has a disability that contributes to a lack of communication skills.
- Primary language assessments are unavailable. It is best practice to interview the parent or guardian about the student's patterns of use in her primary language patterns through the use of an interpreter.

If a team is unable to assess in the student's primary language it is important to determine if an alternative assessment is available, reliable and valid for the purpose of determining eligibility. All academic assessment results are documented in the assessment report along with the rationale for assessing in English only or in both the primary language and English language, and the tools, alternative included, that were used. Additional information regarding assessment feasibility is offered later in this chapter. Appendix 4.1 offers a comprehensive list of potential bilingual assessment tools in areas of cognitive, social-emotional, language, academics, and speech and language.

Assessor Sensitivity to Linguistics and Culture

Assessors should also address sociocultural factors as part of the preliminary assessment process. The following four sources of information may help address sociocultural factors related to English learners:

1. Norm-referenced assessments in English and the student's primary language (if primary language assessments are available) used to compare a student's progress to others in their peer group. This group may contain students in the same grade across the nation or other categories such as special education, disability status, English learners, gifted students, and more. Many assessments are not normed with a population of English learners and therefore may carry biases.

2. Criterion-referenced tests measuring a student's performance based on mastery of specific sets of skills. These tests measure what the student knows and does not know at the

time of the assessment. The student's performance is not compared to other students' performances on the same assessment. The California Assessment of Student Performance and Progress (CAASPP) is a criterion-referenced measure as it determines mastery of the California Common Core State Standards.

3. Systematic observation in educational environments using observation tools that focus on the child's response to effective practices for English learners including explicit teaching, systemic ELD instruction that is both integrated and designated, explicit instruction of literacy components, and opportunities for developing English vocabulary and language skills.

4. Structured interviews (with student, parent, teachers, etc.) that include information from the student on the language that best helps her learn, from parent's information on language development in the home and in comparison to peers and, from teachers, information on language usage in the classroom.

Recommended Use of Interpreters for Bilingual Assessments

Ideally, when choosing an interpreter for special education assessment, the interpreter is a professional who is trained in the role of interpreter and translator and is knowledgeable of special education policy and processes. Even if the interpreter is a trained professional, the assessment for each English learner is different, so it is important to prepare the interpreter prior to the assessment. To prepare the interpreter, best practice suggests that the assessor and interpreter:

- know what tests are being administered;
- are prepared for the assessment to take extra time;
- ensure that the interpreter speaks the same dialect as the student; and
- administer only the tests that the interpreter has been trained to assist in administering.

To prepare for the assessment, the team member and the interpreter together should meet to discuss the general purpose of the assessment session. The following steps will help the session provide valid and reliable test results.

- Describe to the interpreter the assessment instruments that will be administered.

- Provide the interpreter with information about the student.

- Review English test behavior with the interpreter, if applicable.

- Remind the interpreter to make a written note of all the behaviors she observes during the assessment.

- Allow time for the interpreter to organize materials, re-read the test procedures, and ask for clarification if needed.

- Remind the interpreter that she will need to follow the exact protocol of the test (e.g., whether she can repeat a question, cue, etc.).

The following suggestions for debriefing with the interpreter will provide invaluable information about the assessment.

- Ask the interpreter to review each test response without making clinical judgment.
- Review any difficulties relative to the testing process.
- Review any difficulties relative to the interpretation process.
- Review any other items relevant to the assessment process

Language of Assessment Options

Based on the requirements in the regulations to assess students in their primary language, the following hierarchy of best practices is recommended when conducting assessment of English learners to determine eligibility for special education.[5]

1. **First Best Option**—It is best practice to engage in the following steps if feasible:
    - First administer cross-cultural, non-discriminatory assessments that align to the referral concerns regardless of language difference in a standardized manner in English. If analysis of the data indicates the student is performing in the average or above-average range, there is likely no disability; however, assess the student in her primary language in relative or suspected areas of weakness to confirm scores using fully bilingual assessors. If the student does not perform in the average or above-average range in English, engage in primary language assessment in all areas of concern.

    - Engage in structured interviews with parents and staff.

    - Engage in observation of the student in varied environments.

    - Collect data from curriculum-based and criterion-based assessment measures to validate potential areas of concern and strength as compared to like peers.

2. **Second Option**—If it is not feasible to engage in the first best assessment option for English learners because no assessor is available in the primary language:
   - Engage in structured interviews with parents and staff using an interpreter if necessary.
   - Engage in observation of the student in varied environments.
   - Collect data from curriculum-based and criterion-based assessment measures to validate potential areas of concern and strength as compared to like peers.
   - Using a trained interpreter, administer the primary language assessments under the supervision of a licensed assessor and document the limitations in the assessment report of the student.

3. **Third Option**—If it is not feasible to engage in either the first or second option for assessing English learners for determining eligibility for special education because no bilingual assessor is available and no standardized assessment tools are available in the primary language:
   - Engage in structured interviews with parents and staff using an interpreter if necessary.
   - Engage in observation of the student in varied environments.
   - Collect data from curriculum-based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers.
   - Use an interpreter who speaks the primary language to provide an oral translation of assessments normed and written in English. Be sure to document any limitations due to this condition in the assessment report and do not report the standardized test scores, but document the patterns of strengths and weaknesses.

4. **Fourth Option**—If none of the previous three options is feasible:
   - Engage in structured interviews with parents and staff using an interpreter if necessary.
   - Engage in observation of the student in varied environments.
   - Collect data from curriculum-based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers.

- Assess in English, to include non-verbal areas of cognition. If the student shows low cognition or there are patterns of weakness, attempt to validate with non- standardized data collection.

Academic Assessment Options for English Learners

When assessing the academic skills of an English learner to determine eligibility for special education, determine whether the student's primary language or English will provide the most valid result. To assess academic skills in the primary language, consider the extent and quality of primary language academic instruction an English learner has received. Some of the factors to consider include:

- last grade completed if the English learner attended school in her country of origin;
- amount of time passed since the English learner received primary language instruction;
- extent of primary language instruction the English learner received since leaving her country of origin (e.g., dual immersion program versus transitional bilingual program);
- subjects in which the English learner received instruction in her primary language; and
- levels of academic achievement in the primary language when first entering the United States.

Consideration in Assessment Options for English Learners

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

If the English learner's primary language is other than Spanish, it may be that no bilingual assessment materials are available, and the cognitive assessment results indicate the student has higher processing skills in his primary language, the assessor must attempt to engage in informal assessment in the areas of reading, writing, and math in the primary language to the fullest extent possible. If the student has received little or no instruction in the primary language, the assessor should document the level of primary language assessment attempted and engage in assessment of academic skills in English.

Assessments and reassessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary

language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it is clearly not feasible to do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity of the assessment may have been affected (5 *CCR* 3023) (accessible at: https://bit.ly/2ICd2BI); *EC* 56320 (accessible at: https://bit.ly/2V1FROH), and *EC* 56381 (accessible at: https://bit.ly/2Dg3VmC).

The information obtained using an interpreter should be noted in assessment reports and shared at the IEP meeting for decision-making purposes. For example, after giving the Applied Problems subtest from the Woodcock Johnson IV Academic Achievement Test (2014) in English to an English learner, an interpreter is accustomed to checking whether the student would perform better after hearing the problem read in his primary language. A new score could not be used, but if the English learner was more successful after hearing the problem in his primary language, the variation could be due to English language development rather than a learning disability affecting math skills. This difference should be reflected in the assessment report.

In order for the team to determine the presence of or rule out a disability as a contributing factor to the student's lack of progress, the IEP team must review data sources in addition to standardized assessment. Descriptions of some of the multiple measures necessary to make an informed decision follow.

Multiple Measures of Student Progress

The team must "rule out" that a student's lack of progress is not due to factors other than a disability (that is, the team will rule out specific factors to determine if the academic difficulties are truly outcomes of disability). To ensure that the student's lack of progress is not due to a lack of evidence-based instruction and intervention or is an outcome of English language development, IEP team members can use the *Comprehensive Evaluation Process for English Learners*[6] to ensure that they have obtained all background information as described from the cumulative file review, extrinsic factor review, and intervention summary described in chapter 3 of this guide.

To determine the role that language development may play in the student's academic or behavioral struggles, the team needs to rule out extrinsic factors related to language development and identify to what extent the student received comprehensive ELD instruction. The student's intervention record should contain a record of the intervention instruction, and data related to the ELD instruction. (Please remember that ELD is not considered an intervention).

To determine whether the student received instruction that uses explicit oral and written language models or has had opportunities to interact during lessons using a variety of talk structures, an IEP team member will observe the student in her classroom environment to determine if she has received instruction that will positively affect her English language development. Observations of the student could occur in multiple contexts not just to observe the teaching, but also to observe the student's language levels on the playground and in the classroom. Additional language development data should be available through other data sources such as the ELPAC, curriculum-based measures, and other classroom assessments. Language development information should also be obtained from parents through interviews as a primary source.

Lastly, the team will consider extrinsic factors related to previous and current learning environments. Refer to the *English Learner Extrinsic Factors* checklist, introduced in chapter 3 and found in appendix 3.3, for guiding questions associated with ruling out extrinsic factors.

Current learning environment is also evaluated through classroom observations to determine if the student has received instruction matched to her level of language proficiency in daily instruction. Observers look for instruction that includes manipulatives and hands-on activities, realia (actual objects), graphic organizers, flexible grouping, vocabulary and language scaffolding, and literacy taught in a meaningful and contextual manner with frequent checks for understanding.

In making decisions about the impact of the current learning environment, it is recommended that teams review student work samples against the work of peers with similar backgrounds, review performance data across content areas, and use a variety of data sources such as classroom performance and district and state assessment to investigate academic performance in all languages.

Intervention History

To determine that the student's minimal progress is not due to a lack of evidence-based instruction or intervention, multidisciplinary teams collect intervention data from all previous interventions that have been applied. The *English Learner Intervention Summary* form, introduced in chapter 3 and found in appendix 3.4, will inform the multidisciplinary team of the academic and behavioral concerns and how they were addressed through the interventions. It also provides a place for interventionists to record data on the outcomes and dates of those outcomes. This data creates a longitudinal picture of the student's progress over time and provides the foundation for additional multidisciplinary team assessments.

Interviews with Parents, the Student, the Teacher, and Specialists

Data collected during the referral process, in addition to assessment data, creates the foundation for determining eligibility for special education and related services. Information from multiple contexts, tools, and perspectives including interviews and observations can help determine:

- how the student functions in the home and school environment;
- the impact of the student's difficulties from the perspective of the parent or teacher;
- interventions that have been tried previously and the success of these interventions;
- how the student copes and adapts to various situations; and
- teacher or parent concerns or questions that the assessment should answer.

Interview with Parents and Family

Intervention history; previous testing such as ELPAC and the CAASPP; information such as attendance, grades, retention, and schools attended; and other extrinsic factors become part of the multiple measures used to obtain a picture of the whole student. In addition to academic data, the assessment will include results from vision and hearing screenings and a thorough health history obtained from interviewing the parent to create a fuller picture of the student's developmental and health history. This part of the assessment is invaluable as the parent has the greatest knowledge of the student, including information about early health issues, ongoing medical concerns, and developmental milestones.

The family is also able to provide information on the student's primary language and overall development compared to siblings and peers her age. Meeting with the family creates the opportunity to gain insight into the student's language usage, including the language she uses most often at home with adults in the home and with siblings, and with friends in the neighborhood. Parents can provide a clear picture of the student's ability to understand them when they speak to her at home in their primary language. This information will help the multidisciplinary team when making decisions about the language to use for assessment. Lastly, the interview also provides an opportunity to learn about the student's strengths and talents as well as the parents' concerns. Appendix 4.2 offers interview information and interview forms.

Interview with the Student

Interviewing the student will provide the most accurate data and greatest insight on the preferred language of the English learner being assessed. This interview will help the team member identify which language the student uses at home, in the neighborhood, in the classroom, and on the playground. Receiving information from the student himself will provide

insight into the language the student is most comfortable speaking, the language he uses for meta-cognition or thinking to himself, and how language affects his ability to follow instructions in the classroom. The *English Learner Student Questionnaire: Language Use*, shown in figure 4.1 and found in appendix 4.3, will help the assessor draw out the student.

Figure 4.1.
English Learner Student Questionnaire: Language Use

Appendix 4.3: English Learner Student Questionnaire: Language-Use

Please use date format: mm/dd/yyyy

Student: ID:

Student L1 (Language other than English):

Age: Grade:

Examiner Name: Date:

1. I first learned to speak in:	○ English	○ L1	○ Both
2. I feel more comfortable speaking:	○ English	○ L1	○ Both
3. If I had to tell what I did over the weekend, would it be easier in:	○ English	○ L1	○ Both

An accessible long description of figure 4.1 is available at https://www.cde.ca.gov/sp/se/ac/ch4longdescriptions.asp#figure1.

Source: Adapted from: A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016).

Interview with the Teacher

Information from the teacher about the student's language use in the classroom is key to helping the team make determinations about language assessment and also provides insight into how the student's proficiency in English might be affecting his learning. The interviewer can use the *English Learner Teacher Questionnaire*,[7] found in appendix 4.4, to guide the interview. The questionnaire addresses questions related to the language the student uses with teachers and peers in the classroom and on the playground. The teacher can provide information on the

language the student uses to communicate socially, how well the student uses grammar and vocabulary related to academic tasks, and whether the student is reluctant to speak in English. Information on the length and complexity of English language use is best observed by the teacher as the person at school who spends the most time with the student. The teacher can also provide insight into how the student processes non-verbal compared to verbal problems, as well as first-hand information on the language of instruction and any instructional and language scaffolds and supports that help the student.

Interview with the English Learner Specialist

Information from the English learner specialist will provide the essential information on the student's language proficiency in order to develop a better picture of the role of language in the student's academic or behavioral difficulties. The English learner specialist is able to provide insight into the types of learning behaviors that teachers might observe that may look disability related but are actually functions of language acquisition. It is not uncommon for students in the emerging stages of English language development to lack an understanding of the vocabulary that affects their ability to follow instructions. Students who need frequent verbal repetitions may also seem to be affected by a disability, but an English learner may be translating in her mind and therefore seem to be slow in responding. Production may also seem inhibited, reflecting what some may think is a language disorder, but may only reflect an English learner's lack of expressive language skills in English and not an overall expressive language delay.

Information from the English learner specialist will reflect the student's current English language skills—Beginning, Expanding or Bridging proficiency levels from the *CA ELD Standards* as described in chapter 1—and what these skills look like in the classroom in the areas of oral comprehension and listening, speaking and oral fluency, phonemic awareness and reading, writing, handwriting, spelling, mathematics, and behavior. The English learner specialist will have greater insight into how the student's current language proficiency level affects each of these areas. For this reason, it is important that the English learner specialist provide input into the IEP team assessment and play a role in the IEP development if the student is found to be eligible for special education services. The English learner specialist can use the continuum of English language development proficiency levels shown in figure 4.2 (adapted for 508 compliance from the original version) in classroom observations or while working with students as a rubric to determine the student's current language proficiency level.

Figure 4.2.

English Language Development Proficiency Level Continuum and Mode of Communication

ELD Proficiency Level Continuum: Emerging

Mode of Communication	At the early stages of the Emerging level, students are able to perform the following tasks:	Upon exit from the Emerging level, students are able to perform the following tasks:
Collaborative	• Express basic personal and safety needs and ideas, and respond to questions on social and academic topics with gestures and words or short phrases. • Use basic social conventions to participate in conversations.	• Express basic personal and safety needs and ideas, and respond to questions on social and academic topics with phrases and short t sentences. • Participate in simple, face-to-face conversations with peers and others.
Interpretive	• Comprehend frequently occurring words and basic phrases in immediate physical surroundings. • Read very brief grade-appropriate text with simple sentences and familiar vocabulary, suppor ted by graphics or pictures. • Comprehend familiar words, phrases, and questions drawn from content areas.	• Comprehend a sequence of information on familiar topics as presented through stories and face-to-face conversation. • Read brief grade-appropriate text with simple sentences and mostly familiar vocabulary, supported by graphics or pictures. • Demonstrate understanding of words and phrases from previously learned content material.

Mode of Communication	At the early stages of the Emerging level, students are able to perform the following tasks:	Upon exit from the Emerging level, students are able to perform the following tasks:
Productive	• Produce learned words and phrases and use gestures to communicate basic information. • Express ideas using visuals such as drawings, charts, or graphic organizers. • Write or use familiar words and phrases related to everyday and academic topics.	• Produce basic statements and ask questions in direct informational exchanges on familiar and routine subjects. • Express ideas using information and short responses within structured contexts. • Write or use learned vocabulary drawn from academic content areas.

ELD Proficiency Level Continuum: Expanding

Mode of Communication	At the early stages of the Expanding level, students are able to perform the following tasks:	Upon exit from the Expanding level, students are able to perform the following tasks:
Collaborative	• Express a variety of personal needs, ideas, and opinions and respond to questions using short sentences. • Initiate simple conversations on social and academic topics.	• Express more complex feelings, needs, ideas, and opinions using extended oral and written production; respond to questions using extended discourse. • Participate actively in collaborative conversations in all content areas with moderate to light support as appropriate.

Mode of Communication	At the early stages of the Expanding level, students are able to perform the following tasks:	Upon exit from the Expanding level, students are able to perform the following tasks:
Interpretive	• Comprehend information on familiar topics and on some unfamiliar • topics in contextualized settings. • Read independently a variety of grade-appropriate text with simple sentences. • Read more complex text supported by graphics or pictures. • Comprehend basic concepts in content areas.	• Comprehend detailed information with fewer contextual clues on unfamiliar topics. • Read increasingly complex grade-level text while relying on context and prior knowledge to obtain meaning from print. • Read technical text on familiar topics supported by pictures or graphics.
Productive	• Produce sustained informational exchanges with others on an expanding variety of topics. • Express ideas in highly structured and scaffolded academic interactions. • Write or use expanded vocabulary to provide information and extended responses in contextualized settings.	• Produce, initiate, and sustain spontaneous interactions on a variety of topics. • Write and express ideas to meet most social and academic needs through the recombination of learned vocabulary and structures with support.

Source: Adapted from: California Department of Education, *English Language Arts/ English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento: California Department of Education, 2015).

Observations

One of the best ways to obtain information about the student's language acquisition, language usage, and learning challenges is through direct observation. This authentic process for gathering data allows the observer the opportunity to focus on actual relevant behaviors in context, providing insightful and reflective data.

Gaviria and Tipton[8] identify that different types of observations provide different contexts for the data that is collected. Anecdotal observations allow those close to the student to record specifically identified behaviors over time within the classroom setting. These slices of life are recorded over a longer period of time by the teacher or other adults in the room. Narrative recording provides an opportunity for a passive observer to observe and record detailed notes to later write about the observation. Participant observations, in which an observer participates in a classroom activity while observing, are another option for gaining deeper insight into either language proficiency in the classroom or academic and behavioral struggles. In this type of observation, the student does not know that he is being observed. For more information on these different types of observations see appendix 4.5.

Gaviria and Tipton[9] suggest using the classroom observation tool that focuses on best instructional practices for English learners. Figure 4.3 shows an example of an observation form, available in appendix 4.6, developed by the San Diego Unified School District. Please note that this form does not differentiate between designated and integrated ELD and is not intended to function as a tool for teacher evaluation.

Figure 4.3.
English Learner Classroom Observation Checklist

Appendix 4.6: English Learner Classroom Observation Checklist

Please use date format: mm/dd/yyyy

School: Observer:

Teacher Name: Grade:

Date & Time: Subject/Period:

Activity:

Environment observations

Schedule visible

Risk taking, safe

Models of student work displayed

An accessible long description of figure 4.3 is available at https://www.cde.ca.gov/sp/se/ac/ch4longdescriptions.asp#figure3.

Source: Adapted from: A. Gaviria, and T. Tipton, *CEP-EL: A Comprehensive Evaluation Process for English Learners: A Process Manual* (https://bit.ly/2J3DOE8) (San Diego, CA: San Diego Unified School District, 2012, updated 2016). Used with permission.

Although observations are often the most authentic avenue for gathering data, there are some drawbacks to take into consideration. The observer may affect the behavior of the child or the teacher simply with their presence. To address this challenge, choose observers with whom both the teacher and student are comfortable. In this case the English learner specialist or other familiar intervention staff might be better observers than the school psychologist or other stranger in the classroom setting. If the observer does have to be someone with whom the student is not familiar, it is preferable to conduct the observation in an environment such as a playground or cafeteria where the student does not know she is being observed and where adults other than the student's teachers are often present.

The *Focused Observation of English Learner During English Instruction*[10] found in appendix 4.7 is another observation tool that provides the observer the opportunity to observe the behavior of the teacher and the student as well as that of other students in the classroom. This tool includes an opportunity for scripting what the student says in discussion with other students.

Instructionally the tool focuses on the comprehensible input, the scaffolding observed, the opportunities for meaningful interaction, and the opportunities for supported practice and application of skills. Through observation, the observer reports how the student is responding to the instruction, the evidence that the student comprehends the instruction, and how the student makes meaning of what he has learned. The observer also looks at how the student is interacting and learning with his peers. In addition, the observer takes time to observe what the other students are doing, record how other students respond to instruction and to the target student, and compare the target student's interest in and interaction with the content with other English learners in the class. Last, the observer scripts a student conversation, including the interaction and conversation with peers, to determine true language ability in the classroom.

Recommended Components of the Assessment Report for an English Learner

All of the data sources will provide information to meet the minimum requirements of the assessment report. *EC* 56327 (accessible at: https://bit.ly/2Zbzesi) indicates the minimum requirements of the assessment report for English learners, including information pertaining to:

- whether the student may need special education and related services (*EC* 56327[a]);
- the basis for making the determination (*EC* 56327[b]);
- relevant behavior noted during observation of the student in an appropriate setting (*EC* 56327[c]);
- relationship of that behavior to the student's academic and social functioning (*EC* 56327[d]);
- educationally relevant health and development and medical findings if any (*EC* 56327[e]);
- for students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services (*EC* 56327[f]);
- a determination concerning the effects of environmental, cultural, or economic disadvantages, where appropriate (*EC* 56327[g]); and
- for pupils with low incidence disabilities, the need for specialized services, materials, and equipment (*EC* 56327[h]).

In addition to these minimum requirements, it is best practice for assessment reports for English learner students to include the following documentation:

- impact of language, cultural, environmental, and economic factors in learning
- how standardized tests and techniques were altered
- use of interpreters, translations for tests; include a statement of validity and reliability related to their use: and
- examiner's level of language proficiency in the language of the student and the effect on test results and overall assessment.

Assessment to establish eligibility for special education and related services must meet the requirements of *EC* 56320 (accessible at: https://bit.ly/2V1FROH).

1. Assessments and other evaluation materials used to assess a child under this part:
   - are selected and administered so as not to be discriminatory on a racial or cultural basis (*EC* 56320[a]);
   - are provided and administered in the child's primary language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer (*EC* 56320[b][1]);
   - are used for the purposes for which the assessments or measures are valid and reliable (*EC* 5632[b][2]);
   - are administered by trained and knowledgeable personnel (*EC* 56320[b][3]); and
   - are administered in accordance with any instructions provided by the producer of the assessments (*EC* 56320[b][3]).
2. Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient (*EC* 56320[c]).
3. Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment

results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure) (*EC* 56320[d]).

4. The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities (*EC* 56320[f]).

5. Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with 34 *CFR* 300.301(d)(2) and (e) (accessible at: https://bit.ly/2KMb6JB), to ensure prompt completion of full evaluations.

6. In evaluating each child with a disability under 34 *CFR* 300.304–306 (accessible at: https://bit.ly/2v9NeFc), the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

7. Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

It is best practice to include the cross-validation of information that has been described in this chapter between norm-referenced, criterion, and interview/observation-based measures, to include information from the home and classroom setting. In addition, it is best practice to include the following in an assessment report for a student who is English learner/bilingual:

- consideration of the English language development process and its relationship to the possible handicapping conditions
- results of current language proficiency testing
- if and how standardized tests and techniques were altered
- a statement of student limitations if non-verbal measures were used
- recommendations for linguistically appropriate goals

- test scores and interpretation of the scores: what they mean and how the test scores/results relate to the student's performance in school and in language

Student Scenarios

Introduced in chapter 2 as a first grader, Cruz is now a seven-year-old second grader who lives with her parents and siblings. Cruz is an English learner who continues to struggle with reading and is being evaluated to determine eligibility for special education.

Assessing Cruz

Cruz, a second grader struggling with reading decoding, has received strong evidence-based classroom instruction with comprehensive ELD (both integrated and designated), Tier II supplemental intervention, and Tier III intensive intervention provided in the MTSS framework of support for foundational reading skills. Yet she continues to struggle with blending sounds while reading connected text, which has had a significant impact on her reading fluency and affected her progress in developing reading comprehension skills. Since she is in second grade, Cruz will be expected to engage with increasingly complex disciplinary texts, and it is essential that the root of her reading problem be identified so that if she qualifies as a child with a disability, she can receive the specially designed instruction necessary to close the gap that is ever widening between her and her grade-level peers in the area of independent decoding, reading fluency, and comprehension while reading.

Based on the data presented at the student study team meeting, a referral has been made for a full multidisciplinary assessment to determine if Cruz is a child with a specific learning disability in the area of reading. The IEP team, including Cruz's parents, will develop an assessment plan designed to determine if a disability is the cause of Cruz's reading difficulties and will follow the legal requirement for assessing a student who is an English learner. This section highlights the process steps necessary for assessing English learner students in order to achieve valid and reliable data for determining eligibility as a student with a disability.

Cruz's Assessment Plan

Because Cruz's suspected disability is a learning disability in the area of reading, the multidisciplinary team suggested an IQ test to determine Cruz's intellectual potential and to rule out developmental delay as a cause for her reading problems. While the team is using the data from intervention to identify patterns of strengths and weaknesses, they are also looking for a discrepancy between her ability (IQ) and her achievement on academic assessments. Once the team determines which language to use for assessment, they will complete an intelligence assessment and assess in the academic achievement areas of written language, math, and

reading, along with completing a health history including vision and hearing screening. The team discussed a possible speech and language assessment to determine if a language delay might be posing a problem with Cruz's learning in the area of reading. After speaking to the family, who shared that her language milestones and use of language in the home are similar to those of her older brothers, the team did not feel that this was an area of concern and did not add it to the assessment plan. Once the assessment plan was signed by the parents and finalized, the team identified a convenient date for the parents to hold the IEP meeting within the 60-day timeline.

Cruz's Language of Assessment

Determining the language for assessing Cruz was based on the First Best Option process. Cruz has basic interpersonal skills in English. She is able to communicate with her teacher and her English-speaking friends, but since her English proficiency on the ELCAP is only in the expanding level of proficiency, the psychologist decided to use the WISC-V Spanish version and the WISC-V in English.[11] The psychologist used a trained interpreter to administer the assessment in Spanish. The data revealed Cruz uses her primary language for cognition; therefore, the assessments should be provided in Spanish. A trained interpreter was used to assess Cruz on the English achievement and diagnostic assessments.

Cruz's Assessment Plan: Assessments in Areas of Suspected Disability

Cruz's assessments will include the Woodcock-Munoz Spanish Psychoeducational Battery[12] as the norm-referenced assessment for reading, writing, and math and the WISC V for her cognitive skills. Her assessment data will include criterion-referenced data from district benchmark data, and progress monitoring data, as well as diagnostic data to assess her specific reading and writing skills. Her evaluation will include observations in her classroom and in other environments, including the playground and cafeteria as well as structured interviews with her family, with Cruz herself, and with her teachers.

Interview: Cruz's Family

The bilingual parent school liaison conducted the interview with Cruz's family. The interview included the health and development history, with the parent liaison interpreting for the school nurse. The health and developmental history revealed a normal pregnancy and birth. Cruz is the third child in a family of five children. She has two older brothers, one younger brother, and one younger sister. Based on the comparison with Cruz's older brothers, her mother shared that Cruz's developmental milestones were pretty similar to theirs. She did not walk as early as the boys, but was walking by the time she was 13 months old. She did have frequent ear infections as an infant and toddler, and her speech was slightly delayed. Based on her current language skills in Spanish, the parents feel that she has caught up.

Beyond her health history, the family shared that Cruz is most comfortable speaking Spanish at home. She has no problem understanding what she is told and is able to follow multiple-step directions. She speaks Spanish with her siblings and extended family. They do see her speaking English to her English-speaking friends in the neighborhood playground. They report that she is interested in learning and always asks a lot of questions. She is reluctant to read at home, but likes being read to in Spanish and in English. She watches TV shows in both Spanish and English.

To prepare for the IEP team meeting, the parent liaison translated for the parents the questions for the parent report found in appendix 4.8. The liaison translated and transcribed the parents' responses so that they can share their report at the meeting. They identified Cruz's strengths as her verbal skills. She is inquisitive and asks questions about everything. She likes to help at home with cooking and taking care of her baby sister. She also likes sports and likes to play football and basketball with her older brothers and the other kids in the neighborhood. She struggles with reading, writing, and finishing her homework. The parents report that they cannot really help Cruz since they do not read or write in English. Her older brothers help her sometimes. Parental goals for Cruz are for her to get good grades and be able to read so that she can get a good job when she finishes school. They wanted the IEP team to know that Cruz tries very hard with everything she does, and she is frustrated with the fact that she struggles with reading and her homework.

Interview: Cruz

The English learner specialist interviewed Cruz. The specialist conducted the interview in Spanish as Cruz said that she is most comfortable speaking in Spanish. She shared that it is easier to understand or tell a story in Spanish. At home, Cruz speaks Spanish all the time with her parents and siblings. She does sometimes speak English to her friends in the neighborhood or on the playground. Cruz reports that at school she speaks English most of the time in her classroom with her friends and with her teacher. She shared that she still does think in Spanish most of the time, but sometimes catches herself thinking in English. She likes to watch both Spanish and English TV shows at home. She did report that sometimes she did miss what the teacher says in English and that the teacher often seems to speak too fast for Cruz to understand what she is supposed to do.

The English learner specialist also took the opportunity to have Cruz complete the student report for the IEP meeting. Cruz shared that she feels that her strengths are math and science at school. At home, she says she likes cooking and likes helping her mom and her aunt make food. She said that at school reading, writing, and spelling were the hardest. She likes stories, but said it is hard to understand them when they are hard to read. She says that when the teacher reads the story to her or has a friend read it to her, it helps her to answer the questions

for reading and the other subjects. She likes that the teacher lets her answer in a few words and not in complete sentences. Cruz says it is too hard to write sentences all the time because she does not know how to spell all the words she wants to use. She says she would like to read and spell better before she gets to third grade because she knows that third grade will be hard. The things Cruz wanted other people to know about her is that she wants to have her own restaurant one day and that her favorite color is yellow.

Interview: Cruz's Teacher

Cruz's teacher reported that Cruz speaks English in class most of the time. She has observed Cruz speaking Spanish when the students work in small groups and on the playground, but it seems to her that Cruz makes an effort to speak English at school. She does seem to speak Spanish more proficiently and will ask a peer for clarification in Spanish if she seems confused by instructions given in English. She is not reluctant to use her English in the classroom and school, but sometimes needs extra time to respond to questions posed directly to her. She is able to communicate her basic needs in English and attempts to use English grammar and vocabulary. She used phrases and some complete sentences in her classroom discussion. Cruz does need instructions repeated in English at times, but when given visual scaffolds and processing time, she usually is able to follow the instructions. The teacher did not have concerns about her English language development but was most concerned about her persistent issues with sound blending and decoding, which were also now affecting her writing and spelling.

The teacher reports that instruction in her classroom is primarily provided in English, but she does provide multiple scaffolds to support the English language development of her students. In addition to providing direct instruction with a focus on developing academic English vocabulary and comprehension, her instruction is supported by modeling, corrective feedback, and guided practice.

Interview: English Learner Specialist

Cruz's ELD teacher reported that Cruz is still in the early to mid-Expanding stage of English language development. Cruz is able to express her personal needs, ideas, and opinions and responds to questions using short sentences. She has been observed often initiating conversations both on the playground and in the classroom. She is able to comprehend information on familiar topics but does struggle with reading grade-appropriate text independently. When information is provided orally, she is able to comprehend basic concepts in content areas. She is able to produce sustained informational exchanges in the classroom with her peers in English and is able to express her ideas to the whole class when provided highly structured scaffolds. She struggles with writing, but can use expanded content-specific

vocabulary to provide information and extended responses in classroom discussions. Cruz seems to recognize the differences and similarities between Spanish and English. When struggling with a new concept, Cruz will use Spanish to explain her thinking but does try to use her English skills most often, even when it is a struggle for her to respond in English. As a student in the Expanding level of proficiency, her English is comprehensible, and any grammatical infelicities she occasionally makes, which are expected due to her level of English language proficiency, do not impede meaning. Cruz is still becoming proficient in English; she is inquisitive and seeks to communicate effectively with others.

Observation: Classroom and Playground

Based on the formal classroom observations in Cruz's ELA class and the informal observations on the playground and in the cafeteria, the English learner specialist provided a narrative report. In the classroom, she found that the teacher was providing meaningful and purposeful comprehensible input. The teacher provided multiple means of representation when she introduced the concepts of the lesson and specifically used instructional opportunities to develop English vocabulary and deepen comprehension. The students had ample opportunities to use their English language skills within the context of the lesson. The teacher provided many opportunities for students to practice the new concepts and vocabulary with their peers either in pairs or small groups before using a scaffold to have students share their understanding through various means of checks for understanding. She used choral responses as well as sentence frames for students to respond to comprehension questions related to the reading selection. Cruz was observed participating in all parts of the lesson that involved listening comprehension. When students moved into independent reading time, Cruz worked at a table with a small group where the teacher provided scaffolding through reading the selection to the students and then provided an opportunity for discussion. This small reading group provided the English learner specialist an opportunity to script some of Cruz's conversations with her peers. Her observations revealed that Cruz responded similarly to her peers who seemed to have similar English language levels. Cruz responded primarily in English to all teacher questions and prompts. On the playground, Cruz was observed using English and Spanish interchangeably depending on the children with whom she was conversing. Her language acquisition does not seem to be affecting her learning based on the observations.

Cruz's Assessments

All assessments that were used to identify Cruz as eligible for special education and related services were administered in English and in Spanish. Since Cruz is suspected of having a learning disability, the team assessed Cruz using both non-verbal cognitive assessments as well as the Spanish version of the WISC to measure her cognition and the Woodcock-Munoz Spanish Psychological Education Battery-Test of Achievement to measure her academic achievement. The data from these assessments as well as the data from progress

monitoring, classroom-based measures, and district and state assessments will be used, when appropriate, to determine if there is a discrepancy between her ability and achievement and her ability and the patterns of weakness that have been identified in other data.

Additional diagnostic data was collected using a variety of assessment instruments. The data from these assessments will help the team identify the root of Cruz's reading, writing, and spelling difficulties.

Preparing for Cruz's IEP

To prepare for the IEP meeting, the assessment reports must be translated into the primary language if requested by the parent/guardian in order to substantiate that the parent is fully informed and has had the opportunity to participate in the IEP process in a meaningful way. If the parent or guardian requests a translation, it should be provided in adequate time before the meeting to ensure that the family has had time to read and understand the report.

The team assessing Cruz has completed the assessments described in the assessment plan. They have obtained information from her teacher, interventionist, the English learner specialist, Cruz and her family. The team will compile the data from the assessments of her intelligence and her academic achievement as well as the information shared by her parents regarding her health history, vision, and hearing. The assessment report will be augmented by information provided through interviews and observations. The team will be able to provide a clear well-rounded picture of Cruz's skills to determine if she qualifies as a student with a disability in need of special education services and supports.

Chapter Summary

The IEP team, including the family, provided a whole-child picture of Cruz's skills based on standardized assessments in English and her primary language in the areas of suspected disability; longitudinal data from instructional interventions in reading; classroom-based assessments; and observations and information from her classroom teachers, the English learner specialist, Cruz's family, and others who have worked and interacted with Cruz. The IEP now has enough information to make an informed decision on whether or not Cruz has been identified as a student with a disability and whether she does or does not need specially designed instruction to pass from grade to grade. Chapter 5 describes the decision-making process the IEP team will use to make the eligibility decision.

Frequently Asked Questions

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

A: Part B of Individuals with Disabilities Education Act (IDEA) is the section that lays out the educational guidelines for school children three to twenty-one years of age. IDEA requires that all students referred for assessment to determine eligibility for special education and related services receive an assessment that meets the requirements found in the IDEA (34 *CFR* 300.304–305) (accessible at: https://bit.ly/2v9NeFc) and in state statutes (*EC* 56320–56330) (accessible at: https://bit.ly/2V1FROH). Since we do not classify preschool children as English learners or require them to take the ELPAC or similar test, it is presumed the federal laws regarding primary language assessment apply.

Q: When districts are administering assessments to determine special education eligibility of English learners with moderate to severe disabilities, are they required to assess in their primary language?

A: Test and assessment materials are provided and administered in the language and form most likely to provide accurate information on what the student knows and can do academically, developmentally, and functionally (*EC* 56320[b][1]) (accessible at: https://bit.ly/2V1FROH).

Q: May the parent waive the requirement for a student to be assessed for special education in his primary language?

A: No. Again test and assessment materials are provided and administered in the language and form most likely to provide accurate information on what the student knows and can do academically, developmentally, and functionally, *unless* it is not feasible to so provide and administer (*EC* 56320[b][1]) (accessible at: https://bit.ly/2V1FROH).

Q: Is it required that an interpreter who assists an assessor to administer a test that will determine special education eligibility in the primary language be certified or receive formal training?

A: There are no regulations regarding certification or formal training. In addition to the requirements in *EC* 56320 (accessible at: https://bit.ly/2V1FROH) and *EC* 56381 (accessible

at: https://bit.ly/2Dg3VmC), assessments and reassessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communications and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it is clearly not feasible to do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity of the assessment may have been affected (5 *CCR* 3023[a]) (accessible at: https://bit.ly/2ICd2BI).

Q: Is it true that schools or student study teams must wait until a student has been receiving English learner services for four to six years or is at least in the fifth grade so she can fully develop her English language skills before being referred for special education?

A: No. This is a common misconception. Disabilities occur in primary and English language development and across all contexts. It is required that assessors rule out that the student has a disability versus a language difference. Skilled assessors trained in English language development and bilingual assessment can make this determination even if the student has not fully acquired English skills.[13]

Chapter 4 Endnotes

1 S. B. Garcia, and A. Ortiz, *Preventing Inappropriate Referrals of Language Minority Students to Special Education* (https://bit.ly/2KN8bPe) (Silver Spring, MD: National Clearinghouse for Bilingual Education, 2004).

2 In the interest of gender non-discrimination, the authors refer to individual students alternately as "she" and "he." The authors recognize that many individual students identify as transgender, gender non-binary, gender non-conforming, agender, or other gender identities and may prefer gender-neutral pronouns or other emerging identifying terms.

3 US Department of Education, *Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives* (https://bit.ly/2H7XSmG) (Washington, DC: US Department of Education, 2014).

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Section 3: Educational Programs and Instructional Strategies

Chapter 5: Developing an Individualized Education Program for English Learners

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Chapter 5: Developing an Individualized Education Program for English Learners

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- What are the required components of an individualized education program (IEP) for an English learner?
- How will progress on the IEP be monitored and reported to the family

For Administrators

- What is required in the IEP of an English learner?
- What role do families play in the development of the IEP?
- How are decisions made regarding program placement for English learner services (including ELD instruction) and delivery of special education and related services?
- How do I ensure that the student continues to receive English learner services in addition to special education and related services?
- How are accessibility issues related to the California Assessment of Student Performance and Progress (CAASPP) System and the English Language Proficiency Assessments for California (ELPAC) addressed?

Overview: Developing the Individualized Education Program to Be Inclusive of an English Learner's Language Needs

It is important and required to distinguish whether an English learner's academic difficulties stem from language acquisition issues or the presence of disabilities.[1] Following a thorough assessment process that meets the requirements accessible in California *Education Code* (*EC*) 56320–56324 (accessible at: https://bit.ly/2V1OHMn) and described in detail in chapter 4, the law requires that an individualized education program (IEP) team is responsible for making the eligibility determination for special education services (*EC* 56043[f][1]) (accessible at: https://bit.ly/2XeeE8Q), based on the information gathered through the assessment process as documented in the assessment report (*EC* 56327) (accessible at: https://bit.ly/2Zbzesi). This decision-making process calls for collaboration among the various experts when determining eligibility for English learners, as there are multiple sociocultural and sociolinguistic factors

that may influence their performance in schools.[2] It is important that educators both avoid misinterpreting such factors for disabilities and simultaneously ensure that students with disabilities receive the services that they require.[3]

This chapter provides educators, IEP teams, and families information on the legally required practices for making decisions regarding eligibility for special education for students who are English learners. This chapter also identifies the required steps for developing a culturally and linguistically appropriate individualized education program (IEP) for an English learner student who is found eligible for special education. In addition, this chapter describes what needs to occur at the IEP meeting for an English learner student and identifies the required team members who need to be present at the IEP meeting and their roles.

After an English learner is identified as being eligible for special education, the IEP team must perform many important tasks such as determining special education supports and related services, ELD programming, and developing IEP goals that are aligned with the standards and linguistically appropriate as required by *EC* 56345 (accessible at: https://bit.ly/2UEfW0f). These tasks are described in the following sections.

Collaborative Partnerships in IEP Development

In addition to ensuring that assessments take into account cultural considerations, it is also necessary that parents and families be part of the culturally responsive and collaborative partnership to develop effective IEPs. Because special education services, IEP processes, procedural safeguards, and IEP documents may be challenging for English learner families to navigate, it is important to intentionally work to develop a collaborative partnership to fully inform the student's parents. While not required by the Individuals with Disabilities Act (IDEA), Rosetti, et al.[4] identify the following best practices as essential to developing partnerships with culturally and linguistically diverse families in the IEP process:

- Communication
  - Communicate in a language the parents understand including written materials for meetings and progress reports two days prior to a meeting
  - Provide skilled interpreters for all meetings and communications
  - Focus frequent communication on the positive in addition to negatives
  - Be tactful, respect privacy, and avoid use of jargon
  - Provide information and resources

- Commitment
  - Nurture family relationship—families are people, not cases
  - Provide frequent, encouraging updates to the family rather than only concerns
  - Encourage families to provide input on their child's progress and on meeting reports and updates
- Equality
  - Acknowledge the parent's point of view and encourage parent participation
  - Recognize strengths and familial expertise of the family and support their decisions as fully contributing members of the IEP team (Turnbull et al. 2011)
  - Support understanding the purpose of each meeting and have ample opportunity to contribute by providing an agenda and an opportunity for parents to provide input
  - Provide a pre-IEP interview focusing on the family member's comfort with procedures, goals, and their concerns[5]
  - During the meeting, provide the agenda and topics in a large display along with a written translation of special education terminology and key vocabulary
  - Provide visual aids such as examples of work in comparison to peers and infographics to explain data in a visual manner
  - Allot extra time so that team processes are not compromised by time constraints
  - Leave the window open to recess the meeting so that parents have more time to review assessment reports, data, and recommendations before making final decisions
- Professional competence
  - Take an assets view of the student with an understanding of the student's language needs; discuss how student strengths will be used in instruction
  - Demonstrate competence regarding research-based practices and explain instructional methods explicitly
  - Clearly describe how services specifically meet the student's needs

  - Convey the individualization of services

- Mutual trust
  - Families expect educators to be reliable
  - Offer assurance that the student is treated with dignity and is safe from physical and emotional harm
  - Use discretion when dealing with confidential and personal information
  - Communicate frequently and share resources via one contact person
  - Connect them to the nearest regional Parent Training and Information Center (PTI) (accessible at: https://bit.ly/2JafE6D)

- Mutual respect
  - Focus on the student as a person and not a disability
  - Engage in common courtesy—be on time and acknowledge the parent's efforts
  - Value family contributions to IEP meetings
  - Respect familial expertise and family knowledge in decision-making

A recommended best practice for fostering parent participation is for educators to take a proactive approach in parent outreach and inform and involve them as soon as any pre-referral intervention process begins. By the time the parents are sitting around an IEP table, educators will have already formed a trusting relationship with the family because they are informed and have participated in all phases of the process.

Developing the IEP

As with the identification of English learners with disabilities, the development of IEPs should be a collaborative effort between educators who have expertise in providing special education and related services and English language acquisition.[6] The IEP must determine and develop "for individuals whose native language is other than English, linguistically appropriate goals, objectives, programs, and services" (*EC* 56345[A][2]) (accessible at: https://bit.ly/2UEfW0f). Researchers also point out that the IEP team must develop IEP goals that are linguistically appropriate to ensure that English learners' language proficiency needs are integrated in their special education services.[7] It is also recommended that all members of the IEP team thoroughly understand the needs of English learners and English language development (ELD) to facilitate more meaningful collaboration in developing a linguistically appropriate IEP. It

may be beneficial for all members of the IEP team to be trained on culturally and linguistically responsive interventions and services.

To be culturally and linguistically responsive to families and to encourage family engagement, the Council of Chief State School Officers (CCSSO) has identified helpful approaches for local educational agencies (LEAs) to use to ensure that parents are informed about the IEP process and fully participate as members of the IEP team. Figure 5.1 (accessible at: https://bit.ly/2IqnPzO) identifies recommended strategies to support parents' active engagement as IEP team members.

Figure 5.1.
Strategies to Support Active Parent Engagement

Information Parents Should Know

- What special education is and the range of possible services students can receive
- What an IEP is, what an IEP team is, and the individual roles/responsibilities of each person on an IEP team
- Parents' rights and roles
- Their child's present levels of performance
- How to select appropriate services that address individual student goals
- How IEP goals are developed and measured
- How to access information about special education that is easy to understand and use
- How to communicate with special education personnel and other members of the IEP team

Procedures for Engaging Parents

- Providing qualified, trained interpreters who are knowledgeable about both English learners and special education
- Offering glossaries of English learner and special education terminologies
- Providing training in the IEP process (including explicit description of actual services and outcomes)

- Creating accessible 1-page documents explaining special education services, IEPs and IEP teams
- Using ethnographic and structured interview approaches to gather input from parents on their children's instruction and services
- Proactively establishing relationships with parents/families of English learners
- Informing and involving parents whenever schools plan and initiate an intervention process
- Collaborating with parent advocacy organizations, particularly groups that offer multilingual services
- Having follow-up meetings with parents several weeks after the IEP meeting to confirm they understand their rights and their child's services

Source: Adapted from: S. Park, M. Martinez, and F. Chou, *CCSSO English Learners with Disabilities Guide* (https://bit.ly/2IqnPzO)(Washington DC: Council of Chief State School Officers, 2017).

Parent Participation

To ensure that parents are able to participate meaningfully in the IEP meeting, California *Education Code* requires that "parents or guardians shall be notified of the individualized education program meeting early enough to ensure an opportunity to attend" (*EC* 56341.5[b]) (accessible at: https://bit.ly/2GppTpv) and that the "meeting shall be scheduled at a mutually agreed-upon time and place." In addition, the notice of the IEP meeting "shall indicate the purpose, time, and location of the meeting and who shall be in attendance. Parents or guardians also shall be informed in the notice of the right to bring other people to the meeting who have knowledge or special expertise regarding the individual with exceptional needs" (*EC* 56341.5[c]) (accessible at: https://bit.ly/2GppTpv).

At the IEP meeting, the "local educational agency shall take any action necessary to ensure that the parent or guardian understands the proceedings at a meeting, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English" (*EC* 56341.5[i]) (accessible at: https://bit.ly/2GppTpv). In addition, it is a suggested practice that LEAs ensure that parents understand the proceedings of the IEP meeting by providing reports ahead of time, providing an agenda for the meeting, and providing a copy of parent's due process rights in their primary language when possible. The

LEA shall give the parent a copy of the IEP in his or her primary language at his or her request (5 *CCR* 3040[a]) (accessible at: https://bit.ly/2UohkyO).The parent may also record or request a recording of the meeting by: "The parent or guardian or local educational agency shall notify the members of the individualized education program team of his, her, or its intent to audio record a meeting at least 24 hours prior to the meeting" (*EC* 56341.1[g][1]) (accessible at: https://bit.ly/2UirlxH). Meetings must be scheduled at a time that is convenient for families, and other methods to ensure parent participation (if the parent cannot attend the IEP team meeting) must be provided if needed (*EC* 56341.5) (accessible at: https://bit.ly/2GppTpv). Families can find information on the IEP process at the Center for Parent and Information Resources which is accessible at: https://bit.ly/2QlHORh.

Overview of the IEP Team Meeting for English Learners

The IEP meeting is the vehicle for delivering the assessment data and making decisions based on that data. IDEA is clear regarding parental participation in IEP meetings stating "Each local educational agency convening a meeting of the individualized education program team shall take steps to ensure that no less than one of the parents or guardians of the individual with exceptional needs are present at each individualized education program meeting or are afforded the opportunity to participate" (*EC* 56341.5) (accessible at: https://bit.ly/2GppTpv). Several of the following state and federal education codes, identify ways to afford participation for all parents including those of students who are English learners:

- Parents of English learners are to fully participate in their child's IEP meetings.
  - Use of interpreters or other action, as appropriate. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English (*CFR* 300.322[e]) (accessible at: https://bit.ly/2GreyFi).

Additionally, according to recommendations included in the *CDE ELPAC Information Guide*,[8] the IEP team for English learners with disabilities has the following responsibilities:

- **Parent Participation:** Ensure the parents or guardians of students understand and are able to meaningfully participate in the IEP meeting.

- **IEP Team Membership and Meetings:** Convene IEP team as per EC 56341 (accessible at: https://bit.ly/2IzbKYd) and as previously defined in chapter 4.

- **ELP Assessment:** Make decisions about whether the student takes the English language proficiency (ELP) assessment (ELPAC) with or without appropriate accommodations, or a locally provided alternate assessment in lieu of the ELPAC (only for students with severe cognitive disabilities). When the Alternate ELPAC is operational, LEAs will no longer locally determine an alternate assessment as all students identified as eligible for an alternate assessment, per their IEP, will take the Alternate ELPAC.

- **IEP Contents:** Ensure the content of the IEP for an English learner addresses the student's language acquisition needs.

Preparing for the IEP Team Meeting for an English Learner

To help parents prepare for their role in the IEP meeting, it is recommended that they are provided an opportunity to reflect on their responses about their child as a whole as well as their child's academic strengths and challenges by completing the parent report (which is described in chapter 4) prior to the meeting. (An example is shown in figure 5.2.) When parents are prepared for the IEP meeting, the meeting itself becomes a collaborative discussion about a child rather than a high-tension meeting about disability.

Figure 5.2.
Parent Report



Appendix 4.8: Parent Report Individual Education Program Development

Student:

Parent/Guardian:

1. What are your hopes and dreams for your child?

An accessible long description of figure 5.2 is available at https://www.cde.ca.gov/sp/se/ac/ch5longdescriptions.asp#figure2.

Tips for Welcoming Parents

To ensure that the parents or guardian of a student can fully participate in the IEP team meeting, it is best practice to display the meeting agenda for all participants to view (ideally

in English and in the parents' primary language if feasible). This provides parents a road map of the meeting as a guide. It is also a recommended best practice to provide parents a manila folder that contains the agenda, parent rights in jargon-free language in their primary language, and a writing pad or sheets of paper and a pen for note-taking. This communicates to the parent that they are an integral contributing part of the collaborative team. Providing a bottle of water, some snacks, and access to a box of tissue sets an atmosphere of caring and respect—and sitting next to family members rather than sitting across from them can add to the collaborative atmosphere of the meeting.

Creating the IEP Meeting Agenda

An agenda is recommended to assist with the efficiency of the meeting and may include the following topics:

- Welcome and introduce team members.
- Provide an overview of the purpose, outcome, and agenda.
- Explain parent and child rights.
- Explain decision-making process.
- Discuss collaborative meeting norms.

- Review the present levels of performance (PLOP) including any assessment reports and data review:
  - Parent report
  - Student report
  - General education teacher
  - Person with expertise in student's primary language (if other than general or special educator)
  - Special education teacher
  - Psychologist
  - Other specialists and related service providers such as a speech language therapist, interventionists, nurse, counselor, adaptive PE teacher, occupational therapist, physical therapist, vision specialist, and others

- Identify other concerns or initiate discussion following reports.
- Determine eligibility criteria and areas of need.
- Discuss and develop linguistically appropriate IEP goals in appropriate areas or eligibility (such as academic areas, functional, behavioral, social-emotional, etc.).
- Discuss supports and related services (to support each area of need impacted by the disability) that will assist the student in meeting IEP goals (and objectives if appropriate).
- Discuss the provision of designated and integrated ELD CA Education for a Global Economy Initiative (accessible at: https://bit.ly/2MlZlGm).
- Discuss and determine service delivery options; that is, identify least restrictive environment (LRE) and any potential negative impact due to time spent outside of the general education classroom.
- Determine appropriate services, supports, accommodation, and modifications for classroom instruction, classroom tests, and other assessments, such as:
  - Using the CDE's matrices for CAASPP and ELPAC accessibility resources.
  - Summarize recommendations in the IEP notes portion of the IEP document.
  - Confirm agreements and determine consensus.

The meeting will include the review of all assessment data, anecdotal data, and observation and interview data. This review will help the team determine if the student has a disability and if there is a need for special education and related services in order for the student to access and make progress in her grade-level general education curriculum. Each English learner's assessment report will differ based on the student's suspected disability. The assessment report will include in almost all cases a health, vision and hearing report; a report from the psychologist, including assessment information and observation data; language proficiency data along with anecdotal data on language development; and academic data reports from the special education teachers, general education teacher, the English learner specialist, and other interventionists. Other related service provider reports are provided if they are included in the assessment.

Key Tasks of the IEP Team

1. Identify Appropriate State Assessments and Accessibility Supports for the English Learner

After it is determined the English learner is eligible for special education, one of the decisions that the IEP team will need to include is "A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments" (*EC* 56345[6][A]) (accessible at: https://bit.ly/2UEfW0f). This would include whether the student will need universal tools, designated supports and/or accommodations as accessibility resources. The team might also decide that the student should participate in an alternate assessment instead of the statewide assessment. It should be noted that all students who are identified as an English learner, must annually take the state English language proficiency assessment. It is a recommended practice for educators to become familiar with state policies regarding these resources and how, when, and for whom they can be used on statewide assessments (CAASPP and ELPAC), or if the student needs to take an alternate assessment. Alternate assessments should be considered only for students with the most significant cognitive disability. If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of pupil achievement, include a statement of the following:

i. (i) The reason why the pupil cannot participate in the regular assessment.

ii. (ii) The reason why the particular alternate assessment selected is appropriate for the pupil (*EC* 56345[6][B][i] and [ii]) (accessible at: https://bit.ly/2UEfW0f).

The IEP team will also determine if the student, with the most significant cognitive disability, will take the ELPAC or an alternate assessment in each of the four domains (listening, speaking, reading, and writing). For example, a student could potentially only require an alternate assessment in reading and writing, but not listening or speaking. The IEP team should use the California Department of Education's (CDE) alternate assessment checklist, which can be accessible on the CDE Alternate Assessment web page (accessible at: https://bit.ly/2zDX0As). (Note: At this time there is no CDE-designated or adopted alternate assessment to ELPAC. If the IEP team determines the student needs an alternate assessment they must designate what tool will be used and note this in the IEP. It is also important to note that a parent may not request that a student not be administered an ELP statewide assessment.)

2. Consider Special Factors

Next, the IEP team will need to consider any special factors an English learner student may have. Special factors are defined in California *EC* 56341.1(b)(1) through (5) (accessible at: https://bit.ly/2UirlxH) as follows:

> The individualized education program team shall do the following:
>
> 1. In the case of a pupil whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
>
> 2. In the case of a pupil with limited English proficiency, consider the language needs of the pupil as those needs relate to the pupil's individualized education program.
>
> 3. In the case of a pupil who is blind or visually impaired, provide for instruction in braille, and the use of braille, unless the individualized education program team determines, after an assessment of the pupil's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of the pupil's future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate for the pupil.
>
> 4. Consider the communication needs of the pupil, and in the case of a pupil who is deaf or hard of hearing, consider the pupil's language and communication needs, opportunities for direct communications with peers and professional personnel in the pupil's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the pupil's language and communication mode.
>
> 5. Consider whether the pupil requires assistive technology devices and services.

3. Develop Measurable Annual Goals and Objectives

Following consideration of special factors, the IEP team will need to collaboratively develop appropriate goals and objectives for learning. (For more information, this link to the CDE web page on writing standards based IEPs provides technical assistance materials on standards-aligned IEPs and is accessible at: https://bit.ly/2XjIs3R.) The English learner specialist, as a member of the IEP team, will identify linguistically appropriate IEP goals that are needed to address each area of need based on the student's disability. The person(s) in attendance with expertise in English language development will be able to assist the IEP team in ensuring that IEP goals take into consideration the student's English proficiency needs by making sure

they align with his current assessed English language development ELPAC levels or alternate assessment if available and deemed necessary.

4. Identify Services and Supports to Meet IEP Goals

Once goals and objectives are established the IEP team will identify the related services and supports that will enable the student to meet the IEP goals within the least restrictive environment. Note that the IEP should also document how ELD instruction will be provided; however, ELD instruction is not specialized academic instruction (SAI), it is part of core instruction, and it is recommended that these services be documented as part of the *special factors* section of the IEP as stated earlier.

To provide a better picture of programs and services to families, it is helpful for the IEP team to explain the instructional practice that will be included when providing both special education services and English learner services. IEP team members can also increase parent engagement by providing parents with a few tools and resources they can use at home to support their child.

5. Obtain Parent Consent

Lastly, the team will look to the family to provide written consent to the services described in the IEP. If the parents do not feel that they are ready to provide consent, it is not uncommon to recess the meeting and let the parents review the assessment reports and draft IEP, coming back later to provide signatures. Just a reminder, the IEP team must ensure that the parent has been provided the opportunity to provide meaningful input to the IEP process.

Recommending Use of an Interpreter for IEP Meetings

As stated earlier, "the local educational agency shall take any action necessary to ensure that the parent or guardian understands the proceedings at a meeting, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English" (*EC* 56341.5[i]) (accessible at: https://bit.ly/2GppTpv).

When using an interpreter (oral translation) at the IEP meeting or other conferences with the family, consider the following recommended practices:[9]

- Observe body language when meeting with an interpreter and parent. Ask the interpreter for assistance in understanding culturally appropriate behavior if she has knowledge applicable to the student.

- Seating arrangements are critical. The best practice is for the interpreter to sit next to the parent or guardian and simultaneously interpret what is being said. The interpreter should not in any way block the parent from seeing the person speaking.

- The person speaking should always speak to the parent or guardian, not the interpreter.

- The interpreter should only translate what is being said and should not summarize the content or add personal opinions.

Good planning and recognizing the family as experts of their own child goes a long way in ensuring IEP team effectiveness.

Determining Eligibility for Special Education

As noted in chapter 3, limited English proficiency is not a determining factor for the identification of an English learner as eligible for special education and related services. Results of a thorough evaluation should have determined when an English learner's performance on an English achievement assessment may reflect a possible level of English language development interference and not necessarily a deficit of the student's skills or the existence of a disability.

When the IEP team has completed an appropriate assessment to assist in the determination of special education eligibility, the team, including the family, will consider language acquisition in making the determination of eligibility for special education and related services. The determination will be based on documented findings that incorporate multiple contexts, including information from families, *not* on a single measurement or assessment as documented in the assessment report, which is defined in *EC* 56327 (accessible at: https://bit.ly/2Zbzesi):

> The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:
>
> a. Whether the pupil may need special education and related services.
>
> b. The basis for making the determination.
>
> c. The relevant behavior noted during the observation of the pupil in an appropriate setting.

d. The relationship of that behavior to the pupil's academic and social functioning.

e. The educationally relevant health and development, and medical findings, if any.

f. For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.

g. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.

h. The need for specialized services, materials, and equipment for pupils with low incidence disabilities.

The IEP team will also consider exclusionary factors as defined in *EC* 56026(e) (accessible at: https://bit.ly/2IngfFX):

> pupils whose educational needs are due primarily to limited English proficiency; a lack of instruction in reading or mathematics; temporary physical disabilities; social maladjustment; or environmental, cultural, or economic factors are not individuals with exceptional needs.

The process of identifying the role of exclusionary factors early in the pre-referral process and throughout the assessment process should make it clear to IEP teams *if* the exclusionary factors are the cause of the student's difficulties.

If the IEP team determines that the student's educational needs were primarily due to the exclusionary factor(s), then they are not able to determine that the academic or behavioral difficulties are due to a disability and therefore are not eligible for special education and related services. All assessment reports will contain an exclusionary criteria statement specific to the disability or disabilities identified.

If the IEP team finds that exclusionary factors are not the primary or sole cause of the student's difficulties, the team will review the data to determine whether the student meets eligibility criteria for special education and related services. The primary disability identified on the IEP is from the eligibility categories defined under Individuals with Disabilities Act (IDEA) in 2004 and included in 5 *CCR* 3030 (accessible at: https://bit.ly/2UFOyPs). The following overview of the disability categories (summarized from the statue) is beneficial in helping parents and general education staff understand the characteristics of the disability identified as the primary disability on the IEP.

Autism
... means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects educational performance. Characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to changes in daily routines or the environment, and unusual responses to sensory experiences. The term autism does not apply if the child's educational performance is adversely affected primarily because the child has emotional disturbance, as defined under "Emotional Disturbance." A child who shows the characteristics of autism after age three could be diagnosed as having autism if the criteria in this definition are satisfied.

Deaf-Blindness
… means simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Deafness
… means a hearing impairment so severe that a child is impaired in processing linguistic information through hearing, with or without amplification, that it adversely affects his educational performance.

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:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
- Inappropriate types of behavior or feelings under normal circumstances
- A general pervasive mood of unhappiness or depression
- A tendency to develop physical symptoms or fears associated with personal or school problems ("emotional disturbance" includes schizophrenia, but the term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance)

Hearing Impairment
… means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, but that is not included under the definition of "deafness."

Intellectual Disability
… means significantly sub-average general intellectual functioning—existing at the same time as deficits in adaptive behavior and manifested during the developmental period—that adversely affects a child's educational performance.

Multiple Disabilities
… means simultaneous 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 a special education program solely for one of the impairments. Multiple Disabilities does not include deaf-blindness.

Orthopedic Impairment
… means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly (e.g., clubfoot, absence of some member), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, fractures or burns that cause contractures).

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. The impairment:

- is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome; and

- adversely affects a child's educational performance

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, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to compute 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 issues that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

Speech or Language Impairment
… means a communication disorder, such as stuttering, impaired articulation, or a language or voice impairment that adversely affects a child's educational performance.

Traumatic Brain Injury
… means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries incurred by birth trauma.

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.

The IEP team then, based on the data, will identify a primary disability category (and possibly a secondary disability if the student manifests more than one disability) from this list of definitions. The assessment report will contain an eligibility statement for the primary disability (and secondary disability if appropriate). Several factors must be considered when determining eligibility, and the eligibility determination must address these questions:

- Do the combined assessments, observations, and input from the IEP team members provide information needed to determine eligibility?
- Does the student meet the eligibility requirements as a student with a disability in one of the 13 disability categories?
- Does the severity of the disability have an adverse impact on the student's educational performance?
- Does the student require special education and services to achieve a free and appropriate public education?

The IEP should paint a whole picture of the student and her needs. The IEP team needs to determine if a disability exists, and if it does, then determine if the disability has a negative impact on the student's ability to learn. The existence of a disability alone does not qualify the student for special education and related services. Eligibility is established only when the student is negatively impacted by the disability to the point that she cannot access and progress in grade-level curriculum without special education and related services.

IEP Team Reminders and Checklist for English Learners

In preparing for the IEP [meeting] it is suggested that local educational agencies and districts:[10]

- include an IEP team member with English language development expertise who is knowledgeable about cultural competence and is able to interpret ELPAC results;
- ensure that the parent or guardian understands and participates in the IEP team meeting, including arranging for an interpreter; and
- ask the parent or guardian if they would like a written translation of the IEP document in their primary language (if feasible).

IEP Content Reminders for English Learners

It is recommended that the IEP team include the following content in the IEP:[11]

- The present levels of performance (PLOP)
  - Identify the student as an English learner
  - Identify the language proficiency assessment used (ELPAC) and interpret results
  - Document the student's levels of performance in their primary language when feasible and in English
- The special factors considerations
  - Indicate if the student requires primary language support
  - Indicate the student's type of instructional program and language of instruction
  - Identify how English language development (ELD) instruction will be provided;

- The linguistically appropriate IEP goals (and objectives if the student's IEP goals are at the functional skills level)

Sample Content Checklist

The following sample IEP checklist[12] is for staff members to use when drafting an IEP for an English learner student with a known or suspected disability (see appendix 5.1 for checklist). For your LEA's use consider adding information regarding integrated and designated ELD:

- The IEP indicates if the student is classified as an English learner.
- The IEP includes information about the student's present level of English language proficiency in listening, speaking, reading, and writing (based on current ELPAC or alternate assessment scores and levels). This information is documented in the present levels of performance (PLOP).
- The IEP indicates accessibility resources the student will use during the administration of the ELPAC, or if a locally decided alternate assessment will be used. (This must be determined for each domain—listening, speaking, reading and writing.)
- The IEP addresses programs and services for the English learner, including how English language development needs will be met and who will provide those services.
- The IEP indicates if primary language support is needed.
- The IEP indicates what will be the language of instruction.
- The IEP includes linguistically appropriate goals and objectives (LAGOS).

For more information on LAGOS, see "Developing Linguistically Appropriate IEP Goals for English Learners with Disabilities" later in this chapter.

IEP Documentation for English Learners

Documenting Current Levels of Language Proficiency in the IEP

The current English learner status of a student should be documented in the IEP. If a student has been re-designated, then the student is not marked as an English learner. The IEP should indicate the student has been "re-designated." For students who have been re-designated LEAs must track their progress for four years.

The IEP should indicate the English learner's current levels of language proficiency. If the student takes the ELPAC, then the ELPAC scores should be documented in the IEP. If the student takes an alternate assessment to ELPAC (as indicated in the IEP), then the IEP must indicate which English language proficiency (ELP) assessment the student took and the levels of proficiency. If a student has no ELP levels documented in his cumulative file, begin by locating the home language survey (HLS), then it is recommended that the IEP team should work with the English learner specialist to request ELPAC assessment, if necessary.

Documenting Programs and Services in the IEP

The IEP should document the type of language acquisition program the student will be provided to ensure she continues to receive appropriate English learner services after she becomes eligible and starts receiving special education services.

Language acquisition programs are those in which (a) the language of instruction is English, with primary language support provided, and (b) bilingual programs where the core curriculum is provided in English and another language, such as two-way immersion and developmental bilingual programs that have the goal of biliteracy.[13]

As articulated in the California Ed.G.E. Initiative (accessible at: https://bit.ly/2MlZlGm) and similarly, in content curriculum frameworks, all program options for English learners in California include:

- **"Integrated English Language Development"** means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English (5 *CCR* 11300[c]) (accessible at: https://bit.ly/2Z8f56m).

- **"Designated English Language Development"** means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development (ELD) standards to assist English learners to develop critical English language skills necessary for academic content learning in English (5 *CCR* 11300[a]) (accessible at: https://bit.ly/2Z8f56m).

For more guidance, see chapter 6 of this practitioners' guide.

Documenting Primary Language Support in the IEP

All English learners benefit from maintaining their primary language and continuing to develop it in academic contexts. In classrooms that are not part of a bilingual program, English learners benefit from some level of primary language support. Primary language support is not to be

confused with placement in a "primary language instruction classroom" or bilingual education. Primary language support refers to a means of using the student's primary language strategically to assist them in accessing the core curriculum. It should be noted on the IEP if a student requires primary language support and how it will be provided. Some examples of providing primary language support include:

- Preview and review or directions on tests or assignments in the student's primary language
- Translation of test or assignment directions provided to the student in his primary language by an interpreter or use of a translation device
- A written translation of a new math concept in the student's primary language or an oral interpretation

Documenting the Language of Instruction in the IEP

It is an obligation of the IEP team to determine what the language of instruction is in the student's core curriculum. The IEP team determines if instruction will be in English or the student's primary language. This should be based on the student's needs relative to her language acquisition as well as parental preference.

It is recommended that IEP teams also indicate who (by title, such as general education or special education teacher) will provide the student's English language development instruction. Integrated ELD could be provided by special education teachers through a collaboration model in general education as all instruction is aligned to the California Common Core State Standards (CCSS) and the *CA ELD Standards*.

Developing Linguistically Appropriate IEP Goals for English Learners with Disabilities

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

The IEP team must "consider the language needs of the student as these needs relate to the student's IEP" (*EC* 56341.1[b][2]) (accessible at: https://bit.ly/2UirlxH). Specifically, the IEP must include "linguistically appropriate goals, objectives, programs and services" as required by *EC* 56345(b)(2) (accessible at: https://bit.ly/2UEfW0f).

In the development of IEP goals, 5 *CCR* 3001(m) (accessible at: https://bit.ly/2IBU8La) identifies "linguistically appropriate goals, objectives, and programs" to mean:

- activities which lead to the development of English language proficiency;
- instructional systems either at the elementary or secondary level which meet the language development needs of the English learner; and
- for individuals whose primary language is other than English, and whose potential for learning a second language, as determined by the IEP team, is severely limited, the IEP team may determine that instruction may be provided through a language acquisition program, including a program provided in the individual's primary language. The IEP team must periodically, but not less than annually, reconsider the individual's ability to receive instruction in the English language.

IEP teams might find the following resources helpful in writing linguistically appropriate goals:

- the main CDE web page for standards-aligned IEPs which is accessible at: https://bit.ly/2XjIs3R
- a seven-step process for creating standards-based IEPs from the National Associate of State Directors of Special Education (NASDSE)[14] is accessible at: http://bit.ly/2Ls4bpo (While not specific to English learners, the process described can be modified to meet the needs of English learners.)

Writing Linguistically Appropriate IEP Goals and Objectives

It is important that the IEP for an English learner include linguistically appropriate goals and objectives (LAGOS). *(Objectives are only required for students receiving a functional skills level curriculum)*. More importantly, aligned English language development standards and grade-level California common core state standards (CCSS) content goals will move students toward acquiring English proficiency and reclassification. IEP goals must also align with the CCSS and reflect the student's ELP level.

To accomplish the task of developing linguistically appropriate goals, it is recommended that the IEP team (1) review the ELPAC results to see what areas need further development, (2) review the results of the student's standardized and informal test data to see where the areas of need are, and (3) align "or link" the linguistically appropriate goal to an appropriate grade-level standard and ELD standard for integrated ELD instruction. This does not mean the IEP goal needs to state the exact skill level delineated in the grade-level standard; however, the linguistically appropriate IEP goal, linked to the ELD standard would incorporate skills that will lead to attainment of a particular grade-level standard. When developing IEP goals for English learners, it is most beneficial for the IEP team to consider the student's overall needs including language proficiency, sociocultural factors, and disability in order to determine appropriate supports and related services in the IEP.[15]

When drafting IEP goals, the IEP team should consider:

- cognitive level of the student;
- linguistic level of the student;
- the developmental level of the student's primary (L1) and second (L2) language;
- overall performance in designated and integrated ELD instruction;
- access to the student's prior knowledge and experiences;
- inclusion of culturally relevant materials and experiences; and
- the student's heritage.

After the team has determined the linguistic levels and needs of the student (by analyzing progress toward attaining the *CA ELD Standards* and reviewing ELPAC or other language proficiency assessment results), the next step is to draft goals based on assessed areas of need related to the disability that align with the student's linguistic needs.

Changes to regulation made by the CA Ed.G.E. Initiative make it necessary to include English language development goals for English learner students with disabilities since ELD is a part of all language acquisition programs. Linguistically appropriate goals are not specific ELD goals but are goals that align with the *CA ELD Standards* to support the student in language acquisition, and ultimately, meeting his academic goals and accessing and making progress in the grade-level curriculum.

The IEP team may find it helpful to use the *CA ELD Standards* and the *ELA/ELD Framework* as a starting point for developing LAGOS since the ELPAC is aligned with the current (2012) *CA ELD Standards*, the IEP team can use them with confidence when developing LAGOS.[16] The IEP team should note that because the ELPAC has been aligned with the 2012 *CA ELD*

Standards, as students make progress on their standards-aligned LAGOS they should also see improvements on their ELPAC results.

LAGOS Samples by Receptive Language, Reading, and Writing

The following are samples of linguistically appropriate goals that align with ELD Standards and ELPAC data. These samples are for a hypothetical student with mild to moderate disabilities that manifest a specific learning disability in receptive language, reading, and writing.

1. Sample Linguistically Appropriate Receptive Language IEP Goal with Objectives

This example is for a second-grade student in a dual immersion Spanish and English program who manifests a disability in oral receptive language and a disability in receptive and expressive language, reading, and writing.

Goal Baseline: The student is currently able to respond to simple directions and questions provided orally in English and Spanish by using physical actions such as pointing or other non-verbal communications in one out of four opportunities.

Current Level of Performance Aligned to ELD Standards

Domain: Listening and Speaking
Strand: Strategies and Applications
Sub Strand: Comprehension
Level: Emerging
Grade: Kindergarten through grade two

Goal: By (*date*), (*student*) will respond to simple directions and questions provided orally in English and her primary language by using one-word utterances in English and Spanish with three out of four opportunities over a one-week time period.

Objective: By (*date*), (*student*) will respond to simple directions and questions provided orally in English and her primary language by using physical actions or gestures such as pointing in English and Spanish with two out of four opportunities over a one-month time period.

2. Sample Linguistically Appropriate Reading IEP Goal with Objectives

This example is for a student with a moderate disability taking an alternate to ELPAC.

Goal Baseline: The student, while reading aloud a short passage of one to two lines at grade level, is able to recognize and produce the short vowel sound English phonemes in the medial

position of consonant vowel consonant (CVC) words or in isolation as the short vowel sounds in English do not directly correspond to phonemes in the primary language of Spanish.

Current Level of Performance Aligned to ELD Standards

Domain: Reading
Strand: Word Analysis
Sub Strand: Concepts about Print, Phonemic Awareness, and Vocabulary and Concept Development
Level: Emerging
Grade: Three through five

Goal: By (*date*), (*student*), while reading aloud a short passage of one to two lines at grade level, will recognize and produce the five short vowel sound English phonemes in the medial position of consonant vowel consonant (CVC) words that do not correspond to phonemes he already hears and produces in his primary language of Spanish with 80 percent (four out of five words) accuracy on two out of three consecutive trials over a one-week time period as demonstrated by data tracking records.

Objective: By (*date*), (*student*), while reading aloud a short passage of one to two lines at grade level, will recognize and produce the two short vowel sound English phonemes (a / o) in the medial position of consonant vowel consonant (CVC) words that do not correspond to phonemes he already hears and produces in his primary language with 40 percent (two out of five words) accuracy on two out of three consecutive trials over a one-week time period as demonstrated by data tracking records.

Objective: By (*date*), (*student*), while reading aloud a short passage of one to two lines at grade level, will recognize and produce the three short vowel sound English phonemes (a / e / o) in the medial position of consonant vowel consonant (CVC) words that do not correspond to phonemes he already hears and produces in his primary language with 60 percent (three out of five words) accuracy on two out of three consecutive trials over a one-week time period as demonstrated by data tracking records.

3. Sample Linguistically Appropriate Written Language IEP Goal

This example is for a student taking ELPAC.

Goal Baseline: The student currently can produce in writing a brief summary in English that contains at least three complete sentences and key words (using notes from an outline or graphic organizer completed with assistance) after having a nonfiction narrative read aloud to

her. The student will increasingly write concise summaries of texts and experiences in English using complete sentences and key words (may use notes or graphic organizers generated with assistance).

Domain: Texts and Discourse in Context
Strand: Strategies and Applications
Sub Strand: Comprehension
Level: Emerging
Grade: Six

Goal: By (*date*), (*student*) will produce a written passage of three paragraphs in English that contains a minimum of three to five complete sentences (using notes from an outline or graphic organizer completed with assistance) in response to a nonfiction narrative read aloud to her in three out of four trials over a one-month period.

Examples of Linguistically Appropriate Goals by Grade Level[17]

Figures 5.3 through 5.5 provide additional examples of linguistically appropriate goals by grade level in a variety of English Language Arts (ELA) areas.

Figure 5.3.
Third-Grade Example

Reading Informational Text, Grade 3, Standard 2	RI.3.2 Identify the Main Idea of an Informational Text
Key Idea and Detail	Determine main idea of a text; recount the key details and explain how they support the main idea.
CA ELD: Part I: Mode B: Level 1: Emerging	Describe ideas, phenomena, and text elements (e.g., main idea, characters, setting) based on understanding of a select set of grade-level texts and viewing of multimedia with substantial support.
***IEP goal**	By (date), after reading a grade-level informational article with the main idea (e.g., topic sentence, topic paragraph, title, headings) removed, (name) will infer and verbally state the main idea using one complete sentence in (2 out of 3) trials as measured by teacher observation.

Figure 5.4.
Seventh-Grade Example

CCSS ELA/Literacy, Language, Grade 7, Standard 5	L.7.5 (A)(B)(C) Draws Meaning From Unfamiliar Words
Vocabulary Acquisition and Use	Demonstrate understanding of figurative language, word relationships, and nuances in word meanings. (A) Interpret figures of speech in context. (B) Use the relationship between particular words to better understand each of the words. (C) Distinguish among the connotations of words with similar denotations.
CA ELD: Part I: Mode C: Level 2: Expanding	Use a growing set of academic words (e.g., specific, contrast, significant, function), domain specific words (e.g., scene, irony, suspense, analogy, cell membrane, fraction), synonyms, and antonyms to create precision and shades of meaning while speaking and writing.
***IEP goal**	By (date) after listening to a teacher-led lecture, (student) will be given a list of vocabulary words, and he will define the vocabulary word in his own words and write a sentence with an analogy using each vocabulary word for (4 out of 5) words/labels for (3 out of 4) vocabulary exercises.

Figure 5.5.
High School Example

CCSS ELA/Literacy Reading Informational Text, Grades11-12, Standard 1	W.11-12.1.C Use Transition Words to Justify Claims
Text Types and Purposes	Use words, phrases, and clauses as well as varied syntax to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims.
CA ELD: Part II: Mode B: Level 3: Bridging	Expand sentences with a variety of adverbials (e.g., adverbs, adverb phrases and clauses, prepositional phrases) to provide details (e.g., time, manner, place, cause) about a variety of familiar and new activities and processes.

CCSS ELA/Literacy Reading Informational Text, Grades11-12, Standard 1	W.11-12.1.C Use Transition Words to Justify Claims
***IEP goal**	By (date), when asked to state and defend a personal opinion about a controversial topic, (student) will write a persuasive essay with (2) reasons to support her claims, (2) specific pieces of evidence related to the reasons, and (4) transitional words (e.g., "such as," "on the contrary," "in addition," or "moreover") that connect claims, reasons, and evidence for (3) out of (4) persuasive essay topics.

**If a student is in a bilingual dual immersion program being taught the majority of his core instruction in Spanish, the IEP team should determine if each goal should target Spanish or English or both and note this in the IEP goal (Butterfield 2017, Section V).*

Determining Instructional Programming and Least Restrictive Environment

After IEP goals have been developed based on the student's strengths and needs identified in the present level of performance, the team can make decisions about programs for language instruction. The option choices should allow for special education supports and related services to be provided so that the student receives the specially designed instruction needed to meet his IEP goals. As previously discussed, the team will decide, with input from the parent, the best possible instructional program for the student and how comprehensive ELD will be provided.

The IEP team shall also, "in the case of a pupil with limited English proficiency, consider the language needs of the pupil as those needs relate to the pupil's individualized education program" (*EC* 56341.1[b][2]) (accessible at: https://bit.ly/2UirlxH).

For example, if the student is receiving core instruction in her primary language (Spanish in this example) in a dual immersion program, then the IEP team should carefully consider what would be the most beneficial language of instruction to receive her special education support in for oral or receptive language and reading and written language intervention. The IEP team must take into consideration many factors, including the student's cognitive ability, the amount of prior academic instruction and literacy in her native language, and the percentage of her current core instruction that is being delivered in the native language[18].

The IEP team must decide and document how to provide special education and related services while meeting the federal requirements that state:

> … to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (34 *CFR* 300.114) (accessible at: https://bit.ly/2UiR212).

It is up to the IEP team to determine if the student can be provided instruction, including ELD, in a general education classroom employing supports, accommodations, modifications, and related services. The IEP must include "an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and [extracurricular and other nonacademic activities]" (34 *CFR* 300.320[a][5]) (accessible at: https://bit.ly/2UmfOgz).

Within the least restrictive environment (LRE) that student will be receiving specially designed instruction (SDI), meaning that the instruction is adapted and specialized as appropriate to the needs of the child, in content, methodology, or delivery of instruction. A continuum of services is required to meet the differing educational needs of individual students with disabilities. Within this continuum the student will receive services in a variety of settings. Instruction, including ELD, may be provided to the student, based on his needs and LRE determinations made by his IEP team, in the following settings: "the classroom, in the home, in hospitals and institutions, and in other settings" (34 *CFR* 300.39) (accessible at: https://bit.ly/2KIn4E7).

Classroom Settings—Options

This federal continuum may look different from school to school based on the needs of students in that school, or the programming in the district. Some options could include:

- Regular Classroom (may also be multilingual setting): This is a general education classroom with minimal IEP supports. This may include grade checks or progress checks from the general education teacher. Instruction with minimal supports and accommodations are provided by the general education teacher with some face to face contact between the student and special education teacher. Integrated ELD is provided during content instruction, and an English learner authorized teacher or English learner specialist (or both) provide designated ELD instruction.

- Regular Classroom with Consultation: This is a general education classroom with support from the special education teacher. This level of special education entails the special education teacher providing instructional materials and planning support to the general education teacher—for accommodations and adaptations of materials to support the students. Designated and integrated ELD is provided by the general education teacher and/or the English learner specialist.

- Regular Education Classroom with In-Class Special Education Supports: This level involves methods such as co-teaching or paraprofessional support in a general education class, often referred to as push-in supports. Integrated ELD can be provided by both the general education and the special education teachers collaboratively in the general education classroom, and the student will receive designated ELD from an English learner specialist or classroom teacher.

- Special Education Resource Room: This level involves pull-out for special education instruction in addition to the grade-level instruction and ELD instruction. ELD is integrated into the specially designed content instruction. Students may also receive designated ELD from the ELD specialist. Resource pull-out or an additional resource supplemental special education class is a direct instruction class designed to support the student in meeting her IEP goals.

- Special Day Class: In this case, a student spends the majority of his day receiving special education instruction in the core content areas from a special education teacher (including designated and integrated ELD). The student is integrated with his peers in the general education classroom whenever appropriate while receiving integrated ELD for the time he is instructed in a content area.

- Residential School: A student who attends a residential school receives special education services in a therapeutic manner in a full-time setting. An English learner with a disability in this setting must also have access to integrated and designated ELD in the manner that best meets her learning strengths and needs.

- Home or Hospital Instruction: A student who is too ill or has disabilities that keep him from attending school for long periods of time, receives special education supports and related services, including related services in the home or hospital. The student must also receive integrated ELD and designated ELD as prescribed by the IEP based on his proficiency level, needs, and goals.

The IEP team must look at the academic, behavioral, functional, and linguistically appropriate goals to determine which services will meet the student's needs. After the needed services and supports have been identified, the team makes decisions regarding the extent possible those supports and related services can be delivered in the general education classroom through accommodations and adaptations versus pull-out special education settings.

Accessibility Resources and Accommodations for ELPAC and Statewide Assessments

English learners who also have a disability are allowed accessibility resources, including accommodations, for the classroom, and for statewide assessments which includes language proficiency assessments. The IEP team will determine which accessibility resources are necessary to allow equitable access to instruction and assessment.

IEP Team Decisions Regarding English Language Proficiency Assessment

To access a domain(s) of the ELPAC, the student may need to use approved universal tools, designated supports, and accommodations as identified in her IEP. The approved universal tools, designated supports, and accommodations may be found in CDE's accessibility resource matrix. Universal tools, designated supports, and accommodations will not impact the student's score on the ELPAC. It is recommended that all accessibility resources identified in the CDE guidance, located in the annually updated matrix, should also be provided during everyday instruction and used on practice tests so that the use is meaningful during ELPAC administration.

For a description on the accessibility resources available, see "Embedded and Non-Embedded Accommodations for the ELPAC" later in this chapter.

For a small number of English learners with an IEP, their disability may preclude them from being able to take one or more of the ELPAC domains. In such cases, an IEP team could consider that a disability exemption for an ELPAC domain may be most appropriate. Please refer to the CDE's ELPAC Portal (accessible at: https://bit.ly/2Tw9I0J) as a resource in making decisions regarding exempting students from taking an ELPAC domain. The IEP team needs to keep in mind that for a student to be assigned an overall score the student will need to be assessed with the ELPAC in at least one domain of both the oral and written language composites as described in the following:

- To receive a score for the oral language composite, the student must be assessed in either the Speaking or Listening domains. Meaning that if the student is exempted from both

domains (Listening and Speaking) he will not receive an oral language composite score or an overall score.

- To receive a score for the written language composite, the student must be assessed in either the Reading or Writing domain. Meaning, that if the student is exempted from both domains (Reading and Writing) she will not receive a written language composite score or an overall score.

The IEP team can also decide to assess the student using an alternate assessment (locally decided) for a given ELPAC domain. The use of an alternate assessment is reserved for English learners with the most significant cognitive disabilities. A student who is administered an alternate assessment will have a lowest obtainable scale score (LOSS) calculated.

If the IEP team determines that it is necessary to exempt a student from two or more domains, the team may consider the use of an alternate assessment to the ELPAC.

Before any test is administered, it is recommended that the IEP team consider the following activities when preparing or updating the IEP:

- The IEP team determines if a student's disability would preclude her from taking any or all domains of the ELPAC (with or without variations, accommodations, or modifications). The IEP team completes the CDE's Participation Criteria for Alternate Assessments. For further guidance and to download forms, refer to the CDE's web page for the Alternate Assessment (accessible at: https://bit.ly/2zDX0As) and the ELPAC Information Guide on the CDE's ELPAC (accessible at: https://bit.ly/2Tw9I0J) web page.

- The IEP team makes decisions about how the student will access the ELPAC using universal supports, designated supports and accommodations (summarized in the following text) and identifies these in the IEP.
  - Universal tools are available to all students on the basis of student preference and selection.

  - Designated supports are available to all students when determined for use by an educator or team of educators with parent or guardian and student input as appropriate or as specified in the IEP or Section 504 plan.

  - Accommodations are provided to eligible students as specified in an IEP or Section 504 plan.

- The IEP team determines if a student's disability would preclude them from taking any or all domains of the ELPAC (with or without accommodations).
  - Refer to the CDE's ELPAC web page for administration guidance as a resource in making decisions regarding exempting students from taking an ELPAC domain.

- The IEP team will discuss the impact when a locally determined alternate assessment(s), for students with significant cognitive disability(s), is administered to the ELPAC.

- Students that take locally determined alternate assessments receive the LOSS on each domain affected. A LOSS can affect the overall score. The LOSS will be used for Title I accountability purposes.
  - Results from the ELPAC LOSS should not be used for instructional, initial designation, and reclassification decisions since the LOSS does not reflect the student's English proficiency level.

- When the statewide Alternate ELPAC is operational, students will receive overall scale scores based on alternate English language development standards.
  - Complete CDE's California Alternate Assessment Participation Decision Worksheet, which can be found on the CDE's Alternate Assessment (accessible at: https://bit.ly/2zDX0As) web page. CDE is developing a comprehensive statewide assessment accessibility resource document that will also be posted on this web page.

IEP Accommodations and Modifications for English Learners

For a student with a disability, the IEP should identify the specific special education accommodations and modifications that may be needed to assist the student who is an English learner to be successful in an educational setting. Examples of accommodations that may be appropriate to consider for students learning English may include the following:

- Primary language support to assist with academics
- Translation devices
- Extra time on tests and assignments
- Use of reference materials with visuals to aid comprehension
- Bilingual dictionary if applicable to second language

While modifications are not used on statewide assessments, examples of modifications made for instructional purposes that may be appropriate to consider for students learning English may include the following:

- Tests provided or adapted to be more "comprehensible"

- Tests and assignments modified in length and content
- Alternate testing formats such as use of visuals or drawings

Embedded and Non-Embedded Accessibility Resources for the ELPAC

The CDE's accessibility matrices (accessible at: https://bit.ly/2Tw9I0J) provide an overview of the embedded and non-embedded resources available to support access to the ELPAC.

Embedded resources are digitally delivered universal tools, designated supports, and accommodations available as part of a technology platform for computer administered tests. Embedded resources do not alter the construct being measured. Embedded resources include such options as text enlargement, digital notepads, and highlighters within a digital platform.

Non-embedded universal tools, such as breaks in testing, include testing over several days, oral clarification of instructions, scratch paper, and sufficient time to complete the test.

Non-embedded designated supports include adjustments to the setting such as audio amplification, special lighting, adaptive furniture, testing in a separate room, audio or oral presentation of the test directions in English, magnification, color overlays, masks to maintain visual attention, and noise buffers, as well as manually coded English or American Sign Language (ASL).

Non-embedded accommodations include audio, manually coded English or ASL presentation of test questions for the writing section in English, braille materials, dictation of pupil responses, use of word processing software with spell and grammar check tools turned off, large print versions, responses dictated to a scribe for selected response items, supervised breaks within a section, test questions enlarged through electronic means, testing at home or hospital by a test examiner, transfer of student responses from test booklet to the answer document, and use of any assistive device that does not interfere with the independent work of the student.

If students are unable to access the ELPAC with the supports listed here, the IEP team will decide upon an alternate assessment for the domains for which an alternate assessment should be used.

Unlisted resources shall be made available if specified in an eligible student's IEP or Section 504, upon approval by the California Department of Education. These unlisted resources are not universal tools, designated supports, or accommodations. Some unlisted resources do change the construct of the assessment. Common ones that change the construct being measured include ASL for questions, bilingual and English dictionaries, Signed Exact English, thesaurus, translations, and translated word lists.

The CDE's accessibility matrix (accessible at: https://bit.ly/2Tw9I0J) provides an overview of the embedded and non-embedded resources available to support access to the ELPAC.

As the ELPAC transitions to a computer-based assessment, the CDE's accessibility resource documents will be updated annually with the most current embedded and non-embedded resources.

Accommodations for the CAASPP

When making decisions regarding accommodations for students with disabilities on the statewide assessments such as the Smarter Balanced Summative Assessments, the California Science Test, the California Alternate Assessments (CAAs), and the California Spanish Assessment, the IEP team can refer to CDE's variety of accessibility resources. The CAASPP Student Accessibility Resources web page (accessible at: https://bit.ly/2VLZkjs) will help the IEP team identify the correct assessments for the student.

The resources on this web page provide links to a worksheet for teams to complete to determine if the CAA is appropriate, and it provides information choosing the correct accessibility resources including the usability, accessibility, and accommodation guidelines. There are links to webcasts to support teams in their decision-making and a link to the *Individual Student Assessment Accessibility Profile (ISAAP)* (accessible at: https://bit.ly/2LwPYHM) process that allows the IEP team to determine which accessibility resources may be the most beneficial to individual student learning needs.

When making decisions regarding accommodation and accessibility for students with IEPs, levels of support are identified with universal tools, designated supports, and accommodations. Unlike the ELPAC, many embedded resources are available for the CAASPP as some of these assessments are administered digitally. These embedded resources that provide universal tools, designated supports, or accommodations include audio transcripts, braille, ASL, calculators, closed captioning, color contrast, digital notepads, English glossaries, expandable items and passages, global notes, and a wide variety of other options available through a digital format can be found on *CDE's Matrix One: CAASPP System Accessibility Resources* which is accessible at: https://bit.ly/2GkUJhP.

Non-embedded response options include 100s times tables, abacus, alternate response options, ASL, amplification, bilingual dictionaries, color overlays, calculators, and other options.

Since the California Alternate Assessments are administered one-on-one by the test examiner in the language of instruction, some embedded resources are not provided in the CAA. Some

CAA-allowed non-embedded supports include instructional supports and physical supports such as allowing the student to use augmentative communication devices, using eye-gaze or muscle tone changes to signal a response, structuring the environment to reduce or eliminate distractions, and positioning or stabilizing the student to allow for the most control of movements. CDE's website offers a variety of alternate assessments as shown in the Assessment System Chart (accessible at: https://bit.ly/2CSADvR).

As with the ELPAC, unlisted resources are allowed with advance permission from CDE. CDE will grant approval of the unlisted resource on the basis of the IEP team's or Section 504 plan's designation and if the unlisted resource does not change the construct being measured. If the unlisted resource changes the construct, CDE will not approve, but the student may still use the resource and receive an individual score report, but it will not be counted as participating in the statewide assessment (5 *CCR* 853.8). Information on submitting a request to CDE for approval of the use of an unlisted resource can be found in the ELPAC web page. (accessible at: https://bit.ly/2Tw9I0J).

Student Scenario

As introduced in chapter 2 and followed throughout the referral and assessment processes in chapters 3 and 4, Cruz, a second grader struggling with reading, is identified as an English learner with a disability in need of special education supports and related services.

Preparing for Cruz's IEP

Cruz's family has been involved and an integral part of the assessment process. Communication has been supported by the home-school liaison and the English learner specialist who have also served as interpreters for the family. Because Cruz's family has been informed and involved since Cruz was referred for Tier III interventions, they feel they are partners on the IEP team. The team has valued their opinions and input, providing the family with a sense of equality. They feel that there is mutual trust and respect among the IEP team members. While a bit nervous about the outcome of the meeting, they are confident that the IEP team will make decisions that will provide Cruz the best possible services to support her academic growth.

Prior to Cruz's IEP meeting, draft team reports and IEP goals were sent home for her family to review. They requested to not have the documents translated. The family requested that their neighbor who has been assisting them attend the meeting to help them if needed to understand the assessment results with greater detail.

Based on the meeting notice that they received, the family was aware that Cruz's general education teacher, a special education teacher, the English learner specialist, interpreter, the school principal, the school psychologist, and a district special education representative would be in attendance.

Cruz's IEP Meeting

While Cruz's family was a bit nervous about the IEP meeting, they were immediately greeted by the English learner specialist, the principal, and Cruz's teachers. They were offered bottled water and a folder containing the parents' and child's rights in Spanish, blank paper for note-taking, and a pen, and they were seated next to the neighbor and interpreter. The meeting agenda displayed on the interactive whiteboard and the interpreter and neighbor provided an informal overview of the agenda prior to the beginning of the meeting.

The special educator facilitated the meeting and provided an opportunity for all team members to introduce themselves. Team members spoke directly to the parents even though an interpreter was interpreting into Spanish for them. The meeting's purpose and outcome were shared and the agenda reviewed in more detail. Her family was given a few quiet moments to review the parent and child rights provided in Spanish to see if they had any questions. The decision-making process to determine if Cruz was eligible for special education services was explained.

The meeting began with the parents sharing their report, and with the help of the interpreter they shared their goals and dreams for Cruz. They appreciate how inquisitive she is and hope that her curiosity will help her find a good job in the future. They want her to learn to read better since they know that she struggles with reading and it frustrates her because she wants to read to learn. They shared their appreciation for the help that teachers and staff have provided in the past.

The meeting proceeded including reports from Cruz's teachers, the English learner specialist, the special education teacher, and the psychologist. The results of the assessments point to the fact that Cruz does not have any developmental delays that would cause her reading difficulties. Non-verbal tests of intelligence point to average to above average ability. Since additional assessments were given in Spanish, the team determined that the acquisition of English did not play into her reading difficulties. Based on the assessment data, the interviews, and observations it became clear that Cruz's reading difficulties reflect dyslexia and are not due to intellectual disability, emotional disturbance, or environmental, cultural, or economic disadvantage.

Cruz's Eligibility Determination

Cruz's IEP data identifies a processing disorder affecting her ability to identify speech sounds and how they relate to letters and words in order to decode. Dyslexia, a specific learning disability, has contributed to her difficulties with reading fluency and subsequent comprehension of text she has read. The assessment results prove that Cruz meets the eligibility requirements of a student with a specific learning disability and that the severity of the disability has an adverse effect on her learning. The team determines that she does require special education services in order to access the grade-level content and progress from grade to grade. They determine that Cruz has met the eligibility requirement of being a child with a disability and requiring special education services.

Cruz's IEP

Since Cruz is an English learner, the IEP included her current ELPAC scores and her ELD programming for integrated and designated ELD instruction in addition to her special education services. Cruz would continue to receive both since she is still currently at the Expanding level of English proficiency. The IEP also identified the level of primary language support that Cruz would receive in both her general education classroom and while receiving special education services. This will allow her teachers to preview and review directions and clarify instructions in Spanish or have the English learner specialists, other Spanish speaking students, or the special education paraprofessional provide interpretation during assignments.

The IEP also documented English as the language of instruction in the core curriculum based on the parents' preference. They feel it is important for Cruz to learn in English so that her English proficiency will improve. They understand that having language skills in both languages will benefit getting a job. They also recognize that continuing to develop her primary language is important and will continue to encourage family communication in Spanish.

As the IEP team considers Cruz's acquisition of English, they develop an IEP goal that is linguistically appropriate. Because Cruz's decoding skills have impacted her comprehension skills, a linguistically appropriate goal was developed in the area of comprehension, specifically the second-grade CCSS reading standard, around identifying the main idea of an informational text. This standard focuses on determining the main idea by recounting the key details and being able to explain how they support the main idea. This aligns with the ELD Level 1 Emerging proficiency indicator, which focuses on describing ideas, phenomena, and text elements including main idea, characters, and setting based on the understanding of grade-level texts. The team recognized that developing a goal focused on reading grade-level informational text and verbally identifying the main idea of the text will support both her English language development and her reading comprehension skills.

Cruz's Special Education Program Placement

The IEP team agreed that Cruz would benefit from special education programming and supports both within the general education classroom and in a pull-out resource room support. Cruz would receive highly scaffolded special education support in the least restrictive environment in her general education classroom. In her general education classroom, the special educator provides co-teaching support daily for a portion of the ELA period. Since much of the ELA time is small group instruction, Cruz benefits from having her special education teacher provide her small group specially designed instruction focused on strategies to support comprehension. Cruz also receives pull-out resource room support five days a week where she receives specially designed instruction that focuses on developing her fluency skills.

Cruz's Accommodations

Finally, the team makes decisions related to how Cruz will access the ELPAC. The team decides that Cruz does not need to take an alternate assessment but will need to use universal tools, designated supports, and accommodations to successfully access the ELPAC. The team uses the accessibility resources matrix to identify which accommodations will help Cruz. For universal tools and designated supports, Cruz will need oral clarification of the test directions provided by the examiner. Since her decoding is poor, the team determined that for the ELPAC writing domain, she would benefit from oral presentation of the test questions. Since her poor decoding skills have impacted her spelling and writing, the team also recommends that she have the accommodation of dictating her responses to a scribe.

These universal and designated supports as well as accommodations will be incorporated into Cruz's classroom instruction and will be used to help her access the grade-level curriculum. She will also use these accommodations and supports in practice tests, and other classroom-based assessments throughout the year so that they will provide meaningful support to her when she takes the ELPAC or the CAASPP assessments.

IEP Summary and Consensus

The IEP team provided a summary to Cruz's parents about the decisions made during the meeting. The team and parents agree that Cruz has a primary disability identified as a specific learning disability in the area of reading, specifically dyslexia, which impacts her reading fluency, reading comprehension, and written language. The team identified special education services that will allow Cruz to work toward meeting the grade-level common core standards and identified how she will receive both her special education supports and English language

development programming. Finally, the team developed goals that address her areas of need and support her English language development as well as the accommodations that allow her access to the ELPAC and the CAASPP.

After reviewing the IEP, the team confirms the agreements and comes to consensus on the content and services described in the IEP. The parents are aware that they will receive quarterly updates on Cruz's progress on goals and feel comfortable to inquire with the team whenever they have questions. The parents are left with a copy of the IEP and reports. They are reminded that they can have the IEP translated if they request a translation. The parents currently feel that they are clear on what the programming for Cruz will look like, are happy with the outcome, and agree to all services described in the IEP.

Chapter Summary: Final IEP Team Decisions for English Learners

After the IEP team makes decisions regarding eligibility and develops IEP goals including linguistically appropriate goals and objectives, program placement decisions are made. These decisions include how the student will participate in English language development instruction, the type of English Learner services that the student will participate in, the number of minutes per day allocated for ELD instruction, the special education supports and related services that will be provided including time and location, and how the student will access the general education curriculum in the least restrictive environment. Finally, the team will make decisions about accessibility and accommodations for classroom instruction, the ELPAC assessment, and other statewide assessments in the CAASPP.

As the team develops the road map of the individualized education program, parents, the student when appropriate, teachers, English learner specialists, and other assessors all play a role in determining the best possible route for the student to be able to address her learning needs both academically and in the pursuit of English proficiency. The next chapters address what those program placements might look like for students who are English learners with disabilities in various settings and how instruction can address both disability and English language acquisition in any classroom.

Frequently Asked Questions

Q: Is it required that the IEP team classify a preschool student as an English learner?

A: While not a formal identification as English learners, frequently occurs upon enrollment in transitional kindergarten or kindergarten when the home language survey (HLS) is completed by the parent. The IEP must still document whether the student is hearing or speaking a language other than English at home. Most preschools use the Desired Results Developmental Profile (DRDP), which includes observation of students as dual-language learners. These observations can be used by the IEP team to document in the IEP if the student is a dual-language learner.

Q: Is it required for a student who is an English learner, who has an IEP and is identified as having a specific learning disability (SLD), to receive only instruction in English so as not to confuse the student?

A: Research indicates that the student may acquire language two (L2) earlier if they are proficient in language one (L1) (Fortune and Menke 2010; Butterfield 2017). The IEP team needs to carefully consider the individual needs of the student when making decisions about the language of instruction.

Q: What decisions can only be made by the IEP team for students who are English learners with disabilities?

A: Three key decisions are the jurisdiction of the IEP team: (1) the language of instruction, (2) use of accessibility tools or use of an alternate assessment for the ELPAC or CAASP, and (3) how and where ELD designated instruction will be provided (general education or special education) and if instruction will be provided by a general education teacher, special education teacher, or through designated ELD instruction.

Q: Must English language development (ELD) goals be included in the IEP?

A: No. The Individuals with Disabilities Education Act (IDEA) requires that IEP goals be developed in areas of need related to the student's disability. Being an English learner is not a disability. Rather, state and federal regulations require that IEP goals be linguistically appropriate, which means they must be written at a level of linguistic ability that is appropriate for the student based on her current English language development level as evidenced by recent assessment (ELPAC or an alternate assessment).

Q: When do I include universal tools, designated support, and accommodations for the ELPAC to my English learner students with disabilities?

A: These decisions should be made by the student's IEP team. The team should review assessment information that provides the team with an understanding of how the student's disability affects the student's ability to interact with the ELPAC. The IEP team should ask what supports (provided through the accessibility resources) the student needs to use to show his true level of English proficiency. In some cases, students may only require the use of designated supports, and in others, students will require accommodations. IEP teams should refer to the accessibility matrix when holding these discussions. The IEP should document how the student will access the ELPAC and which accessibility resources the student will use during the administration of the ELPAC. Also, IEP teams should consider documenting the instructional implications for the use of the selected accessibility resources. The accessibility matrix displays the universal tools, designated supports, and non-embedded accommodations allowed as part of the ELPAC as of August 3, 2018.

Q: Does the interpreter for the IEP have to be trained?

A: California *Education Code* is largely silent on this topic. The applicable code is *EC* 56341.5 (accessible at: https://bit.ly/2GppTpv), and the relevant section (i) states:

> The local educational agency shall take any action necessary to ensure that the parent or guardian understands the proceedings at a meeting, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English.

However, 5 *CCR* 3023 (accessible at: https://bit.ly/2ICd2BI) states:

> In addition to provisions of *EC* 56320 (accessible at: https://bit.ly/2V1FROH) and 56381 (accessible at: https://bit.ly/2IpV9qy), assessments and reassessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity of the assessment may have been affected.

Interpreters for low incidence disabilities do have to meet certain requirements as stated in 5 *CCR* 3051.16(c) (accessible at: https://bit.ly/1Hnpssm):

> An educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter and Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TEC Unit) certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

Requirements for certification exist for low incidence disability interpreters, but there are none for language interpreters. Local school districts must set their own policies that determine the qualifications of the language interpreters they use and any additional training requirements.

Chapter 5 Endnotes

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14 *M. Holbrook, Standards-Based Individualized Education Program Examples* (http://bit.ly/2Ls4bpo) (Alexandria, VA: National Association of State Directors of Special Education [NASDSE], 2007).

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Chapter 6: Educational Programming: Access and Equity for English Learners with Disabilities

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Questions Addressed in This Chapter

For Teachers

- How can I collaborate with my colleagues—including English learner and special education specialists, instructional coaches, and school administrators—to strengthen educational programs for English learner students with disabilities?

- How can I collaborate more effectively with families and caregivers regarding the individualized education program (IEP) goals of my English learner students with disabilities?

For Administrators

- How can I ensure that English learners with disabilities are placed in the educational programs that will best meet their academic, ELD, and disability-related learning needs?

- How can I ensure students' families and caregivers are fully and meaningfully engaged with educational program decisions in an ongoing way?

- How can I establish systems to determine if our educational programs for English learners with disabilities are effective and to continuously improve these programs using evidence?

- How can I ensure that the educational programs at my school best meet the learning needs of English learner students with disabilities?

Introduction and Overview

Equitable access to a quality educational program is a civil right of all students, including English learners with disabilities. Previous chapters in this guide addressed appropriate identification of English learners with disabilities, pre-referral interventions, culturally acceptable assessment, and appropriate referral and individualized education program (IEP) processes. This chapter provides guidance on educational programs to ensure English learners with disabilities have full access to the comprehensive and intellectually stimulating academic curriculum, English language development (ELD) instruction, English learner services, and disability-related services to which they are entitled under federal and state law.

California's English learners with disabilities bring to school a wealth of cultural and linguistic assets, a range of talents and interests, and a variety of home and community experiences that enrich their own and others' classroom learning. Students may have a specific disability or combination of disabilities that affect learning and require specialized attention. At the same time, each student is in the process of developing proficiency in English and requires specialized support for English language development. English learners with disabilities also bring their experiences of ethnic, religious, and racial diversity to classroom learning. They may identify as straight or as lesbian, gay, bisexual, and transgender. They may currently be identified as foster youth or migratory students. They may be recent immigrants to the United States, or they may have been born in the United States. They may be from middle-class backgrounds, living in poverty, or from higher income brackets. They may be performing academically at or above grade level in their primary language or in English, or they may have disrupted educational backgrounds or be performing below grade level.

In short, individual children and youth are not defined by their status as English learners or by their disabilities. They are whole people with many layers that must be understood and valued for educational programs to be effective. When making decisions about educational program placement or evaluating the effectiveness of the educational program for individual students, it is critical to consider their strengths, assets, experiences, and identities as well as their academic, language, social-emotional, and disability-related learning needs.

California's commitment to honoring diversity, respecting students, and ensuring full and equal access to a world-class education is made tangible in current California education code, state policies, and state-created open access resources available to the field. In accordance with this commitment, educational programs for English learners with disabilities strive to meaningfully enact the values described in figure 6.1.

Figure 6.1.
California's Values for Educating English Learners with Disabilities[1]

> **Culturally and Linguistically Sustaining Practices:** English learners with disabilities receive instruction that values their home cultures and primary languages as assets, builds upon these cultures and languages for new learning, and actively sustains them. This includes promoting multilingualism.
>
> **Equity in Intellectual Richness:** English learners with disabilities benefit from the same high expectations for learning established for all students, and they routinely engage with intellectually rich tasks and texts across disciplines. Access to a language-rich, comprehensive, grade-level academic curriculum and environment is essential.

Content Knowledge and Language Development in Tandem: English learners with disabilities engage in instruction that promotes content and language learning in tandem in all disciplines, including ELA, mathematics, social studies, science, the arts, and other subjects. Further, English learners have full access to a multidisciplinary curriculum.

Attention to Specific Language Learning Needs: Content and language learning is fostered for English learners with disabilities when targeted language instruction builds into and from content learning and attends specifically to English language proficiency levels and prior educational experiences in the primary language and in English.

Attention to Specific Disability-Related Needs: English learners with disabilities receive quality disability-relevant services in the least restrictive environment possible and interact with their peers without disabilities to the maximum extent possible.

Universal Design for Learning: English learners with disabilities thrive in instructional environments where teachers intentionally support them to fully engage with intellectually challenging content using strategic scaffolding. Scaffolding is tailored to student needs with the ultimate goal of student autonomy.

Appropriate Evaluation of Progress: English learners with disabilities progress in developing academic competencies and social-emotional skills, and academic English is best evaluated with intentional, appropriate, and valid assessment tools that take into account English language proficiency levels, primary language literacy, cultural backgrounds, and specific aspects of their disabilities. Formative assessment as a pedagogical practice allows teachers to adjust instruction and provide feedback in a timely manner.

Sharing the Responsibility: Positive educational experiences and academic success for English learners with disabilities is a responsibility shared by all educators, the family, and the community. Culturally and linguistically responsive family engagement is prioritized.

Guidance on classroom practice that attends to these values is further explored in chapter 7, "Teaching and Learning to Meet Student Needs." The goal of this chapter is to provide guidance to teachers, specialists, and administrators about systems-related aspects of educational programs that establish the context for quality teaching and learning to occur and for English learner students with disabilities to thrive.

Laws and Policies to Frame Decisions

In recent years, California has taken bold and forward-thinking steps to address persistent educational inequities. Current laws and policies are designed to ensure that all students, including English learners with disabilities, participate in the highest quality educational programs possible and achieve their full potential. This section outlines some relevant federal laws and California laws and policies so that school and district teams can approach educational program placement and monitoring processes in the most informed way that results in the best options for English learner students with disabilities.

Federal and California Laws

As per federal guidelines and California education codes, all English learners with disabilities have a right to a free appropriate public education (FAPE) (20 *United States Code* [*U.S.C.*] 33 1401[9]) (accessible at: https://bit.ly/2GlE910). This includes access to the core curriculum (20 *U.S.C.* 1701) (accessible at: https://bit.ly/2PbmeOT); 20 *U.S.C.* 1400 (accessible at: https://bit.ly/2Gqw0tF])[2] in the least restrictive environment (LRE) (*EC* 56040.1) (accessible at: https://bit.ly/2KHf7Po) and to an education that promotes maximum interaction with children or youth who are not disabled (*EC* 56000–560001) (accessible at: https://bit.ly/2V1vg6l). The overwhelming majority of English learners with disabilities are educated in the general education classroom alongside their nondisabled and English proficient peers, and guidelines clearly specify that segregation should be avoided (34 *Code of Federal Regulations* [*CFR*] 300.114) (accessible at: https://bit.ly/2GrwxLZ); *EC* 56040.1 (accessible at: https://bit.ly/2KHf7Po).[3] Special classes or removal of students from regular education classes should only be considered "when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily" (20 *U.S.C.* 1412[a][5][A]) (accessible at: https://bit.ly/2vgvCYt). Beyond LRE, educational programs for English learner students with disabilities "must be appropriately ambitious in light of his or her circumstances, and every child should have the chance to meet challenging objectives."[4]

CA Education for a Global Economy Initiative

The passage of Proposition 58, known as the California Education for a Global Economy (CA Ed.G.E) Initiative makes it possible for students to participate in language acquisition programs in California. English learners with disabilities have a right to learn in their primary language and be enrolled in a multilingual program, if their parents so choose and if the district has a program (*EC* 300) (accessible at: https://bit.ly/2InzEqi); *EC* 305-6 (accessible at: https://bit.ly/2KJgu0e); *EC* 310 (accessible at: https://bit.ly/2Ip1zq1); *EC* 320 (accessible at: https://bit.ly/2ZjxtcP); *EC* 335 (accessible at: https://bit.ly/2VW2Rvu) and 5 *CCR* 11300 (accessible at: https://bit.ly/2Z8f56m); 11301 (accessible at: https://bit.ly/2Iy24NC); 11309 (accessible at: https://bit.ly/2PdMgRr); 11310 (accessible at: https://bit.ly/2PdWa5G); 11311 (accessible at:

https://bit.ly/2VJbwl3); 11312 (accessible at: https://bit.ly/2IH3wxr).[5] Further, middle and high school English learner students should not be denied enrollment in (a) courses that are part of the standard instructional program (at a minimum, those required to meet state and local graduation requirements, and courses required for middle school grade promotion); (b) a full load of courses that are part of the standard instructional program; and (c) advanced courses, such as honors or advanced placement courses.[6]

To learn more about the California Education for a Global Economy (Ed.G.E.) Initiative, visit https://bit.ly/2MlZlGm.

These federal and state laws are important for all educators to understand as they highlight a national desire for all students, and particularly those who have been historically underserved in schools, to have the opportunity to participate in quality educational experiences and meet high standards. Legal guidance will help everyone in the education system to understand the educational rights of English learner students with disabilities, to work together to enact the values in figure 6.1, and to uphold the code of ethics presented later in this chapter. To read more about federal and state laws that guide educational program decisions, visit the following web pages:

- English Learner Laws, Regulations, and Policies (CDE) are accessible at: https://bit.ly/2GsJzZC and https://bit.ly/2hp4D5S
- Special Education Laws, Regulations, and Policies (CDE) are accessible at: https://bit.ly/2kHT7nH
- *Supporting Immigrant and Refugee Students Toolkit* (Californians Together) is accessible at: https://bit.ly/2Gq9S1s
- Landmark Court Rulings Regarding English Language Learners (Colorín Colorado) is accessible at: https://bit.ly/1SJxeBd
- Special Education Laws and Broader Disability-Related Resources (Disability Rights California) are accessible at: https://bit.ly/2VLcKMF

California English Learner Roadmap

The *California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs, and Practices for English Learners (CA EL Roadmap)* (accessible at: https://bit.ly/2IKWgkb) is California's overarching policy for ensuring English learners fully and

meaningfully access and participate in a world-class education and achieve success. The policy has a clear vision and mission for welcoming, understanding, and educating the diverse population of English learners in California public schools. Four principles guide all levels of the system toward a coherent and aligned set of practices, services, relationships, and approaches to teaching and learning (figure 6.2).

Figure 6.2.

California English Learner Roadmap Vision, Mission, and Principles[7]

VISION

English learners fully and meaningfully access and participate in a twenty-first century education from early childhood through grade twelve that results in their attaining high levels of English proficiency, mastery of grade-level standards, and opportunities to develop proficiency in multiple languages.

MISSION

California schools affirm, welcome, and respond to a diverse range of English learner strengths, needs, and identities. California schools prepare graduates with the linguistic, academic, and social skills and competencies they require for college, career, and civic participation in a global, diverse, and multilingual world, thus ensuring a thriving future for California.

FOUR PRINCIPLES

Principle #1: Assets-Oriented and Needs-Responsive Schools

Preschools and schools are responsive to different English learner strengths, needs, and identities and support the social-emotional health and development of English learners. Programs value and build upon the cultural and linguistic assets students bring to their education in safe and affirming school climates. Educators value and build strong family, community, and school partnerships.

Principle #2: Intellectual Quality of Instruction and Meaningful Access

English learners engage in intellectually rich, developmentally appropriate learning experiences that foster high levels of English proficiency. These experiences integrate language development, literacy, and content learning as well as provide access for comprehension and participation through native language instruction and scaffolding. English learners have meaningful access to a full standards-based, rigorous, and relevant curriculum and the opportunity to develop proficiency in English and other languages.

Principle #3: System Conditions That Support Effectiveness

Each level of the school system (state, county, district, school, preschool) has leaders and educators who are knowledgeable of and responsive to the strengths and needs of English learners and their communities and who utilize valid assessment and other data systems that inform instruction and continuous improvement. Resources and tiered support are provided to ensure strong programs and build the capacity of teachers and staff to build on the strengths and meet the needs of English learners.

Principle #4: Alignment and Articulation Within and Across Systems

English learners experience a coherent, articulated, and aligned set of practices and pathways across grade levels and educational segments beginning with a strong foundation in early childhood and continuing through to reclassification, graduation, and higher education. These pathways foster the skills, language(s), literacy, and knowledge students need for college- and career-readiness and participation in a global, diverse multilingual twenty-first century world.

Per state policy, LEAs are encouraged to use the *CA EL Roadmap* to frame their educational program decision-making for English learners, including English learners with disabilities and to update their Local Control and Accountability Plan (LCAP) and Title III plans to ensure that goals are aligned with evidence-based practices for educating English learners. For more information about the *CA EL Roadmap* and to find useful resources for professional learning and engaging with families, visit the following web pages:

- CDE *CA EL Roadmap* and accessible at: https://bit.ly/2IKWgkb
- Californians Together *CA English Learner Roadmap* is accessible at: https://bit.ly/2Dh6DbO
- California Association for Bilingual Education (CABE) *CA English Learner Roadmap School and District Team Self-Reflection Rubrics* are accessible at: https://bit.ly/2LwidWQ

Global California 2030

Global California 2030 (accessible at: https://bit.ly/2V51BF8) is an initiative by the former State Superintendent of Public Instruction to vastly expand the teaching and learning of world languages and the number of students proficient in more than one language by the year 2030. The initiative aims to better prepare California students for the twenty-first century economy, broaden their perspective and understanding of the world, and strengthen the diversity of backgrounds and languages that make California's culture and economy vibrant and dynamic. The initiative leverages and enhances the diversity that is already California's strength.

California's public school students speak more than 60 languages ranging from Spanish, Mandarin, and Vietnamese to less frequently heard languages such as Mixteco, Pashto, and Tongan. The goals of the initiative include the following:

- By 2030, half of all kindergarten through grade twelve students participate in programs leading to proficiency in two or more languages, either through a class, a program, or an experience.

- The number of students who receive the State Seal of Biliteracy, which is nationally recognized for college admissions and career opportunities, more than triples from 46,952 in 2017 to more than 150,000 in 2030. By 2040, three out of four graduating seniors earn the Seal of Biliteracy (*EC* 51460-51464) (accessible at: https://bit.ly/2GK2NaU). The seal is earned by demonstrating proficiency in a language in addition to English.

- The number of dual immersion programs that teach languages besides English quadruples from about 400 in 2017 to 1,600 in 2030.

- The number of new bilingual teachers authorized in world language classes more than doubles from 2017 to 2030.

California's English learners with disabilities are included in these aspirational goals. The initiative makes it clear that multilingualism is an asset from many perspectives and that all students have a right to learn multiple languages. The following resources can support schools and districts with their educational programming decisions that are aligned with this state initiative:

- To learn more about Global California 2030, visit https://bit.ly/2V51BF8
- To learn more about the State Seal of Biliteracy, visit https://bit.ly/2GK2NaU

California English Language Development Standards

The *California English Language Development Standards (CA ELD Standard)* (accessible at: https://bit.ly/2hp4D5S]) is intended to ensure that English learners are supported to (1) interact in meaningful ways in all disciplines and (2) learn about how English works to make meaning in the disciplines. The goal is for English learners to develop advanced levels of disciplinary language proficiency and to use English purposefully and intentionally in school and beyond. The *CA ELD Standards* is to be used in tandem with other content standards[8] to provide full access to and amplify rigorous content learning and to accelerate English language development in each discipline.

The *CA ELD Standards* was designed intentionally as a helpful resource for teachers to plan lessons that are appropriately scaffolded without decreasing intellectual rigor. They offer observable language behaviors that students are expected to exhibit as they progress along the ELD continuum. Teachers should identify and understand the current levels of English language proficiency of their English learner students with disabilities for each of the ELD standards by their grade level. Teachers should also plan lessons and units of study that address clusters of ELD standards in ways that will support English learner students with disabilities to make progress toward higher levels of English language proficiency.

While learning an additional language is multilayered and complex, it is dependent upon many interrelated variables, and typically does not occur in a linear fashion, there are some general stages of English language development. California refers to these general stages as Emerging, Expanding, and Bridging, and the *CA ELD Standards* offers guidance on providing appropriately designed instruction at these three stages by providing outcome statements for the end of each stage. Figure 6.3 summarizes the general progression of English language development toward full English language proficiency as conceptualized in the *CA ELD Standards*, along with acknowledgment that all English learners bring language with them when they enter schools (their primary language) and become lifelong language learners after they become reclassified as proficient in the English language.

Figure 6.3.
General Stages of English Language Development in the California ELD Standards

NATIVE LANGUAGE

English learners come to school with a wide range of knowledge and competencies in their primary language, which they draw upon to develop English.

EMERGING

English learners at this level typically progress very quickly, learning to use English for immediate needs as well as beginning to understand and use academic vocabulary and other features of academic language.

EXPANDING

English learners at this level increase their English knowledge, skills, and abilities in more contexts. They learn to apply a greater variety of academic vocabulary, grammatical structures, and discourse practices in more sophisticated ways, appropriate to their age and grade level.

BRIDGING

English learners at this level continue to learn and apply a range of advanced English language knowledge, skills, and abilities in a wide variety of contexts, including comprehension and production of highly complex texts. The "bridge" is the transition to full engagement in grade-level academic tasks and activities in a variety of content areas without the need for specialized instruction.

LIFELONG LANGUAGE LEARNERS

Students who have reached full proficiency in the English language, as determined by state and local criteria, continue to build increasing breadth, depth, and complexity in comprehending and communicating in English in a wide variety of contexts.

Source: Adapted from: California Department of Education, *California English Language Development Standards* (Sacramento: California Department of Education, 2012).

It is important to note that English learner students with disabilities at any given point along their trajectory of English language development may exhibit some abilities (e.g., speaking skills) at a higher proficiency level, while at the same time exhibiting other abilities (e.g., writing skills) at a lower proficiency level. Similarly, a student may understand much more than they can say. Additionally, a student may successfully perform a particular skill at a lower English language proficiency level (e.g., reading and analyzing a science text) and at the next higher proficiency level need review in the same reading and analysis skills when presented with a new or more complex type of text. These examples are part of typical English language development and should not automatically be construed as an aspect of a student's disability. Careful consideration of student progress in ELD that takes into account many factors and uses the *CA ELD Standards* as a guide will ensure that appropriate educational programs and services are provided.

The CDE electronic publication of the *CA ELD Standards* (accessible at: https://bit.ly/2hp4D5S) provides the standards for specific grade levels (kindergarten through eight) and grade spans (nine through ten and eleven through twelve) as well as several resource chapters that guide implementation of the standards, discuss their theoretical foundations and research base, and provide helpful charts for foundational reading skills instruction for English learners.

Integrated and Designated ELD

California's comprehensive approach to English language development is "integrated and designated ELD." Both integrated and designated ELD are part of an English learner's core

instruction in any setting as set forth in the CA Ed.G.E (accessible at: https://bit.ly/2MlZlGm) Initiative. The *CA ELD Standards* is the central feature of this comprehensive approach to ELD, with content instruction in all disciplines that integrates ELD (integrated ELD) and specialized ELD that is directly connected to content (designated ELD), as defined in figure 6.4.

Figure 6.4.

Comprehensive English Language Development: Integrated and Designated ELD[9]

> **INTEGRATED ELD**
>
> "Integrated English Language Development" means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English.
>
> **DESIGNATED ELD**
>
> "Designated English Language Development" means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development (ELD) standards to assist English learners to develop critical English language skills necessary for academic content learning in English.

Both Part I (Interacting in Meaningful Ways) and Part II (Learning About How English Works) of the *CA ELD Standards* should be addressed in both integrated ELD and designated ELD, although the degree to which each part is addressed will vary, based on learning targets.

Teachers and administrators can access free online tutorials and professional learning resources about the *CA ELD Standards* and integrated and designated ELD at the following web pages:

- The *California English Language Development Standards: Getting Started* is accessible at: https://bit.ly/2hp4D5S
- *A Deeper Dive into the California English Language Development Standards* is accessible at: https://bit.ly/2GnuTJS
- *Blueprint for Effective Leadership and Instruction for Our English Learners' Future (B.E.L.I.E.F.)* is accessible at: https://bit.ly/2L7ejPV

It is critical for teachers and administrators to reflect on their current classroom teaching practices and continuous improvement processes and compare them to the CA Education for a Global Economy Initiative definitions as contained in regulations (5 *CCR* 11300) (accessible at: https://bit.ly/2Z8f56m).

Previous models of ELD may be included in California's new approach to ELD, but some models are clearly not aligned. Examples that may be part of past practices but that are not aligned to current policies and that schools should work to transform include ELD models that:

- do not explicitly integrate specific clusters of *CA ELD Standards* (both Parts I and II) into all disciplinary teaching;
- do not explicitly address specific clusters of *CA ELD Standards* (both Parts I and II) in designated ELD;
- provide designated ELD in a way that is disconnected to grade-level content; and
- approach designated ELD as a remedial course, rather than as a time for acceleration and enrichment.

For classroom examples of appropriately designed and provided integrated and designated ELD for English learners with disabilities, see chapter 7 of this guide.

Monitoring Students' Progress in ELD

All educators share the responsibility of monitoring the ELD progress of English learners with disabilities. Effective and accurate monitoring of ELD progress depends on a well-designed assessment system that includes the use of *CA ELD Standards*-aligned formative assessment processes, periodic assessments, and an annual summative assessment. Each ELD standard provides outcome expectations with observable behaviors at three different English language proficiency levels (Emerging, Expanding, Bridging). Because the *CA ELD Standards* delineate proficiency levels that English learner students are expected to progress through during the year (and in fact, they may progress through more than one level in a single school year), teachers must know the *CA ELD Standards* well and carefully attend to the ELD progress of their English learner students on a frequent and ongoing basis.

As is the case with all assessments, English Learner progress monitoring assessment processes and tools (e.g., tests and assessment tasks) should be culturally and linguistically congruent.[10] That is, a student's culture and linguistic background should be taken into account when engaging in formative assessment processes and designing and administering assessment tools. Special consideration should be given to a student's linguistic proficiency in his[11] primary language as well as to his disability-related learning needs. If an English learner with disabilities experiences difficulty with school achievement, the type of instruction he receives should be examined along with student assessment data to ensure that any lack of progress is not due to culturally and linguistically incongruent instruction or instruction that was not of the highest

instructional caliber. It is important to examine the achievement of English learner students with disabilities with "true peers," that is, those students with similar language proficiencies, cultural and experiential backgrounds, and disabilities to truly understand the factors that may be contributing to progress or lack of progress. If several "true peers" are struggling, this may be an indication that the instruction is less than optimal for that group of students.

Formative Assessment Processes

Formative assessment, as defined in figure 6.5 is a process that occurs during instruction (minute-by-minute, daily, weekly) and provides feedback to teachers so they can adjust teaching rapidly and in an ongoing way to meet student needs. As is the case with all students, formative assessment practices are critical for ensuring English learners with disabilities receive appropriate instruction and progress steadily toward goals.

The sources of evidence available to teachers in formative assessment processes are what students do, say, make, or write, such as teacher-student interactions fueled by well-designed questions or structured peer-to-peer discussions that the teacher observes. For example, a sixth-grade teacher has placed her students into small groups and provided each group with a protocol for a student-led discussion about a novel the class has been reading. As she circulates around the room, she listens carefully and observes each group, gaining insights into students' developing skills, expressing their inferences and conclusions using discipline-specific terms. She steps in strategically to pose questions and to prompt students in ways that will stretch their thinking and language.

Figure 6.5.
What Is Formative Assessment?[12]

USING FORMATIVE ASSESSMENT:

Formative assessment is a process teachers and students use during instruction that provides feedback to adjust ongoing teaching moves and learning tactics. It is not a tool or an event, nor a bank of test items or performance tasks. Well-supported by research evidence, formative assessment improves students' learning in real time to achieve intended instructional outcomes. Key features include:

- *clear lesson-learning goals and* success criteria so students understand what they are aiming for and what is expected of them;
- *evidence of learning* gathered during lessons to determine where students are relative to goals in order to provide appropriate scaffolding;

- *a pedagogical response to evidence, including descriptive feedback,* that supports learning by helping students answer: Where am I going? Where am I now? What are my next steps?

- *peer- and self-*assessment to strengthen students' learning, efficacy, confidence, and autonomy; and

- *a collaborative classroom culture* where students and teachers are partners in learning and where students routinely support one another in learning tasks.

Periodic Assessments

Periodic assessments for formative purposes (monthly, end-of-unit, interim, benchmark, and other periodic time frames) are essential for tailoring teaching and learning tasks to meet students' needs. Periodic assessments include writing samples (e.g., monthly, end-of-unit, benchmark) that teachers can analyze with objective tools aligned to the CA CCSS for ELA/literacy and the *CA ELD Standards* in order to identify student progress and next steps. One such tool, from the *ELA/ELD Framework* (figure 6.6, which has been adapted here for 508 compliance, can be found in its' original version in chapter 6, page 529 of the ELA/ELD Framework; accessible a: https://bit.ly/2vL3ooH), allows teachers to focus on different aspects of writing in order to provide useful feedback to students. (Note: See the *ELA/ELD Framework* [figure 8.8, Chapter 8, page 845; accessible at: https://bit.ly/2DTtuuc] for an example of a teacher's analysis of student writing using this tool and notes about next steps.)

Figure 6.6.

Language Analysis Framework for Writing

CONTENT KNOWLEDGE AND REGISTER

- Is the overall meaning clear?

- Are the big ideas there, and are they accurate?

- Is the text type (e.g., opinion, narrative, explanation) appropriate for conveying the content knowledge?

- Does the register of the writing match the audience?

TEXT ORGANIZATION AND STRUCTURE

- Is the purpose (e.g., entertaining, persuading, explaining) getting across?

- Is the overall text organization appropriate for the text type?

- Are text connectives used effectively to create cohesion?
- Are pronouns and other language resources used for referring the reader backward or forward?

GRAMMATICAL STRUCTURES

- Are the verb types and tenses appropriate for the text type?
- Are noun phrases expanded appropriately in order to enrich the meaning of ideas?
- Are sentences expanded with adverbials (e.g., adverbs, prepositional phrases) in order to provide details (e.g., time, manner, place, cause)?
- Are clauses combined and condensed appropriately to join ideas, show relationships between ideas, and create conciseness and precision?

VOCABULARY

- Are general academic and domain-specific words used, and are they used accurately?
- Are a variety of words used (e.g., a range of words for "small": little, tiny, miniscule, microscopic)?

SPELLING AND PUNCTUATION

- Are words spelled correctly?
- Is punctuation used appropriately?

Source: Adapted from: California Department of Education, *English Language Arts/English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento, CA: California Department of Education, 2015).

Oral language can also be assessed periodically, using tools aligned with both content and ELD standards. Figure 6.7 is an example of a useful tool for periodically observing English learner students during collaborative conversations. By focusing on three ELD standards, teachers can track progress on these standards over time and adjust instruction or conference based on the student's self-identified learning goals and based on observational evidence of student learning. Periodic assessments can be gathered into a portfolio of ELD progress, which teachers can reflect on throughout the year to determine student progress and adjustments they need to make to their teaching practice. It is important to remember that English learner students with disabilities, and all English learners, should be compared to their language peers (true peers).

Figure 6.7.

Grade Seven Collaborative Conversations Observation Notes

<table>
<tr><th colspan="4">Collaborative Conversations Observation Notes</th></tr>
<tr><td colspan="3">English Language Development Level Continuum
→----- Emerging ----------→-----Expanding ----------→--------- Bridging ----------→</td><td>Students said … (note students' comments and names)</td></tr>
<tr><td colspan="3">CA ELD Standards in Focus:</td><td></td></tr>
<tr><td colspan="3">Exchanging Ideas Respectfully (ELD.PI.7.1.)</td><td rowspan="2"></td></tr>
<tr><td>Engage in conversational exchanges and express ideas about familiar topics by asking and answering yes-no and why questions and responding using simple phrases.</td><td>Contribute to class, group, and partner discussions by following turn-taking rules, asking relevant questions, affirming others, adding relevant information, and paraphrasing key ideas.</td><td>Contribute to class, group, and partner discussions by following turn-taking rules, asking relevant questions, affirming others, adding relevant information and evidence, paraphrasing key ideas, building on responses, and providing useful feedback.</td></tr>
<tr><td colspan="3">Supporting Opinions and Persuading Others (ELD.PI.7.3.)</td><td rowspan="2"></td></tr>
<tr><td>Negotiate with or persuade others in conversations (e.g., to gain and hold the floor or ask for clarification) using learned phrases (e.g., I think. . . , Would you please repeat that?) and open responses.</td><td>Negotiate with or persuade others in conversations (e.g., to provide counter-arguments) using learned phrases (I agree with X, but . . .), and open responses.</td><td>Negotiate with or persuade others in conversations using appropriate register (e.g., to acknowledge new information) using a variety of learned phrases, indirect reported speech (e.g., I heard you say X, and I have not thought about that before), and open responses.</td></tr>
<tr><td colspan="4">Quick Observation Analysis:</td></tr>
<tr><td colspan="4">Next steps to take:</td></tr>
</table>

An accessible long description of figure 6.7 is available at https://www.cde.ca.gov/sp/se/ac/ch6longdescriptions.asp#figure7.

Source: California Department of Education, *English Language Arts/English Language Development Framework for California Public Schools,* Chapter 8 of the Framework on page 857 (http://bit.ly/2DTtuuc) (Sacramento, CA: California Department of Education, 2015)

Annual Summative Assessment

The annual summative assessment for English language development, the ELPAC, provides data on an English learner student's year-to-year ELD progress. The ELPAC is the required

state test for English language proficiency that must be given to students whose primary language is other than English. State and federal law require that local educational agencies (LEAs) administer a state test of ELP to eligible students in kindergarten through grade twelve (*EC* 313) (accessible at: https://bit.ly/2VNknSS); *EC* 60810 (accessible at: https://bit.ly/2Gm46hd); 5 *CCR* 11517.6 (accessible at: https://bit.ly/2ImWRcb) 11519.5 (accessible at: https://bit.ly/2DiSZ7R). The ELPAC is aligned with the *CA ELD Standards* and provides teachers and administrators with summative, year-to-year information about English learner students' progress in ELD. This information is useful for educational program decisions, including those related to integrated and designated ELD.

Most English learner students with disabilities are administered the ELPAC along with all other English learner students under standard conditions. Some English learner students with disabilities may require test variations or accommodations, or they may take locally designed alternate assessments. *The appropriate alternate assessment must be identified annually in a student's IEP.* Universal supports, designated supports, accessibility supports, and accommodations are allowed for any English learner student who regularly uses such variations in the classroom. Accommodations, modifications, and alternate assessments must be specified in each student's IEP or Section 504 plan. The California Student Assessment Accessibility for ELPAC (figure 6.8) provides information about such universal tools, designated supports, and accommodations.

Figure 6.8.

ELPAC Universal Tools, Designated Supports, and Accommodations

2017-18 California Student Assessment Accessibility for English Language Proficiency Assessments for California

AVAILABLE TO ALL STUDENTS

UNIVERSAL TOOLS*

- Breaks, including testing over more than one day, between the test contractor-identified test sections
- Oral Clarification of test direction by the test examiner in English
- Scratch paper
- Sufficient time to complete the test

DESIGNATED SUPPORTS*

- Adjustments to setting, including:
  - Audio amplification equipment
  - Most beneficial time of day
  - Special lighting or acoustics
  - Special or adaptive furniture
  - Testing the student in a separate room provided that the student is directly supervised by an employee of the school district or nonpublic school who has signed the ELPAC Test Security Affidavit Audio or oral presentation of test direction in English
- Color overlay
- Covered overlay, masks, or other means to maintain visual attention to the test consistent with the test contractor's test directions
- Magnification
- Manually Coded English or American Sign Language (ASL) to present test direction for administration (does not apply to test questions)
- Noise buffers

AVAILABLE TO STUDENTS WITH AN INDIVIDUALIZED EDUCATION PROGRAM (IEP) OR SECTION 504 PLAN

ACCOMMODATIONS*

- Audio or oral presentation of test questions for the writing section in English (W)
- Braille test materials provided by the test contractor
- Dictation by the pupil of responses, including all spelling and language conventions, to a scribe, audio recorder, or speech-to-text converter (W)
- Large print versions reformatted from regular print version

- Presentation of questions using Manually Coded English or ASL (W)
- Responses dictated to a scribe for selected response items, including multiple choice items (L, R, W)
- Supervised breaks within a section of the test
- Test questions enlarged through electronic means
- Testing at home or in the hospital by a test examiner
- Transfer of student responses marked in the test booklet to the answer document by a scribe who has signed an ELPAC Test Security Affidavit (L, R, W)
- Use of an assistive device that does not interfere with the independent work of the student (W)
- Use of word processing software with the spell and grammar check tools turned off (W)

AVAILABLE UPON APPROVAL

UNLISTED RESOURCES

To obtain approval to use an unlisted resource, an LEA may submit a request to the California Department of Education (CDE) on behalf of a student with a disability, prior to administering an initial or summative assessment.

**Unless otherwise noted, the listed resources may be used in all domains (L, S, R, W). L = Listening, S = Speaking, R = Reading, W = Writing*

Source: Adapted from: California Department of Education, *English Language Proficiency Assessments for California* (https://bit.ly/2H7jJdL) (Sacramento: California Department of Education, 2017).

The LEA must ensure that the IEP team includes "an individual who can interpret the instructional implications of evaluation results" (e.g., an ELD specialist to interpret ELPAC results) (34 *CFR* 300.321[a][5]) (accessible at: https://bit.ly/2V9AY6o). English learners with disabilities must take the ELPAC with any accommodations specified in their IEPs or take

appropriate alternate assessments as documented in their IEP every year until they are reclassified.

For a student whose disability precludes her from participating in one or more domains of the ELPAC, her IEP team may recommend accommodations or an alternate assessment. The LEA must then use other assessment alternatives to determine the student's English language proficiency. Because of the unique nature of a student's disability, the CDE does not make specific recommendations as to which alternate assessment instruments to use. However, the appropriate alternate assessment must be identified annually in a student's IEP.

The ELPAC is discussed further in chapters 1 and 9 of this guide. Links to the following resources for teachers and administrators can support systemic decision-making processes to ensure that English learners with disabilities make steady progress along the ELD continuum:

- CDE's ELPAC web page is accessible at: https://bit.ly/2Tw9I0J

  Provides resources and communication materials; test administration information; scoring and results reporting information; laws, regulations, and requirements; and technical documents in English and six other languages).

- ELPAC Practice Tests and Writing Rubrics are accessible at: https://bit.ly/2zyF1uP

  The Practice Test gives students, parents and families, teachers, administrators, and others an opportunity to become familiar with the types of test questions on the ELPAC.

- Annually updated ELPAC Student Assessment Accessibility Graphic is accessible at: https://bit.ly/2H7jJdL

  Displays the universal tools, designated supports, and accommodations (non-embedded) allowed as part of the ELPAC system.

Districtwide Systems for Monitoring ELD Progress

The *ELA/ELD Framework* provides guidance to school and district leaders for creating systemic approaches to monitoring ELD progress. The following example of a districtwide ELD progress monitoring plan from the *ELA/ELD Framework* (figure 6.9) illustrates district, site leadership, and teacher level responsibilities for ELD progress monitoring.

Figure 6.9.

Sample Districtwide Plan for Monitoring English Language Development Progress[13]

Ocean View District's English Language Development Progress Monitoring Plan[14]

DISTRICT LEADERSHIP RESPONSIBILITIES:

1. Establish a clearly articulated and publicly available plan for monitoring ELD progress:
   - Identify all English learner and former English learner students in the district. Provide information to schools and teachers (before the start of the school year) that includes detailed demographic information, including ELPAC data, disability-related needs and services of English learners with disabilities, how long English learners have been in the US, their primary languages, schooling background and level of literacy in their primary language, and progress on state summative assessments and LEA-designed interim and progress monitoring assessments.
   - Provide guidance to schools for accelerated and intensive support to identified long-term English learners and reclassified English learners who are experiencing difficulty.
   - Monitor English learner student progress longitudinally, determine appropriate timelines for language development (using ELPAC and local progress monitoring data), and act swiftly when English learners and former English learners appear to be stalling in their linguistic and/or academic progress using the Multi-Tiered System of Supports (MTSS) framework.
   - Document where English learners have been placed, and ensure they are appropriately placed with the most highly qualified teachers and in the courses that will meet their specific instructional needs. For high schools, ensure English learners have full access to "a-g" coursework.
   - Identify English learner students who are potentially ready to reclassify as English proficient.
   - Identify English learners with disabilities to ensure appropriate program placement and services.
   - Communicate English learners' progress to parents and families in a manner and setting that invites open discussion and collaboration.

2. Engage in internal accountability practices and provide continuous support to all schools to ensure ELD progress, FAPE, and LRE:
   - Monitor schools frequently, including classroom observations and debriefing meetings that promote dialogue and provide formative feedback to site administrators, counselors, specialists, teacher leaders, and teachers.
   - Work with schools to develop a clear plan for comprehensive ELD that includes both integrated and designated ELD. Ensure schools are supported to continuously refine their comprehensive ELD program based on student needs and a variety of data, including student perception surveys and parent feedback.
   - Promote a culture of learning and continuous improvement by providing sufficient time for professional learning and ongoing mentoring for all administrators, instructional coaches, teachers, specialists, counselors, and paraprofessionals.
     - In particular, ensure that all district educators understand the principles and practices in the *ELA/ELD Framework*, including formative assessment practices and interim assessments that are based on the CA ELD Standards, as well as how to use assessment results appropriately.
   - Determine the adequacy of curricular materials for meeting the needs of English learners and make adjustments when needed.
   - Ensure teachers have access to high quality professional learning that includes a variety of formative assessment practices for monitoring ELD progress and responding to identified learning needs throughout the year.
   - Refine the monitoring plan as needed, based on evidence gathered from schools, teachers, parents, students, and community members.

SCHOOL LEADERSHIP RESPONSIBILITIES:

1. Ensure that all teachers understand the district's plan for monitoring ELD progress:
   - Study and discuss as a staff the district ELD Progress Monitoring plan (before the school year begins) and provide an open forum for continuous discussion.
   - Encourage teachers to try out new instructional and assessment practices and reflect on successes and challenges.

- Monitor successes and challenges, and use this data to inform the district's refinement of the plan.

- Engage teachers in purposeful data analysis for reflection on practice and programs (e.g., examining longitudinal ELA and ELD summative assessment scores to ensure English learner students are progressing sufficiently, interim ELA and ELD assessment data, as well as student writing, observation data, and other sources of evidence of student learning). In addition, analyze data to identify students who appear to be ready to reclassify as English proficient and initiate a district-approved process for considering reclassification.

2. Promote a culture of learning for all teachers:
   - Ensure all teachers receive substantive professional learning, including ongoing coaching support, for the CA CCSS for ELA/literacy and other content standards, the *CA ELD Standards*, and the *ELA/ELD Framework*.

   - Ensure all teachers have time to meet in grade-level/department teams to plan instruction, discuss student work, reflect on successes and challenges, and learn from one another.

   - Model being a leader and a learner simultaneously.

3. Monitor the instructional services English learners receive:
   - Ensure all English learners receive quality learning opportunities across the disciplines (ELA, mathematics, science, history-social studies, technical subjects).

   - Ensure all English learners receive both integrated and designated ELD, provided in a way that best meets their instructional needs.

   - Engage in continuous conversations about instructional practice with teachers and instructional coaches, based on classroom observations.

TEACHER RESPONSIBILITIES:

1. Promote a culture of learning for English learners:
   - Use content standards, the *CA ELD Standards*, the *ELA/ELD Framework* (as well as other high quality resources) to inform instructional planning.

   - Work collaboratively with colleagues to develop and refine lessons and units, evaluate student work, and reflect on instructional practice.

2. Continuously monitor English learners' progress:
   - Use the district's ELD Progress Monitoring Plan and provide useful feedback about refinements.
   - Use primarily short-cycle formative assessment to inform instructional practice.
   - Use the *CA ELD Standards* to inform assessment practices (see below for an example).

Use interim/benchmark and summative assessment results (both content and ELD assessments) judiciously, appropriately, and strategically to complement (and not replace) formative assessment.

Source: California Department of Education, *English Language Arts/English Language Development Framework for California Public Schools* (California Department of Education). (https://bit.ly/2uRx7wp).

For additional guidance about monitoring ELD progress, visit the following websites:

- *ELA/ELD Framework* chapter 8—Assessment is accessible at: https://bit.ly/2DTtuuc
- *ELA/ELD Framework* chapter 11—Implementing High-Quality ELA/Literacy and ELD Instruction: Professional Learning, Leadership, and Program Supports is accessible at: https://bit.ly/2J9Kdhe

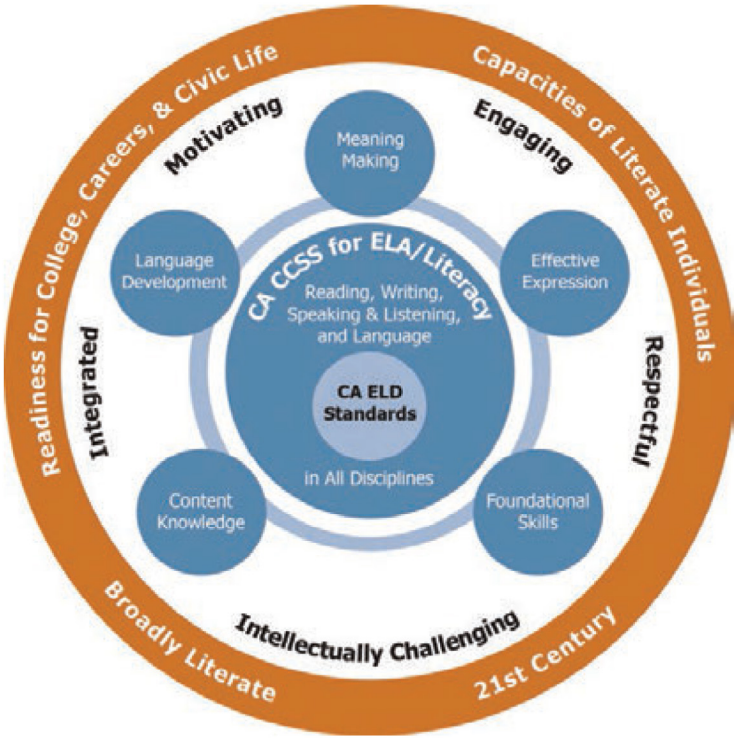
California Curriculum Frameworks

Standards help teachers know what students should be able to do with appropriately scaffolded instruction. California's curriculum frameworks for K–12 public schools (California frameworks) help teachers and administrators know how to support students to achieve the standards through (1) appropriately designed, standards-based, and evidence-based instructional practices and systems that support quality teaching, and (2) programs that promote educational equity for all students. The California frameworks ensure that by graduation from high school, students have developed readiness for college, careers, and an engaged civic life; attained the capacities of broadly knowledgeable and literate individuals across the disciplines; acquired skills and dispositions for global competence; and developed social and emotional maturity necessary for today's workforce and lifelong personal fulfilment.

Preparing students for these aspirational, yet attainable, goals is a multilayered and complex process that begins in preschool and advances students toward futures of possibility, choice,

and a satisfying adulthood. Achievement of the goal means that students graduating from high school enter their professional and social communities as lifelong learners and ready to contribute to the well-being of the community and beyond. English learner students with disabilities benefit from a well-rounded educational program in which they have full access to a comprehensive and robust academic curriculum that is culturally and linguistically sustaining and sensitive to their linguistic and disability-related learning needs. This type of educational program is illustrated in the English Language Arts/English Language Development (ELA/ELD) Framework Circles of Implementation (figure 6.10).

Figure 6.10.
ELA/ELD Framework Circles of Implementation



An accessible long description of figure 6.10 is available at https://www.cde.ca.gov/sp/se/ac/ch6longdescriptions.asp#figure10.

Source: California Department of Education, *English Language Arts/English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento, CA: California Department of Education, 2015).

The themes (meaning making, content knowledge, effective expression, language development, and foundational skills) and context features for learning (motivating, engaging, respectful, intellectually challenging, and integrated) in the figure are intended to be addressed

in teaching and learning across the disciplines and in all school settings (with the exception of foundational skills, which is primarily developed in language arts). In addition, each discipline's standards and curriculum framework guidance are to be implemented in tandem with the Common Core State Standards (CCSS) for ELA/literacy and ELD standards and guidance from the *ELA/ELD Framework*.

California's curriculum frameworks for K–12 public schools that include guidance on integrated and designated ELD (with additional frameworks forthcoming) can be accessed at the following CDE web pages:

- *ELA/ELD Framework* (2014) is accessible at: https://bit.ly/2uRx7wp
- *History-Social Science Framework* (2016) is accessible at: https://bit.ly/2jYROAY
- *Mathematics Framework* (Addendum) are accessible at: https://bit.ly/2x4SH0y
- *Science Framework* (2016) are accessible at: https://bit.ly/2pwdaIk
- *Health Education Framework* (2019) are accessible at: https://bit.ly/2UJc6me

In addition, vignettes of classroom instruction that illustrate integrated and designated ELD in ELA, history-social science, and science can be accessible in the following CDE resources:

- *ELA/ELD Framework Integrated and Designated ELD Vignette Collection* is accessible at: https://bit.ly/2VQoi4t

- *ELA/ELD Framework Snapshot Collection* (includes examples of integrated and designated ELD) is accessible at: https://bit.ly/2DV853S

- A collection of resources for implementing the *ELA/ELD Framework*, including professional learning guides and videos, is provided at the following CDE web page accessible at: http://bit.ly/2YijJOa

- Implementation Support for the *ELA/ELD Framework* is accessible at: https://bit.ly/2DBDZUP

Educational Program Models

California's English learners with disabilities are enrolled in a variety of different school and educational settings. Decisions about educational program models for individual English learners with disabilities should be made using multiple sources of data, full parental participation in the IEP process, and parental choice regarding the language acquisition

program. All program models involve collaboration between classroom teachers, English learner specialists and teachers, and special education specialists and teachers. In addition, in all program models, English learners with disabilities receive both disability-related services and other language related services including integrated and designated ELD in a culturally and linguistically responsive and sustaining learning environment that uses universal design for learning (UDL) principles (discussed in chapter 7 of this guide) and Multi-Tiered System of Supports (MTSS) (discussed in chapter 2). Before addressing language acquisition program models, this section begins with a brief discussion about "Least Restrictive Environment," which is not a program model but an overarching consideration when considering any program model for English learners with disabilities.

Least Restrictive Environment

School districts are required under federal law to provide education to students with disabilities in the least restrictive environment (LRE). This means that all students with disabilities including English learner students with mild, moderate, and severe disabilities receive their education, to the maximum extent appropriate, with nondisabled peers and that they are not removed from general education classes unless, even with supplemental aids and services, education in general education classes cannot be achieved satisfactorily (*EC* 56040.1) (accessible at: https://bit.ly/2KHf7Po); 20 *U.S.C.* 1412(a)(5)(A) (accessible at: https://bit.ly/2vgvCYt); 34 *CFR* 300.114 (accessible at: https://bit.ly/2UiR212). Neither "special education" nor "English language development" is a specific place or program model. They are both intended to ensure English learners with disabilities equitable access to an academically rich curriculum in a setting that is deemed, through the IEP process, to be the most beneficial environment for the student based on their specific strengths and needs. The vision for English learners with disabilities is the same as for all children and youth: a quality, well-rounded education where they learn alongside their age-alike nondisabled and English proficient peers, ideally in an environment that is reflective of the rich diversity of our state.

In fact, most English learners with disabilities are educated entirely in a general education setting,[15] with both disability-related and ELD support services provided. This does not mean that they are necessarily in a general education classroom 100 percent of the time. For example, they may leave the class to receive related services, such as speech or physical therapy. They may also receive designated ELD, which is part of their core curriculum (both integrated and designated ELD are core for English learner students), in another classroom setting.

Recognizing the social, behavioral, and academic benefits for both students with disabilities and without disabilities, many schools in California are examining and reflecting on the way they educate their students with disabilities—both English learners and non-English learners—and are moving toward full inclusion for all students with disabilities.[16]

Some English learners with disabilities are educated in a more restrictive environment, based on their disability-related learning needs, but they are integrated into ongoing activities in general education classes. In an integration approach, students participate in select classes such as science, art, social studies, or music—and participate in many general school activities such as lunch, assemblies, clubs, dances, or recess—while also receiving special education services in a self-contained class or resource class. A small number of English learners with disabilities are mainstreamed into select ongoing activities of regular classrooms, such as art, lunch, or physical education, so that the student has an opportunity to interact with nondisabled peers. These students receive a larger portion of their general and special education services in a self-contained class. In both instances, the amount of integration may increase during the school year based on student needs. For English learners with disabilities who are not in the least restrictive environment, their IEP should stipulate how they will access ELD and how ELD instruction will be provided.

In some instances, English learners with disabilities are educated in a separate school or residential facility. These students also benefit from interaction with nondisabled peers and reverse mainstreaming, where nondisabled students come into the self-contained class with children with disabilities. For example, in preschool classrooms, the educational program may be designed for students with disabilities, but nondisabled children are invited to enroll, thereby creating a more inclusive environment for all. Older students benefit from this approach as well. In another instance, two middle schools—one serving neurotypical students and the other serving students with autism—might establish a peer-mentoring relationship in order to promote communication between each group of students.

Each approach is designed to meet the needs of individual students and each includes systematic efforts to maximize interaction between the students with disabilities and their nondisabled peers. To learn more about LRE, visit the following websites:

- CDE's Resources for Improvement web page (Focus Area Five: Access to, and Achieving in, the Least Restrictive Environment) is accessible at: https://bit.ly/2UE6gTc
- Special Education Rights and Responsibilities (Disability Rights California) is accessible at: https://bit.ly/2DYkBj7
- *California Map to Inclusion and Belonging* (WestEd) is accessible at: https://bit.ly/2Dmgdu2
- *12 Key Practices for High-Quality Early Childhood Inclusion* (Brookes Publishing) is accessible at: https://bit.ly/2R6F7Xo

Language Acquisition Programs

Language acquisition programs are educational programs designed to ensure English acquisition occurs as rapidly and effectively as possible and provides instruction to English learners based on the state-adopted academic content standards, including English language development standards. The language acquisition programs provided to pupils shall be informed by research and shall lead to grade level proficiency and academic achievement in both English and another language (20 *U.S.C.* 6312[e][3][A][ii]) (accessible at: https://bit.ly/2v95sGY); *EC* 306(c) (accessible at: https://bit.ly/2PbN8WJ). Parents and guardians may choose a language acquisition program that best suits their child. Per *EC* 305 (accessible at: https://bit.ly/2KJgu0e), school districts and county offices of education shall at a minimum provide English learners with a Structured English Immersion program. There are three main categories of programs for English learners (*EC* 305–306) (accessible at: https://bit.ly/2KJgu0e) and each includes integrated and designated ELD:

- Dual-language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

- Transitional or developmental programs for English learners that provide instruction to pupils and that utilizes English and a pupil's native language for literacy and academic instruction and enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, in order to meet state-adopted academic content standards.

- Structured English immersion programs for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English.

Parents of English learners with disabilities are encouraged to provide input regarding instituting a language acquisition program in the district during the development of the Local Control Accountability Plan (*EC* 52062) (accessible at: https://bit.ly/2DgQjrE). LEAs are obligated to provide the student English learner services in instruction until the student exits the program, inform the parent when progress is not made, and offer the parent programs and services to consider at that time (5 *CCR* 11302) (accessible at: https://bit.ly/2UmmBqz).

English learners with disabilities have the right to be enrolled in any multilingual or Structured English Immersion program. Special education services should be provided in a manner consonant with the program model. For example, if a student enrolled in a dual-language

program receives the majority of instruction in the primary language, it is ideal for special education services to be provided in the primary language, when possible. If a child is enrolled in a Structured English Immersion (SEI) program, depending on the IEP goals, it may also be ideal for the child to receive primary language support in the special education services for example, if a bilingual reading specialist is needed.

The following language acquisition program model descriptions provide more detail on educational program options for English learners with disabilities.

Multilingual Programs

The primary languages that English learners with disabilities bring to school are important resources; primary languages are valuable and provide a strong foundation upon which to develop English as an additional language. Students may use their primary language in any program model (including Structured English Immersion), and in dual-language program models, they have an opportunity to become multilingual. The benefits of dual-language programs for English learners are well-documented and include higher reading test scores in English and higher rates of reaching English proficiency by the sixth grade.[17] Dual-language programs provide opportunities for students to develop content knowledge and language in two or more languages and benefit from classroom environments where their home cultures and languages are celebrated and sustained. Most dual-language programs in California are Spanish-English, but there are programs across the state that use another partner language to English, such as Cantonese, Filipino, Hmong, Mandarin, and Vietnamese.

Parents of English learners with disabilities have the right to request that their child be enrolled in a multilingual program. The following descriptions of multilingual programs are provided to parents:[18]

- **Dual-Language Immersion (DLI) Program** (also referred to as Two-Way Immersion): A language acquisition program that provides language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, primary and English language proficiency, and cross-cultural understanding. This program begins in transitional kindergarten or kindergarten (TK/K) and continues to sixth grade.

- **Transitional Bilingual Program:** A language acquisition program for English learners that provides instruction using English and a pupil's native language for literacy and academic instruction, enabling an English learner to achieve English proficiency and meet state-adopted academic achievement goals. This program begins in TK/K and continues to third grade where students transition to instruction all in English.

- **Developmental Bilingual Program:** Language acquisition program for English learners that provides instruction using English and a pupil's native language for literacy and academic instruction, enabling an English learner to achieve language proficiency and meet state academic achievement goals. This program begins in TK/K and continues to sixth grade with the goal of biliteracy.

- **Heritage Language Program:** Language acquisition program for English learners that provides instruction using English and a pupil's native language for literacy and academic instruction, enabling non-English speakers or students who have weak literacy skills in their native language to achieve language proficiency and meet academic achievement goals. This program is designed for grade spans six through eight and nine through twelve.

Parents may request a multilingual program. Schools in which the parents or legal guardians of 30 pupils or more per school or the parents or legal guardians of 20 pupils or more in any grade request a language acquisition program that is designed to provide language instruction, such as a dual-language program in Spanish and English, are required to offer such a program to the extent possible (*EC* 310[A]) (accessible at: https://bit.ly/2Ip1zq1).

In all programs, integrated and designated ELD are provided to English learner students with disabilities based on the proficiency level and student learning needs. Careful planning with school teams and district specialists will ensure that English learner students with disabilities enrolled in dual-language programs develop academically and linguistically in a steady and systematic way that addresses their ELD, primary language, and disability-related learning needs.

When instruction is provided in both English and in a partner language in multilingual programs, classroom assessment for academic and language development progress in both languages is necessary. Such assessments should be designed according to the same principles and recommendations articulated in this chapter and in the California curriculum frameworks. Frequently and closely monitoring students' progress, assessing in both languages used for instruction, and interpreting assessment results in accordance with the research on effective multilingual education practices have been found to help to ensure that students make steady and consistent progress toward full biliteracy and academic achievement in both languages.

Additional guidance on establishing and improving multilingual programs is provided by the following organizations:

- California Association for Bilingual Education (CABE) accessible at: https://bit.ly/2LwidWQ

This website provides many resources for bilingual education, including a *Dual Language Immersion Planning Guide*.

• Californians Together accessible at: https://bit.ly/2Dh6DbO

This document, *Multiple Pathways to Biliteracy,* provides useful information about establishing different types of bilingual programs. The website includes many other helpful resources.

• Dual Language Education of New Mexico accessible at: https://bit.ly/2V54MAL

The website has many resources for dual-language programs, including the draft *National Dual Language Education Teacher Preparation Standards*.

• Center for Applied Linguistics (CAL) accessible at: https://bit.ly/2ICHcF6

This document, *Guiding Principles for Dual Language Education – Third Edition*, is useful for establishing and improving bilingual programs.

• Colorín Colorado accessible at: https://bit.ly/2v99Sxg

This document has information about integrated co-teaching services. The website has many resources for teachers and parents that support dual-language development.

• Bilingual Learning (a project of Southern California Public Radio) accessible at: https://bit.ly/112h3Xq

This website has many examples of dual-language education programs, including a map for finding California bilingual programs, as well as research about bilingual education.

• Sobrato Early Academic Language (SEAL) Model accessible at: https://bit.ly/2F8vSxc

This website includes examples of enriched language and literacy education for English learners in multilingual settings, starting in preschool and continuing through third grade.

Structured English Immersion Program

English learners with disabilities may be learning in a program in which the dominant language of instruction is English, with primary language support provided strategically. The CDE provides the following definition for this program to parents of English learners:

A **Structured English Immersion (SEI) program** is a language acquisition program for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. English learners are provided access to core instruction, including the English language development standards, and become proficient in English pursuant to the state priorities (*EC* 305[a][2]) (accessible at: https://bit.ly/2KJgu0e).

To be academically successful in a Structured English Immersion program, English learners with disabilities require additional supports and services that would not be required for non-English learner students with disabilities. Schools and districts need to address special considerations[19] that affect academic achievement for English learners with disabilities, including the following:

- **Comprehensive English language development (ELD).** English learner students with disabilities are learning English at the same time as they are gaining disciplinary knowledge. They require special support for developing English in a timely manner while fully participating in a robust curriculum across the disciplines. Integrated ELD in all disciplines—and designated ELD that targets their specific ELD needs—supports access to the curriculum and to this disciplinary language development. (Note: Integrated and designated ELD is discussed in more detail earlier in this chapter and in chapter 7.)

- **Culture and socialization needs.** English learners with disabilities come from diverse cultural and linguistic backgrounds, and schools may be able to enhance their educational experiences by taking that diversity into account. Examples include choosing texts with culturally-familiar content and fostering an appreciation for diversity within the school's culture. Immigrant newcomer English learners with disabilities and their families are especially in need of a welcoming and inclusive school culture where staff are sensitive to their particular socialization needs and work collaboratively with community-based organizations to ensure socialization occurs in culturally competent ways.

- **Parent and family engagement.** Parents and families play important roles in promoting positive student behavior and achievement, but language barriers and a lack of familiarity with the US system of schooling may make it difficult for some parents of English learners with disabilities to stay informed about their children's progress and become involved in school decisions and activities. Schools can promote parent and family engagement by cultivating a welcoming environment for parents (e.g., parent volunteer programs), ensuring that school-related communications are disseminated in a language and mode that parents understand, and offering workshops about navigating the school system in the parents' primary languages.

- **Issues of isolation and segregation.** Positive interactions with proficient English speakers can help facilitate the progress of English learners with disabilities in ELD, yet many English learners reside in linguistically-isolated communities, attend segregated schools, or participate in classes separately from English-proficient peers. To increase this access, schools and districts might focus on linguistic desegregation, use more heterogeneous student groupings, create structured opportunities for English learners with disabilities to engage with English-proficient peers, and teach all students to engage in positive peer-to-peer interactions.

- **Interruptions in schooling or limited formal schooling**. Some English learners with disabilities have experienced interruptions in their schooling or arrived in US schools with limited prior schooling. Such students possess varying levels of academic content knowledge and literacy in their primary language and may need intensive and accelerated learning supports to help prepare them to participate meaningfully in academic classrooms. Schools may look for ways to better assess and address these students' individualized learning needs and help them adjust to academic settings by offering short-term newcomer programs or other specialized strategies.

- **Exiting from English learner status.** An important goal in serving English learners with disabilities is to help students become fluent English proficient to engage productively with academic content and, therefore, exit from English learner status. Schools might use focused strategies to help English learners with disabilities—particularly "Long-term English learners" (*EC* 313.1) (accessible at: https://bit.ly/2VNknSS)—to satisfy English learner exit criteria. After students are reclassified, schools must continue to monitor their progress and provide tutoring, academic counseling, and other supports to former English learners who need it.

- **High school completion and access to college.** Adolescent English learners with disabilities face a limited time frame in which to develop English language and literacy skills, master academic content, and satisfy course requirements for graduation. Fitting in course work that supports their English language development and acquisition of appropriately rigorous academic content can pose challenges. Schools can help ensure that English learners with disabilities are on a diploma track and have access to college by affording opportunities for credit recovery, allowing flexible scheduling, or providing extended instructional time (e.g., *EC* 51225.1) (accessible at: https://bit.ly/2v87kzz); *EC* 51225.2 (accessible at: https://bit.ly/2KJfOYI), or after school and summer programs). At the secondary level, in particular, participation in designated ELD courses and special education services should not prevent English learners with disabilities access to the full range of electives.

For more information about how to ensure access and equity for English learners with disabilities in Structured English Immersion programs, see the California curriculum frameworks (accessible at: https://bit.ly/2uRx7wp) and the following websites:

- US Department of Education *English Learner Tool Kit* is accessible at: https://bit.ly/2J9rtOK
- US Department of Education *Newcomer Tool Kit* is accessible at: https://bit.ly/2DT4Mdh
- Center for Applied Linguistics (CAL) case studies of effective newcomer English learner programs is accessible at: https://bit.ly/2VKWk5W
- Teaching Channel Deeper Learning Video Series: *Deeper Learning for English Language Learners* is accessible at: https://bit.ly/2RLcETu
- Center for Applied Linguistics, *Helping Newcomer Students Succeed in Secondary Schools and Beyond* is accessible at: https://bit.ly/2Uol5UX

Collaboration and Co-Teaching Models

Ensuring that English learners with disabilities have full access to a comprehensive education can only be accomplished through close collaboration between general education teachers, bilingual teachers or English learner support staff, and special education teachers and specialists. Depending upon the individual student's identified needs, specially designed instruction is provided to English learner students with disabilities. The special education specialist and general education teachers (possibly bilingual) share responsibility for developing and implementing IEPs. The special education specialists monitor the IEP with input from general education teachers, and the general education teachers monitor ELD progress with support from the special education specialist. The general education teachers monitor the Section 504 plans for students who have them. The teachers and specialists communicate and collaborate with families in culturally and linguistically appropriate ways, and together they ensure English learner students with disabilities are provided with the quality teaching and strategic supports needed to achieve each student's highest potential.

Most English learner students with disabilities receive core instruction exclusively in the general education classroom and receive instruction primarily from general education teachers. Typically, the special education specialist consults with the general education teacher, provides resources, coaches, and provides other necessary supports. Some English learner students with disabilities receive core instruction in the general education class (possibly bilingual instruction), as well as instruction from the specialist when needed, either in the general education setting or in

a different setting as determined in the IEP. The general educator receives guidance from the specialist and vice-versa to provide the student with optimal instruction. Some students with disabilities require highly specialized or intensive intervention instruction from the educational specialist in an alternative setting outside of the general education classroom. These students participate in general education classes and interact with students without disabilities to the maximum extent appropriate given the nature of their disabilities.

Increasingly, general educators and education specialists are engaging in co-teaching. In this case, the general educator and the education specialist provide instruction in the same general classroom setting to a blended group of students (that is, those with and without identified disabilities). Figure 6.11 represents several models of co-teaching.[20]

Figure 6.11.
Models of Co-Teaching[21]

Co-Teaching Model	Description	Advantages
One Teach, One Observe	One teacher—either the general educator or a specialist (in special education or English learners)—provides instruction to the whole class or group while the other observes one or more specific students.	• Opportunity to observe student behavior and understanding of content in the classroom context
Team Teaching	Co-teachers share instruction equally. Both are actively involved in the lesson, each moving in and out of the lead role.	• Lower adult-student ratio • Students benefit from the skills of both teachers • Increased opportunity to monitor understanding • Co-planning provides opportunity for professional learning

Co-Teaching Model	Description	Advantages
One Teach, One Assist	One teacher provides instruction while the other teacher assists students as needed.	• Lower adult-student ratio • Individualized support is provided • Co-planning provides opportunity for professional learning
Station Teaching	Each teacher provides instruction about different content at a station in the classroom. Students rotate from one station to another. There may also be a station at which they work independently.	• Lower adult-student ratio • Increased student participation • Co-planning provides opportunity for professional learning
Parallel Teaching	Both teachers provide the same instruction at the same time to different groups of students in the same classroom.	• Lower adult-student ratio • Increased student participation • Co-planning provides opportunity for professional learning
Supplemental Teaching	One teacher provides instruction to students working at grade level. The other teacher meets with a small group of students to provide more time with concepts not yet developed or enrichment, as appropriate.	• Instruction addresses the needs of the learners

Note: Both integrated and designated ELD instruction are a part of every model.

To strengthen the collaborative process, it is important that general education teachers, special education specialists, and English learner specialists participate together in quality professional learning (including ongoing course work and coaching) that addresses culturally and linguistically responsive pedagogy and integrated and designated ELD. This co-learning creates coherence for students and ensures the necessary support for all teachers and specialists to continuously improve their practice.

Co-teaching provides an opportunity to plan, teach, and reflect with a teaching partner or partners, which supports teacher professional growth while simultaneously supporting student growth. All teaching partners come to the collaborative model with their own areas of expertise, and all have areas in which they can develop new expertise that will benefit English learners with disabilities. So that roles, responsibilities, and student study team processes are clear to all, the following agreements are important to set when entering into co-teaching partnerships. The list provided below illustrates best practices and not legal requirements.

- **Set and Respect Dates:** Establish meeting dates and times for co-planning and analyzing evidence of student learning, or stalling, well in advance.
- **Make and Stick to a Plan:** Determine when co-teaching will occur and how monitoring will occur.
- **Trust One Another:** Openly discuss both successes and challenges in the instructional setting and in the partnership.
- **Focus on the Students:** Share the IEP goals and objectives with all partners. Target individual student needs and craft lessons to meet them. Identify discrepancies between what students do and teacher expectations, and the students' opportunities to meet expectations.
- **Monitor with Data:** Gather multiple sources of evidence (e.g., observation notes, writing samples, and periodic assessments) to evaluate student progress and to identify continuing or new student learning needs.

Careful decisions for co-teaching and collaboration between teachers and specialists are critical for providing appropriate integrated and designated ELD. Figure 6.12 shows three sample co-teaching models for English learner students with disabilities in the elementary grades.

Figure 6.12.

Co-Teaching Models for Elementary Grades with Integrated and Designated ELD

STRUCTURED ENGLISH IMMERSION (SEI)

English Learner Fifth Grader with Autism

- Classroom teacher provides (designated ELD and) content in English with integrated ELD
- Special education teacher pushes in for co-teaching integrated ELD science (and designated ELD)

- Special education resource specialist program (RSP) services initially provided in student's primary language with more English introduced as the child is ready (depending on need for primary language. Otherwise, provides integrated ELD instruction)

- Primary language used by teachers and bilingual aides to support student's academic progress, social and emotional learning, and sense of inclusion (signaled by the student's wishes)

DUAL-LANGUAGE 50-50 PROGRAM

English Learner Third Grader with a Section 504 Plan for ADHD

- Classroom teacher provides Spanish content, English content with integrated ELD, and designated ELD

- Special education services initially provided in student's primary language with integrated ELD

- Bilingual aide uses primary language and integrated ELD to support classroom learning (signaled by the content provided and student's wishes)

- Classroom teacher consults with special education teacher in weekly team meetings, including the topic of progress in designated and integrated ELD

SEI SPECIAL DAY CLASS

English Learner First Grader with Severe Communicative Disorder

- Special education teacher provides designated ELD and content with integrated ELD

- Special education and general education teachers co-teach three times a week in the general education classroom for 30 minutes (integrated ELD science)

- Both teachers use Spanish strategically to support student's learning and functional skills

- Bilingual aide uses Spanish and English to support classroom learning (signaled by the content provided and student's wishes)

Additional specialists in this collaborative process may be language development specialists, reading and language arts specialists, psychologists, speech and language specialists, mental health specialists, or others. Their expertise is particularly important in analyzing student data

and recommending effective instructional practices. Specialists should serve as a resource to individual teachers and collaborative groups. They often participate in processes such as student study teams, which bring many professionals and the family together to identify appropriate instruction and services.

Working in collaboration with the LEA, English learner and special education experts and high school counselors ensure that English learners with disabilities in grades nine through twelve have access to a full range of quality courses (including electives), are on track to complete their "a-g" course work, and have the opportunity to pursue a diploma track.

Figure 6.13 shows several examples of high school schedules for English learners with disabilities.

Figure 6.13.

Sample High School Course Schedules for English Learners with Disabilities

From less intensive to more intensive needs

NINTH GRADE STUDENT WITH A SECTION 504 PLAN

1. Life Science
2. ELA Grade Nine
3. Designated ELD
4. Dance (P.E.)
5. Math I
6. World Geography
7. College Prep Academic English (This is integrated ELD where the teacher works with the student's abilities and supports progress in other core class content)
8. Robotics

All content instruction includes Integrated ELD instruction.
Student has a Section 504 plan with accommodations.

NINTH GRADE STUDENT WITH DIS*

1. Life Science with push-in support for labs
2. World Geography
3. Adaptive P.E.
4. Math I
5. ELA Grade Nine
6. Designated ELD
7. Ethnic Studies (elective)
8. College Prep Academic English (This is integrated ELD where the teacher works with the student's abilities and supports progress in other core class content)

All content instruction includes Integrated ELD instruction.
Student has an IEP with identified designated instructional services.

TENTH GRADE STUDENT WITH RSP SUPPORT**

1. P.E.
2. Math II with Co-Teaching
3. ELA Grade Ten with Co-Teaching
4. World History
5. AP Spanish (elective)
6. Earth and Space Science
7. Curriculum Support Class (This is designated ELD where the special education teacher works with the student's abilities and supports progress in other core class content)

All content instruction includes Integrated ELD instruction.

Student has an IEP with RSP support push-in or pull-out services in addition to possible accommodations and related services.

ELEVENTH GRADE STUDENT SERVED PARTIALLY IN SDC* SETTING**

1. Math
2. Science
3. History-Social Studies
4. ELA
5. Ethnic Studies with Co-Teaching
6. P.E. (with support from a bilingual aide and adaptive physical education)
7. Curriculum Support Class (This is designated ELD where the special education teacher works with the student's abilities and supports progress in other core class content)

All content instruction includes Integrated ELD instruction.
Student has an IEP designating modified curriculum, and core classes may occur in a more supportive setting, such as an SDC.

For all English learners, all content courses are provided with integrated ELD.

**Designated Instruction and Services (DIS): Designated instruction and services, sometimes called related services, are any services that are necessary to help a student benefit from his special education program. The DIS specialist may provide services directly to students or may work with the general education classroom teacher, special class teacher, or resource specialist in providing special instruction or adaptations. These services may include, but are not limited to, adaptive physical education, audiological services, guidance and counseling, deaf and hard of hearing services, speech and language services, occupational and physical therapy, and visually handicapped services.*

***Resource Specialist Program (RSP): Term used to describe a program that provides instruction, materials, and support services to students with identified disabilities who are assigned to the general classroom for more than 50 percent of their school day.*

> ****Special Day Class (SDC): Term used to describe a self-contained special education class that provides services to students with intensive needs that cannot be met by the general education program, RSP, or DIS program. Classes consist of more than 50 percent of the student's day.*

Collaboration cannot occur without an organizational structure that promotes trust and communication. The local school level is the arena where collaboration can have an immediate impact on students.

To learn more about different ways of co-teaching and collaborating among educators to provide equal access to English learner students with disabilities, visit the following websites:

- Colorín Colorado—*Teaching Bilingual Learners with Disabilities in an Integrated Co-Teaching Dual Language Program* (accessible at: https://bit.ly/2v99Sxg)
- National Education Association (NEA)—*Six Steps to Successful Co-Teaching* (accessible at: https://bit.ly/1G9JHFX)
- Teaching Channel—*Sharing Formative Assessment Notes* (accessible at: https://bit.ly/2EaT27W)
- *Meeting the Needs of Diverse Learners* (accessible at: https://bit.ly/2Ir6AOR)
- The IRIS Center's *High Leverage Practices—Collaboration* (accessible at: https://bit.ly/2K3v9NY)
- United Federation Teachers—*Integrated Co-Teaching (ICT)* (accessible at: https://bit.ly/2UJdmFY)

Monitoring Educational Programs

Ensuring that English learners with disabilities are benefiting from their educational programs is a shared districtwide and schoolwide responsibility. Effective monitoring and a system of continuous improvement is essential for ensuring that English learner students with disabilities make progress toward their IEP goals or Section 504 plan, English language development, and challenging academic standards. Establishing a well-designed plan for monitoring and improving programs ensures that all educators in the district, parents and community members, and often students themselves understand how the district holds itself internally accountable for the academic success and linguistic progress of all English learners. A plan

that is developed and implemented collaboratively across all stakeholders in the district is characterized by open and transparent communication. Such a plan creates a collective and systemic approach for ensuring that English learners with disabilities are successful in school. This systemic approach includes three main phases: analyzing and using the results of the valid and reliable disability evaluation, creating linguistically responsive goals, commitments and monitoring of programs for continuous improvement.

The following code of ethics, with 10 principles (adapted from the national Council for Exceptional Children[22]), guides school and district teams in educational program monitoring and improvement processes (figure 6.14).

Figure 6.14.
California Code of Ethics for English Learners with Disabilities[23]

CALIFORNIA CODE OF ETHICS FOR ENGLISH LEARNERS WITH DISABILITIES

1. Maintaining high expectations for English learner students with disabilities to develop the highest possible learning outcomes and quality of life potential in ways that respect their dignity, culture, language, and background.

2. Maintaining a high level of professional competence and integrity and exercising professional judgment to benefit English learners with disabilities and their families.

3. Promoting meaningful and inclusive participation of English learners with disabilities in our schools and communities.

4. Practicing collegiality and professionalism with all who are providing services to English learners with disabilities.

5. Developing relationships with families based on mutual respect and actively involving families and English learners with disabilities in educational decision-making.

6. Using evidence, instructional data, and professional knowledge to inform practice.

7. Protecting and supporting the physical and psychological safety of English learners with disabilities and promoting their social and emotional well-being.

8. Neither engaging in nor tolerating any practice that harms English learners with disabilities, and actively promoting inclusivity and equity.

9. Understanding and upholding laws, regulations, and policies that influence professional practice concerning English learners with disabilities and advocating for local improvements that reflect the laws, regulations, and policies.

10. Advocating for professional conditions, learning, and resources that will improve learning outcomes of individuals with disabilities.

As discussed in the previous chapter, a student's IEP, which is binding on the school district, specifies the supplementary aids and services necessary to ensure a student's participation in the general education program (20 *U.S.C.* 1414[d][1][A]) (accessible at: https://bit.ly/2UCReNH) including arrangements for any class or extracurricular activity in which the student might participate. As also mentioned earlier in this chapter, all English learners with disabilities receive comprehensive ELD, including integrated and designated ELD, in a manner that is attentive to individual student needs and in the LRE.

School and district teams work together to monitor the effectiveness of educational programs with a focus on inclusive learning environments for English learners with disabilities, integrated and designated ELD provided, and the degree to which the IEP is addressed. School teams include general education teachers, special education teachers or specialists, English learner specialists, administrators, parents, and possibly even English learner students with disabilities. District teams include these stakeholders as well as representatives from multiple district departments including English learner, special education, early childhood, and those who supervise principals and instructional coaches.

The following figures provide sample tools for engaging in the process of monitoring educational programs. These tools are recommended, not required.

Sample Tool #1: The *English Learner Roadmap Rubric for Self-Reflection* (accessible at: https://bit.ly/2LwidWQ) (figure 6.15) provides an opportunity for school and district teams to identify areas of strength and areas needing improvement related to the four principles in the *English Learner Roadmap Vision, Mission, and Principles* listed earlier in this chapter.

Figure 6.15.
English Learner Roadmap Rubric for Self-Reflection[24]

English Learner Roadmap Rubric

School and district teams can use this self-reflection rubric to engage in dialogue, to assess current status in enacting the Roadmap Principles and identify areas needing improvement.

Principle #1: ASSETS-ORIENTED AND NEEDS-RESPONSIVE SCHOOLS

Pre-schools and schools are responsive to different EL strengths, needs and identities, and support the socio-emotional health and development of English learners. Programs value and build upon the cultural and linguistic assets students bring to their education in safe and affirming school climates. Educators value and build strong family, community, and school partnerships.

Element	1 Minimal or not at all	2 Somewhat Responsive	3 Responsive	4 Very Responsive
A. The languages and cultures ELs bring to their education are assets for their own learning, and are important contributions to our learning communities. These assets are valued and built upon in culturally responsive curriculum and instruction and in programs that support, wherever possible, the development of proficiency in multiple languages.	Little to no mention or visibility of language diversity or cultural diversity. No programs or instructional support for developing bilingualism.	Some affirmation of language and cultural diversity as a general concept (e.g., mission statements); some teachers may include culturally responsive approaches in teaching.	School has some programs and aspects of culturally/linguistically responsive instruction in place. Multilingual programs are available for some students only.	School is multi-lingual focused, and dedicated to culturally responsive pedagogy and climate for all students. School has programs, materials, celebrations engaging students in many opportunities to build proficiency in multiple languages.
B. Recognizing that there is no single EL profile and no one-size approach that works for all, programs, curriculum and instruction are responsive to different EL student characteristics and experiences.	Programs, curriculum, and instruction are the same for all students.	Programs, curriculum, and instruction are somewhat adaptive to suit the students.	Programs, curriculum, and instruction are fairly adaptive to the individual student.	Programs, curriculum, and instruction are tailored toward each individual student in order to promote the greatest amount of learning for each individual.
C. School climates and campuses are affirming, inclusive and safe	School climate is questionable, and/or unwelcoming towards certain minorities.	School climate feels fairly safe, and fairly affirming towards most students and their families.	School climate feels safe, and affirming towards most students and their families.	School climate feels safe and affirming. Policies support inclusivity. Students and their families are treated fairly.
D. Schools value and build strong family and school partnerships	Parents are rarely included or rarely present in school activities.	Parents are somewhat involved and engaged in their children's learning experience.	Parents are fairly involved and engaged in their children's learning experience.	Parents are very involved and engaged in their children's learning experience. School has proactive supports for two-way engagement with families.

An accessible long description of figure 6.15 is available at https://www.cde.ca.gov/sp/se/ac/ch6longdescriptions.asp#figure15.

Sample Tool #2: The *California LRE Self-Assessment and Continuous Improvement Activities—District Level* (accessible at: https://bit.ly/2VSzeyv) (figure 6.16) is an extensive tool and process for district teams to monitor and improve their efforts at establishing LRE.

Figure 6.16.

California LRE Self-Assessment and Continuous Improvement Activities—District Level[25]

COMPONENTS AND FEATURES OF LRE (1)	RATING (2)	INFORMATION TO SUPPORT RATING (3)	IMPROVEMENT ACTIVITIES (4)
1. Vision, expectations, leadership, and climate ***1.1 The district has a vision that values and celebrates student diversity.*** ❑ There is evidence of guiding principles which encourage and support: ○ All students educated together. ○ High standards and expectations for all students ○ Access to the general education curriculum for all students. ○ Participation of all students in district and State assessments with or without accommodations or through an alternate assessment as determined appropriate by the IEP team. ○ Input from diverse groups of educators, parents, and the community. ❑ District staff communicates and demonstrates a philosophy that all students' abilities vs. disabilities are emphasized.	1 2 3 4 5		
1.2 Leadership is supportive of the LRE, and district initiatives and activities reflect the LRE. ❑ District staff are committed to the implementation of LRE programs and supports for students. ❑ The district special education office monitors implementation of LRE throughout the district on an ongoing basis, including access to the general education curriculum & access to extra-curricular activities for all school-age students, & developmentally- appropriate activities for preschool children. ❑ Personnel within the district and schools are held accountable for implementing LRE. ❑ District staff directs resources to the training of district and school staff regarding LRE requirements and appropriate opportunities and assessments.	1 2 3 4 5		

An accessible long description of figure 6.16 is available at https://www.cde.ca.gov/sp/se/ac/ch6longdescriptions.asp#figure16.

Sample Tool #3: The *Fresno Unified School District English Learner Master Plan—Integrated and Designated ELD* (accessible at: https://bit.ly/2KmRtHd) (figure 6.17) is an excerpt from a comprehensive district plan—developed by representatives from all stakeholders in the community—to continuously improve educational services for English learners, including English learners with disabilities.

Figure 6.17.
Fresno Unified School District English Learner Master Plan—Integrated and Designated ELD[26]

Elements	Integrated ELD	Designated ELD
Standards	CA state standards for ELA and Literacy, state content standards are the focal standards with ELD standards nested to support language and literacy development, and academic proficiency	California ELD Standards are the focal standards and are used to construct language objectives that address the language challenges embodied in the state ELA/Literacy and other content standards.
Proficiency Levels	English learner students at various levels of language proficiency, with scaffolding and differentiation for flexible, heterogeneous grouping	English learner students with similar language acquisition levels students or close span grouped together
Time	During all core content instruction	A regular, predictable, protected daily timeframe

Elements	Integrated ELD	Designated ELD
Content	• Explicit forms of English are taught, dictated by the demands of each discipline and defined by the ELD Standards • Awareness of how English works is developed within the discipline along with academic language resources • Integration of meaning-making, discussion, and collaboration to develop content knowledge and disciplinary skills • Listening/speaking and reading/writing are incorporated, with particular attention to the special role of oral language development	• Explicit forms of English are taught as outlined by the ELD Standards • Awareness of how English works is developed using language resources according to task, audience, purpose, and discipline • Meaning-making and communication are integrated to support the explicit teaching of language. • Listening/speaking and reading/writing are incorporated, with particular attention to the special role of oral language development • Foundational skills instruction are generally not taught during this time
Planning	• Carefully planned and sequenced curriculum and activities that are interactive, engaging, relevant, and intellectually challenging with a focus on state content standards • Scaffolding is planned both in advance and just in time • Judicious corrective feedback that is transparent and meaningful to students is provided	• Carefully planned and sequenced curriculum and activities that are interactive, engaging, relevant, and intellectually challenging with a focus on ELD Standards • Scaffolding is planned both in advance and just in time • Judicious corrective feedback that is transparent and meaningful to students is provided

Sample Tool #4: *Assessing and Improving Special Education: A Program Review Tool for Schools and Districts Engaged in Rapid School Improvement* (accessible at: http://bit.ly/2vLSoYf) (figure 6.18) is a comprehensive program review tool designed to assist school districts and leaders in beginning and engaging in conversations about, and reviewing and improving the quality of, their special education programs.

Figure 6.18.

Assessing and Improving Special Education: A Program Review Tool for Schools and Districts Engaged in Rapid School Improvement[27]

PROGRAM FEATURES

POSITIVE LEARNING ENVIRONMENT

Connection to program quality

A program that ensures a positive learning environment:

- Supports student achievement by providing a safe, supportive learning environment
- Increases quality of instruction
- Increases instructional time

Suggested data types and sources

- Student and/or family surveys; feedback from focus groups
- Attendance records
- Graduation rates
- Number of students with disabilities involved in co-curricular activities
- Disciplinary referrals and data
- Disproportionality data

EXAMPLES FROM A PROGRAM DEMONSTRATING THE HIGHEST STANDARD

- An evidence-based approach to creating a positive learning environment is in place, as are positive behavioral supports.
- Positive Behavioral Interventions and Supports (PBIS) is implemented with fidelity.
- Families engage as partners in schoolwide programs.
- School leadership and all school staff are invested in the success of all students.

EXAMPLES FORM A PROGRAM DEMONSTRATING AN ACCEPTABLE STANDARD

- Administrative guidelines and policies related to intentionally creating a positive learning environment are in place.
- Responsibility for positive learning environments is shared with families.

EXAMPLES FROM A PROGRAM DEMONSTRATING AN UNACCEPTABLE STANDARD

- There are no administrative guidelines or policies related to intentionally creating a positive learning environment.
- Relationships with families are superficial and not collaborative.
- There are different behavioral expectations for students with IEPs than for the majority of the student body.

These are just some of the types of tools that schools and districts can use or consider as exemplars as they engage in their own monitoring and improvement processes. Additional guidance and tools can be found at the following websites:

- WestEd's National Center for Systemic Improvement (NCSI): https://ncsi.wested.org
- United States Department of Education, English Learner Tool Kit: https://bit.ly/2IB1RsW

The following scenario illustrates some of the guidance from this chapter.

Student Scenario

Shared Districtwide Responsibility for English Learners with Disabilities

For the past several years, River Bend School District has been working toward a vision of full inclusion for students with disabilities and providing integrated and designated ELD, in addition to challenging content instruction for all English learners in the district. Recognizing the rich cultural and linguistic diversity of its students, the district has increased the number of dual-language programs with full inclusion and with the goals of bilingualism, biliteracy, high academic achievement in both English and Spanish, and cross-cultural competence.

In addition to using the California Dashboard to monitor districtwide and school progress on the six state indicators and four local indicators, district leadership works with the District Equity

Team, a shared leadership team that focuses on equity for all students. The District Equity Team, consisting of parents (ELAC representative), teachers, specialists (English learner included), instructional coaches, principals, and district administrators, developed a theory of action for their work and the following agreements for collaboration to monitor and improve educational programs for all students:

- Reflect frequently on our professional practice from a critical stance using evidence, including evidence of student learning and well-being.
- Engage in a culture of learning to develop shared understandings about practice so we can continuously refine our practices, programs, and processes.
- Provide mutual support and mutual accountability by confronting and dealing constructively with conflict and focusing on our goal to support student improvement.

The team convenes for two-day meetings three times at the beginning, middle, and end of the school year. Each time they meet during the school year, they review the California Dashboard data and the equity goals they have for all students. They visit different schools in pairs or triads to collect site-based data, such as the school's integrated and designated ELD plans and full inclusion plans. They also visit classrooms and observe what students are doing, using a student observation tool. While there, they interview a student or a small group of students, a teacher, and an administrator using a structured protocol that focuses on English learners, students with disabilities, and ethnically diverse students and how the educational programs in the school are meeting students' needs.

After the school visits, the team reconvenes to analyze and discuss the data and reflect on progress toward the equity goals. At the end of each convening, they outline and begin to craft a district newsletter that the district then finalizes to provide useful, timely, and actionable feedback and information to all educators and stakeholders in the system. The newsletter is provided in multiple languages so that all parents and families in the district have a clear idea of the district's vision and progress. District leaders use the insights from the meetings for continuous improvement of educational programs by:

- refining program designs and approaches;
- adjusting district policies and processes; and
- providing professional learning in areas identified as needing attention.

Between meetings, each team member (task modified for parents) has a recurring set of tasks to:

- shadow one English learner student with a disability for one day (using a recording template to track which classes the student participates in, how often the student gets to participate in activities, and supports provided);

- read a short professional article or view a professional video to deepen learning;

- write a short reflection connecting the shadowing and reading or video, and post it in the District Equity Team's online community; and

- write a reaction to two other team members' posts.

Each member is also expected to be an ambassador of the District Equity Team's work as they engage with their respective communities and networks.

At the school level, each site leadership team, consisting of the principal, assistant principal, specialists, and teacher, refines its integrated and designated ELD plan at the beginning and end of each school year based on student demographics and needs. Grade-level teams in elementary schools and cross-disciplinary teams in secondary schools meet weekly in communities of practice. Parents receive a report or update of results. This structure allows the teaching teams to:

- plan cycles of inquiry (action research) about a goal they have for improving their practice (e.g., ensuring equitable participation for English learner with disabilities in small discussion groups);

- analyze student work samples related to these goals (e.g., classroom observation notes, student reflections); and

- use insights from these analyses to collectively plan or fine-tune subsequent lessons.

English learner and special education specialists and instructional coaches participate in these meetings on a rotating basis to help teachers plan specific pedagogical approaches or to use appropriate tools, such as assistive technology.

Once a month in their weekly all staff meeting, all teachers and administrators, in cross-grade and cross-disciplinary teams, engage in school gallery walks where they visit the empty classrooms and hallways of the school and document the architecture of the classrooms, what is on the walls, what types of books are available to students, what type of student writing is posted, etc. The goal of the gallery walk is to spark discussion about how staff can support student learning goals through:

- classroom structure (e.g., tables where students can work in groups, posting charts with genre outlines or labeled diagrams);
- making learning visible (e.g., by posting student writing samples); and
- providing culturally and linguistically relevant texts and other materials.

This shared leadership approach has empowered all stakeholders in the district and created a culture of adult learning and mutual support that results in equity progress for all students.

Chapter Summary

This chapter has focused on state and federal legal and policy guidance for educational program decisions, educational program models, and systemic approaches to providing equitable access to quality educational services for English learners with disabilities. School and district teams, as well as individual teachers, administrators, and specialists can use the information and resources provided here to ensure that all English learners with disabilities receive the support they need to thrive in school and beyond. Chapter 7 delves more deeply into classroom pedagogical practices.

Frequently Asked Questions

Q: Can a special education teacher provide integrated and designated ELD to English learners as part of their special education services?

A: Yes. Certificated special education teachers who have their English learner authorization may provide both integrated and designated ELD. Frequently special education teachers co-teach with general education teachers to provide comprehensive ELD (integrated and designated ELD).

Q: Will learning in two languages be confusing for English learners with disabilities?

A: There is no evidence of this. English learners with disabilities can become multilingual, just like students without disabilities. Also, maintaining the primary language is important for students so they can continue to communicate meaningfully with their families and caregivers and continuously develop a sense of cultural pride.

Chapter 6 Endnotes

1 California Department of Education, *English Language Arts/English Language Development Framework for California Public Schools* (California Department of Education). (https://bit.ly/2uRx7wp)

2 See also Lau v. Nichols, 414 US 563 (1974) (https://bit.ly/2XkHuVa); Castañeda v. Pickard (1981) 648 F.2d 989.

3 See also Independent School District v. Salvatierra (1930); Alvarez v. Lemon Grove (1931); Méndez v. Westminster School District (1947); and Brown v. Board of Education (1954).

4 United States Department of Education, *Questions and Answers (Q&A) on US Supreme Court Case Decision Endrew F. v. Douglas County School District Re-1* (Washington DC: US Department of Education, 2017).

5 Amended by the passage of the CA Education for a Global Economy Initiative (https://bit.ly/2ZkNA9J).

6 See *EC* 60811.8 (https://bit.ly/2ZeGkw4). This is recently chaptered AB 2735 legislation (https://bit.ly/2UHSmj2).

7 California Department of Education, *California English Learner Roadmap* (https://bit.ly/2IKWgkb) (California Department of Education).

8 This includes California standards for ELA/literacy, science, math, history-social science, health, arts, computer science, and other subjects.

9 California Department of Education, CA Ed.G.E Regulations (https://bit.ly/2UHJgTf).

10 J. Esparza Brown, and A. Sanford, RTI for English Language Learners: Appropriately Using Screening and Progress Monitoring Tools to Improve Instructional Outcomes (US Department of Education); S. Linan-Thompson, and A. Ortiz, *Response to Intervention and English Language Learners: Instructional and Assessment Considerations* (Seminars in Speech and Language).

11 In the interest of gender non-discrimination, the authors refer to individual students alternately as "she" and "he." The authors recognize that many individual students identify as transgender, gender non-binary, gender non-conforming, agender, or other gender identities and may prefer gender-neutral pronouns or other emerging identifying terms.

12 California Department of Education, *ELA/ELD Framework for California Public Schools*.

13 California Department of Education, *ELA/ELD Framework for California Public Schools*.

14 This sample, Millefleur District's ELD progress monitoring plan, is ideally integrated within a district's English Learner Master Plan (a suggested but not required document), which addresses English learner programs and services; family and community involvement; English learner identification, placement, and reclassification; and policies regarding monitoring, evaluation, and accountability of English learner instructional services related to the continued success of English learners and former English learners.

15 The terms "full inclusion," "integration," "mainstreaming," and "reverse mainstreaming" do not appear in any law. These terms have been developed by educators to describe various ways of meeting the LRE requirements. The exact definitions of these terms may vary among different educational agencies—school districts, county offices of education, or special education local planning areas (SELPAs).

16 California Department of Education, *The Supporting Inclusive Practices Project* (The Edge).

17 J. L. Steele, R. O. Slater, G. Zamarro, T. Miller, J. Li, S. Burkhauser, and M. Bacon, *Effects of Dual-Language Immersion Programs on Student Achievement: Evidence from Lottery Data* (American Educational Research Journal).

18 The definitions here are from sample letters provided by the CDE for LEAs to inform parents of their child's identification as an English learner upon entering a California school for the first time or of their child's continued identification as an English learner in a California school, and provides all the required information to meet Federal Title I or Title III requirements. These letters, along with translations in Spanish, can be accessed at the CDE website (https://bit.ly/2GuYuCI).

19 From California Department of Education, *ELA/ELD Framework for California Public Schools*, figure 11.4, Addressing the Unique Needs of English Learners (https://bit.ly/2uRx7wp); and based on information from the National Center for Education Evaluation and Regional Assistance, *NCEE Evaluation Brief: A Focused Look at Schools Receiving School Improvement Grants That Have Percentages of English Language Learner Students* (Institute of Education Sciences).

20 N. Bacharach, T. W. Heck, and K. Dahlberg, *Changing the Face of Student Teaching Through Co-Teaching (Action in Teacher Education)*; M. Friend, and W. D. Bursuck, *Including Students with Special Needs: A Practical Guide for Classroom Teachers 5th ed.* (Merrill).

21 California Department of Education, *ELA/ELD Framework for California Public Schools*.

22 Council for Exceptional Children, *What Every Special Educator Must Know: Professional Ethics and Standards* (Council for Exceptional Children).

23 Adapted from the Council of Exceptional Children to address the needs of English learners with disabilities.

24 California Association for Bilingual Education, *English Learner Roadmap Rubric* (CABE). (https://bit.ly/2LwidWQ)

25 California Department of Education and WestEd, *California Least Restrictive Environment (LRE) Self-Assessment and Continuous Improvement Activities – District Level* (California Department of Education). (https://bit.ly/2VSzeyv)

26 Fresno Unified School District, *Fresno Unified School District Master Plan for English Learner Success* (Fresno Unified School District). (https://bit.ly/2DVDD9I)

27 D. Grabill, and L. M. Rhim, *Assessing and improving special education: A program review tool for schools and districts engaged in rapid school improvement* (The Center on School Turnaround and WestEd). (http://bit.ly/2vLSoYf)

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Chapter 7: Teaching and Learning to Meet Student Needs

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Questions Addressed in This Chapter

For Teachers

- How can I best meet the unique academic, English language development, disability-related, and social-emotional learning needs of my students who are English learners with disabilities?
- How can I use my students' individualized education program (IEP) goals to inform my instructional practice?

For Administrators

- How will I know if students who are English learners with disabilities are receiving the instruction they need?
- What does quality instruction for English learners with disabilities look like?
- How can I support my teachers to provide this instruction, and how will I know if their instruction is effective?

Introduction and Overview

Previous chapters of this guide discuss processes for identifying English learners with disabilities, interventions that occur prior to referral to special education evaluation, appropriate special education assessment of English learners, the individualized education program (IEP) process, and educational programs that ensure access and equity. As discussed in chapter 6 and throughout this guide, California teachers, leaders, and policymakers have a shared responsibility and commitment to honoring diversity, respecting students, and ensuring all students' right to a world-class education.

This commitment to educational equity is emphasized in current California *Education Code*, state and federal laws and policies, and state-created open access resources available to the field.

This chapter focuses on effective teaching and learning practices for English learners with disabilities, all aimed at ensuring that students have opportunities to make academic, English

language, and social-emotional learning progress. The chapter is organized into four main sections: effective contexts for learning, universal design for learning, teaching and learning critical features, and teacher collaboration. The chapter also provides examples of specific pedagogical practices, which are further explained in California's curriculum frameworks and in the resources listed throughout the chapter. A classroom scenario at the end of the chapter illustrates various key points discussed in the chapter.

Under federal legislation, each English learner student, including English learners with disabilities, must receive English language development (ELD) instruction. Research indicates that developing full proficiency in a second language takes time and some English learners with disabilities may take longer than English learners without disabilities to become proficient in English.[1] It is important for educators to recognize that in California, comprehensive ELD (both integrated and designated ELD) is part of core instruction for English learners with disabilities, and not an optional or supplemental component. No federal guidelines contain provisions that would authorize the IEP team to remove an English learner designation before English learner students with disabilities attain fluent English proficiency, based on standardized or alternate assessments and other criteria that contribute to reclassification decisions. (See chapter 9 in this guide for additional guidance on reclassification.)

Ensuring student success is a shared responsibility that includes collaboration among school professionals and school-family collaboration. Federal guidelines require IEP teams (made up of qualified professionals and parents) meet a least once annually to evaluate the student's progress and consider decisions about the continuation and addition of services (20 *U.S.C.* 1414[d][4][A]) (accessible at: https://bit.ly/2XkTJRH). Because the partnership between schools and families of English learners with disabilities is so critical to student success, schools are encouraged to take the necessary steps to ensure families are fully included and welcomed. This requires building awareness about all families in the school community.

Parents and families of English learners with disabilities may be immigrants to the US and are culturally and ethnically diverse. They may not be familiar with the US education system, and they may have notions about disabilities from their home countries that are quite different from the way US schools perceive them. Therefore, school professionals must develop cultural competence and differentiate the way they collaborate with parents and families of English learners with disabilities so that the student's needs are fully met. The next section of this chapter addresses this area of professional proficiency.

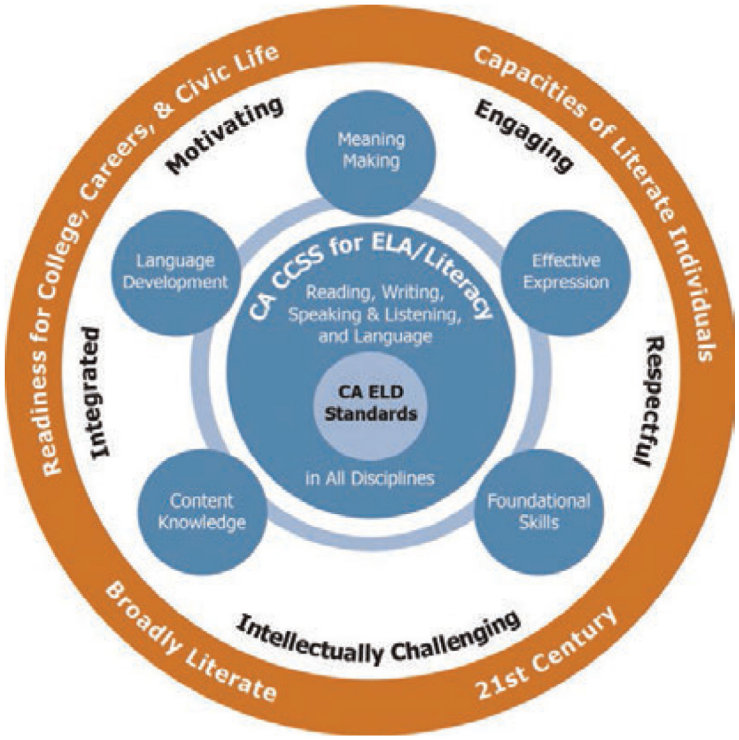
Effective Contexts for Learning

California's curriculum frameworks for K–12 public schools explain how standards-based teaching and learning should occur and provide illustrative examples of quality teaching and learning, including ELD. The California curriculum frameworks have the common goal of ensuring that by the time they graduate from high school, California's students have achieved:

- readiness for college, careers, and engaged civic life;
- the capacities of broadly knowledgeable and literate individuals across the disciplines;
- skills and dispositions for global competence; and
- social and emotional maturity necessary for today's workforce and lifelong personal fulfilment.

The *English Language Arts/English Language Development Framework for California Public Schools*[2] (*ELA/ELD Framework*) provides detailed guidance on how to enact California's content and *CA ELD standards* to ensure that English learners with disabilities are fully included in these aspirational goals. The *ELA/ELD Framework* provides a visual representation of these goals, context, and themes of ELA/literacy and ELD instruction (see figure 7.1). In figure 7.1, the goals are expressed in the outer circle. An inclusive, affirming, and intellectually stimulating context for learning (the white area) nestles key themes of teaching and learning in all disciplines (the five blue circles) that are grounded in two sets of world-class standards (represented in the two circles in the middle).

Figure 7.1.
ELA/ELD Framework Circles of Implementation



An accessible long description of figure 7.1 is available at https://www.cde.ca.gov/sp/se/ac/ch7longdescriptions.asp#figure1.

Source: California Department of Education, *English Language Arts/English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento, CA: California Department of Education, 2015).

The Circles of Implementation figure is a useful tool for schools as they engage in continuous improvement of teaching and learning, in part because the figure illustrates how critical the context for learning is to academic learning and success. Individual teachers and leaders, as well as teams, can periodically reflect upon their progress in each area of the figure, in ways that are relevant to their professional roles, using evidence of student learning, including ELD progress. For example, school administrators might periodically examine to what extent classrooms are respectful, motivating, and engaging or in what ways students are intellectually challenged using an observation tool that includes specific English learner services. Teachers might reflect on these same questions, focusing on how well they are establishing an inclusive context for learning where all students can thrive.

Each California curriculum framework promotes the establishment of effective contexts for learning throughout this guide and also specifically addresses access and equity to a world-class, standards-based education for all students, with a particular emphasis on English Learners and students with disabilities. This section draws heavily from the guidance provided in the California curriculum frameworks, and readers are encouraged to seek further guidance from them accessible on the CDE All Curriculum Frameworks web page (accessible at: https://bit.ly/2Va9fhC).

Cultural Proficiency and Cultural Competency

Educators' cultural proficiency and competency are at the heart of establishing effective classroom contexts for learning. These terms refer to educators' ability to successfully serve children and youth from all the cultural, ethnic, and linguistic backgrounds represented within the school population, especially those students from non-dominant cultures (i.e., those from racially or ethnically, linguistically, or economically marginalized groups).[3] English learners with disabilities bring to the classroom a wealth of cultural, linguistic, familial, community, and individual assets that should be valued, respected, and leveraged for school learning. An asset-orientation and an affirming stance toward English learners with disabilities and their families is critical for all students' success (see previous chapter).

In addition to this asset-orientation, it is important for educators to recognize that culturally and linguistically diverse families of English learners with disabilities may experience specific challenges navigating the US school system. Families may have a culturally different perception about having a child with disabilities, may not be aware of how the school system expects them to collaborate with schools, may have faced stigmas for having a child with disabilities, or may avoid the label of disability and disability services due to fear of stigmatization.[4] Family members—and students themselves—may have experienced trauma in their home countries, such as war and other types of violence, and they may also have experienced ethnic, cultural, or religious discrimination in the United States. Experiences such as these place family members, including students, at risk for a range of mental health issues resulting from their traumatic experiences—health issues that need to be addressed for optimal student learning.

At times, these differences in cultural perspectives and experiences may cause miscommunication between educators and families, which can increase family emotional distress and isolation. When educators lack the cultural competency and cultural proficiency to communicate effectively and meaningfully with families, positive family-school partnerships are hindered, and therefore effective services to English learners with disabilities are undermined.[5] Educators who have developed cultural proficiency engage in a range of strategies, including continuously developing such proficiency. Additional strategies include:

- developing culturally sensitive interpersonal awareness and skills;
- taking the time to understand the diverse cultures in the classroom and the experiences families may have had prior to arriving in and while in the United States; and
- being aware of the cultural perspectives parents and families may have about children with disabilities.

Since the majority of English learners are born in the United States,[6] notions of students' and families' cultures and experiences need to account for multiple intersecting experiences and layers of identity, rather than relying on one aspect of culture or stereotypes about a family's culture or ethnic background.

Schools and individual teachers can systematically reach out to culturally and linguistically diverse families and empower them with information about how the IEP and other US educational systems work, rather than waiting for families to come to them. This approach is aimed at equitable family participation in the education of English learners with disabilities.

Inviting qualified interpreters to IEP meetings is a key strategy for ensuring equitable family participation. Per the Individuals with Disabilities Education Act (IDEA), a parent whose native language is other than English has the right to request an interpreter for the IEP meeting and to have their IEP translated into their language, and local educational agencies (LEAs) "must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English" (*EC* 56341.5[h][3][i]) (accessible at: https://bit.ly/2GppTpv). Additionally, IDEA requires that certain notices to parents be provided in the parent's native language, unless clearly not feasible to do so. Schools can also provide families a more informal context for meeting, avoid educational jargon that parents may not understand and instead use more accessible language, and provide time for parents to process and ask questions.

Schools can make efforts to ensure that the school environment and staff of English learners with disabilities, as with all students, is welcoming and culturally respectful with staff and students who share or are sensitive to the cultural backgrounds of the student populations. Schools can also provide culturally sensitive counseling or peer support groups for parents and families so that they have someone to talk to who understands their particular cultural perspectives. This might be accomplished by reaching out to local cultural organizations and family networks that offer support for families from diverse cultures. Again, not all people from the same country or general cultural background are alike, so assumptions about families' cultures should be carefully examined so as not to take infelicitous actions based on erroneous or incomplete information.

Teachers and leaders are encouraged to use culturally relevant, responsive, and sustaining pedagogy, which emphasizes validating and valuing students' cultural and linguistic heritage while also ensuring their full development of academic English. Figure 7.2 provides a research-based definition of this recommended practice.

Figure 7.2.

Culturally and Linguistically Responsive and Sustaining Pedagogy[7]

CULTURALLY AND LINGUISTICALLY RESPONSIVE AND SUSTAINING PEDAGOGY

Culturally and linguistically responsive and sustaining pedagogy seeks to address and redress the inequities and injustices in school systems that harm culturally and linguistically diverse (CLD) students, especially those who are ethnically diverse and people of color. It teaches to and through the strengths of CLD students and is therefore validating and affirming.

- It recognizes and uses in daily classroom practice the cultural and linguistic knowledge, home and community experiences, frames of reference and world views, and learning styles of CLD students to make learning more relevant to and effective for them.
- It integrates the history and culture of students into the curriculum in all disciplines, providing accurate and positive depictions and counter-narratives to damaging and pervasive negative stereotypes.
- It promotes CLD students' healthy perceptions of their cultural and linguistic identity, along with a sense of inclusion and belonging in school.
- It supports students to sustain their cultural and linguistic identity while they simultaneously develop advanced academic proficiency and critical awareness of the codes of power in school and beyond.
- It focuses on issues of social justice for all marginalized and oppressed people. It empowers students by supporting their development of personal efficacy and cultural pride.

Some tangible culturally and linguistically sustaining pedagogical practices include (but are far from limited to):

- using an ethnic studies curriculum;
- using culturally relevant literature and informational texts;
- using students' cultural backgrounds as the basis for selecting academic topics of study;

- emphasizing social justice topics;
- promoting multilingualism; and
- inviting students to use their primary language in learning tasks.

Cultivating democratic classrooms is a goal of culturally and linguistically sustaining pedagogy. Democratic classrooms are inclusive spaces—often supported by norms to guide respectful interaction and protocols for supporting such interaction—that exude respect for diversity where all students are responsible for supporting one another. Democratic classrooms are good for all students, but they are critical for academically vulnerable students, especially English learners with disabilities.

Each California Curriculum Framework contains an "Access and Equity" chapter, which includes additional information on culturally and linguistically responsive, relevant, and sustaining teaching in the content areas, along with examples of classroom practice in other chapters of the frameworks. All California Curriculum Frameworks can be found at: https://bit.ly/2Va9fhC.

For additional guidance for culturally and linguistically sustaining teaching, see chapter 2, "Supports for English Learners Within the Multi-Tiered System of Supports Framework," of this guide. Additional resources can be found at the following websites:

- UCLA Center X—*Culturally Relevant Teaching* (accessible at: https://bit.ly/2Ipvy0R)
- UCLA Center X—*Ethnic Studies K–12* (accessible at: https://bit.ly/2G6dwMl)
- Edutopia—*Culturally Responsive Teaching Videos* (accessible at: https://edut.to/2IyMb9M)
- Teaching Tolerance—*Being Culturally Responsive* (accessible at: https://bit.ly/2LursHn)
- Education Northwest—*Culturally Responsive Teaching: A Guide to Evidence-Based Practices for Teaching All Students Equitably* (accessible at: https://bit.ly/2XigRA5)
- Education Northwest—*Fostering a Safe and Bias-Free Learning Environment: A Guide for Educators* (accessible at: https://bit.ly/2PfmBYB)
- Education Week—*4 Steps to Becoming a Culturally Responsive Teacher* (accessible at: https://bit.ly/2KML4Gh)
- Education Week—*What Is Culturally Responsive Teaching?* (accessible at: https://bit.ly/2ZeK4xT)

Social-Emotional Learning and Positive Behavioral Interventions and Supports

California is united in its affirmation of social-emotional learning as an essential part of a well-rounded, quality education in all settings serving children and youth.[8] The Collaborative for Academic, Social, and Emotional Learning (CASEL) defines social-emotional learning as "the process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions."[9] CASEL identifies five interrelated sets of cognitive, affective, and behavioral competencies that contribute to social-emotional learning:

- self-awareness
- self-management
- social awareness
- relationship skills
- responsible decision-making

The California Department of Education, in collaboration with statewide partners, established Guiding Principles designed to build on the social and emotional learning (SEL) practices already happening in many schools and to promote the intentional use of evidence and research-based practices to guide decision-making (figure 7.3).

Figure 7.3.
California's Social-Emotional Learning Guiding Principles[10]

CALIFORNIA'S SOCIAL-EMOTIONAL LEARNING GUIDING PRINCIPLES

ADOPT WHOLE CHILD DEVELOPMENT AS THE GOAL OF EDUCATION

Take a systems approach to promoting student academic, social-emotional learning, physical well-being, and college, career, and civic life readiness. Name SEL as a must have (not a nice to have) to ensure student success in school, work, and community.

COMMIT TO EQUITY

All students must have opportunities to build SEL skills and receive an assets-based educational experience that is personalized, culturally relevant and responsive, and that intentionally addresses racism and implicit bias. Use practices that build on the existing strengths of students, educators, families, and communities.

BUILD CAPACITY

Build the capacity of both students and adults through an intentional focus on relationship-centered learning environments and by offering research-based learning experiences that cultivate core social-emotional competencies.

PARTNER WITH FAMILIES AND COMMUNITY

Maximize the resources of the entire school community, including expanded learning opportunities, early learning and care programs, and family and community partnerships to advance SEL and student well-being.

LEARN AND IMPROVE

Adopt continuous improvement practices and use evidence to guide decision-making while aiming to enhance the quality of student social-emotional learning opportunities. Use data to inform improvement of instructional and school practices, not for accountability purposes.

Schoolwide Positive Behavioral Interventions and Supports (SWPBIS) is a systemic change process for an entire school or district where behavioral expectations are taught in the same manner as any core curriculum subject. For example, schools might focus on the following positive behaviors:

- Respect Yourself and Others
- Be Responsible
- Build Relationships

SWPBIS emphasizes constructive interventions as an alternative to punitive discipline, which has disproportionately and negatively affected students of color, including English learners with disabilities. The framework has the potential to reduce school exclusion by appropriately matching the severity of the disciplinary incident to the consequence.

For more guidance on social-emotional learning and Positive Behavioral Interventions and Supports (PBIS), see chapter 2 of this guide. Additional SEL and PBIS resources can be accessible at the following websites:

- The Collaborative for Academic, Social, and Emotional Learning (CASEL) (accessible at: https://casel.org)

- Positive Behavioral Interventions and Supports Office of Special Education Programs (OSEP) Technical Assistance Center (accessible at: https://www.pbis.org)

- SWIFT Guide on PBIS (accessible at: https://bit.ly/2v9ZBRz)
- The Wallace Foundation: *Navigating SEL from the Inside Out* (accessible at: https://bit.ly/2Ydw4Da)
- Edutopia—*Social and Emotional Learning* (accessible at: https://edut.to/2tlKSCg)
- Mindset Scholars Network (accessible at: https://bit.ly/2KLUVvK)
- *A Framework for Safe and Successful Schools*[11] (accessible at: https://bit.ly/2H6evxN)
- National Education Association—*Freeing Schools from the School to Prison Pipeline* (accessible at: https://bit.ly/2Um43GZ)
- Teaching Tolerance—*The Building Blocks of Positive Behavior* (accessible at: https://bit.ly/2Xmxn25)

Universal Design for Learning

The topic of Universal Design for Learning (UDL) was first introduced in chapter 2. This chapter focuses on how to use UDL for English learners with disabilities.[12]

In this planning process (as modeled in figure 7.4 which is adapted from CAST), teachers also anticipate what might happen during a lesson, build in opportunities for formative assessment, and prepare for what individual students may need as a lesson unfolds so that they can provide appropriate and effective scaffolding. When initial instruction is planned in a way that flexibly addresses learner variability, more students are likely to succeed. Fewer students will find the initial instruction inaccessible and therefore fewer will require additional, alternative *catch up* instruction.

Figure 7.4.
UDL Principles and Guidelines

UDL Principles Provide multiple means of...	UDL Guidelines Provide options for...	Instructional Examples
Representation Recognition Network Represent information in multiple formats and media.	1. Perception 2. Language, mathematical expressions, and symbols 3. Comprehension	• Provide transcripts, written descriptions, braille texts, primary language support, or use American Sign Language. • Provide illustrations, realia, photos, simulations, or interactive graphics to illustrate concepts. • Provide options for students to access information and respond in their primary languages. • Guide information processing, visualization, and manipulation. For example, provide explicit prompts for each step in a sequential process, such as completing a video editing project.
Action and Expression Strategic Network Provide multiple pathways for students' actions and expressions.	1. Physical action 2. Expression and communication 3. Executive functions	• Integrate assistive technologies. For example, have touch screens and alternative keyboards accessible for projects. • Provide concept mapping tools to support problem solving around academic topics. • Provide success criteria for assignments, prompt learners to identify the type of feedback they seek, and offer protocols to provide peer feedback.

UDL Principles Provide multiple means of...	UDL Guidelines Provide options for...	Instructional Examples
Engagement Affective Network Provide multiple ways to engage students' interests and motivation.	1. Recruiting interest 2. Effort and persistence 3. Self-regulation	• Optimize individual choice and autonomy by providing learners choice in topics or the order and steps in which they accomplish tasks. • Vary demands and resources to optimize challenge. For example, provide a range of culturally relevant resources, as well as resources that are of high interest to a range of learners. • Support students to develop self-awareness, assess their progress toward personal goals, and reflect on growth or how to improve.

Source: Adapted from CAST, *Universal Design for Learning Guidelines Version 2.2* (Graphic Organizer) (https://bit.ly/2KMVyWa).

UDL emphasizes the need to employ many types of teaching and assessment methods because the learning needs of individual students vary. Therefore, goals, curriculum materials, teaching and learning approaches, and assessments must be flexible to accommodate learner differences. Learners' needs are not fixed or static, and as students progress toward goals, UDL offers a framework for adapting instruction alongside students based on formative assessment practices, progress monitoring, and other assessment methods. UDL should be used across all instructional settings in which English learners with disabilities are enrolled. The full UDL framework (accessible at: https://bit.ly/2GhwZeo), on the Center for Applied Special Technology (CAST) website provides additional details on the UDL principles and guidelines. Teachers might use this tool in their planning to ensure they are providing options for engagement, representation, and action and expression to English learners with disabilities.

Traditional and one-size-fits-all classroom approaches differ from UDL classrooms in significant ways, some of which are outlined in figure 7.5.

Figure 7.5.
How Traditional Classrooms Differ from UDL[13]

Traditional Classrooms	UDL Classrooms
Teaching is a one-size-fits all approach.	Teaching focuses on both the content and in what ways using many approaches to reach a diverse range of learners. *(Multiple Means of Representation)*
Differentiation is for specific students only (e.g., accommodations for a student with an IEP or Section 504 plan).	Differentiation is for all students with the goal of providing access to rich learning. *(Multiple Means of Representation)*
The teacher decides how the material is taught.	The teacher confers with students, providing student choice when possible, and facilitates how students will learn. *(Multiple Means of Engagement)*
The classroom has a "fixed" physical setup.	The classroom has a flexible setup, and both teacher and students have multiple options (e.g., small group, whole group, standing, sitting). *(Multiple Means of Engagement)*
There is only one way to complete an assignment or assess student progress and learning.	There are multiple options for students to demonstrate their learning; ways that are not limited by narrow understanding of standards. *(Multiple Means of Action and Expression)*
Grades are the only way to measure performance.	Students are given continuous and meaningful feedback on their learning and progress through formative assessment processes and other assessment methods. Students set learning goals with the teacher and reflect on their learning periodically. *(Multiple Means of Engagement and Multiple Means of Action and Expression)*

Figure 7.6 offers an example of how UDL can be used to clarify intended learning goals for students and includes key points to consider when planning, questions teachers can ask while engaged in planning, and a sampling of videos that provide examples of UDL practices in action.

Figure 7.6.
Using UDL to Clarify Learning Goals

KEY POINTS

- Setting clear and focused learning outcomes for all students;
- Descriptors of what students should be able to know, understand and/or do by the end of a lesson, unit, term, and year;
- Lesson is designed to allow students to reach learning target;
- Students are clear about success criteria;
- Students have opportunities to reflect on their progress towards learning goals;
- Teacher adjusts instruction and support based on student progress towards learning goals;
- Student is able to articulate and advocate needs for support.

QUESTIONS TO ASK WHEN PLANNING INSTRUCTION

- How do I write learning targets that make sense to my students (and are not a copy/paste of the standard)?
- What are the multiple ways I communicate learning targets to students?
- How do I use rubrics to clarify success criteria?
- How do I provide opportunities for students to set their own goals?
- How do I provide opportunities for students to reflect on their progress?
- What role does class culture play in setting learning goals and reflecting on progress?

UNIVERSAL DESIGN FOR LEARNING APPLICATIONS

- Promote expectations of learning for all.
  - http://bit.ly/2KStQWm
- Write learning targets that include incremental steps for how students will progress (we are starting here, we will move from A to B and finally get to Z…)
- Involve learners in setting their own academic and behavioral goals.
- Involve learners in creating their own academic and behavioral contracts.
- Share success criteria via rubrics or grading guides with students prior to assessments.
  - http://bit.ly/2FhKD1x
- Guide students to using rubrics to assess example work (high, medium and low).
- Guide students to making recommendations for how to revise example student work for improvement.
  - http://bit.ly/2WLJrxY
  - http://bit.ly/2L6FbSX
- Involve students in contributing to the success criteria (how will you know if you have learned this?).
  - http://bit.ly/2XXzHx8
- Involve learners in monitoring their progress towards learning (i.e., tracking assignments completed, graphing grades and attendance).
- Establish consistent classroom routines.
  - http://bit.ly/2WPJLXA
- Guide personal goal setting and measuring progress towards goals (i.e., self-reflection journals, effort rubrics, etc).
  - http://bit.ly/2IQsmJr

Source: D. Herberger, *Using UDL to Clarify Learning Goals*, WestEd Center for Prevention & Early Intervention (San Francisco: WestEd, 2018).

The application of UDL in all of its inclusive implications sets the foundation for a coherent system of education that provides instruction, services, and supports to students as they are needed.

Additional resources to deepen understanding and support the implementation of UDL principles in the classroom are provided at the following websites:

- National Center for UDL (accessible at: https://bit.ly/2VaRVwU)
- Practical suggestions for classroom implementation can be found at the National Center for UDL.
- *UDL Principles and Practice* (accessible at: https://bit.ly/2VNSXfn)
- National Center on UDL Director David Rose explains how UDL helps meet the most pressing issues facing educators today. Drawing on brain research and the latest learning sciences, Dr. Rose describes the three UDL principles and what they mean for classroom practice.
- UDL Center (accessible at: https://bit.ly/2VR4Z7Y)
- Center for Applied Special Technology (CAST) (accessible at: https://bit.ly/2Ph3vkN)—The website includes a just released electronic book, *Universal Design for Learning: Theory and Practice* free with login and learning tools such as UDL Studio, UDL Exchange, UDL Book Builder, UDL Toolkit, and CAST Science Writer for students, teachers, and parents. In addition, the website houses videos to learn more about UDL and what it looks like in the classroom.
- *Maryland Learning Links* (accessible at: https://bit.ly/2V5bffi)—*Maryland Learning Links* was developed and produced by Maryland State Department of Education, Division of Special Education, Early Intervention Services in collaboration with Johns Hopkins University, Center for Technology in Education.
- National Center on Universal Design for Learning (accessible at: https://bit.ly/2VR4Z7Y)—The Resource Library offers rich resources in a variety of media to improve understanding of UDL—the basics, advocacy, implementation, research, and community. The Center offers videos, articles, books, presentations, and links to promote its effective use.
- CAST and the National Center on AIM Videos (accessible at: https://bit.ly/2UZj4Dh)—CAST and the National Center on AIM have posted a suite of videos to illustrate what UDL looks like in the classroom, recent updates, and changes in UDL guidelines.

Multi-Tiered System of Supports

The MTSS uses a three-tiered system to encompass comprehensive and inclusive academic instruction and behavior supports. In California, ELD is added to the MTSS model to emphasize that ELD is part of all English learners' core instruction, and not an intervention or supplemental service. Therefore, comprehensive ELD is a critical consideration in all tiers. Figure 7.7 outlines the three MTSS tiers.

Figure 7.7.

California Multi-Tiered System of Supports and English Learners

CALIFORNIA MULTI-TIERED SYSTEM OF SUPPORTS AND ENGLISH LEARNERS

Tier I encompasses universal core instruction. As a result of well-designed and implemented Tier I instruction, it is estimated that at least 80 percent of students should be able to learn successfully. For English learners, Tier I planning processes systematically incorporate planning for comprehensive ELD, which includes integrated and designated ELD. Every English learner has both integrated ELD throughout the day in content coursework, electives, and physical education, and designated ELD during a protected time each day.

Tier II encompasses short-term supplemental instruction, strategic and targeted intervention, with clearly identified goals. This instruction is designed to amplify learning in a diagnosed area so that students can continue to progress toward their academic and behavioral goals. Because Tier I (core) instruction should have been designed to meet the needs of all students, only about 10 to 15 percent of students should need this level of intervention.

Tier III entails intensified intervention support that is longer in duration than Tier II. This intensified support addressed issues that were not met through Tiers I and II. Few students (no more than 5 percent) will need Tier III support. If more than these approximate numbers of students are receiving Tier II and III intervention support, school teams need to reexamine their Tier I (core) instructional program in a problem-solving process.

Source: Adapted from: California Department of Education, *English Language Arts/ English Language Development Framework for California Public Schools.*

For more information and resources, see chapter 2 of this guide, which focuses on MTSS.

Teaching and Learning Critical Features

Effective teaching and learning for English learners with disabilities begins with the belief that all students deserve high standards-based expectations and are capable of achieving them with appropriate types and levels of support. This requires an understanding of the cultural and linguistic assets of individual English learners with disabilities, their capacities in a range of learning areas, and which teaching and learning approaches will scaffold their learning toward IEP goals and other expectations delineated in standards. In all lesson planning, student performance evaluations, and professional reflection processes, it is critical for teachers and teacher teams to consistently consider individual students' educational program model, service delivery options, supports and related services, and IEP goals (see chapters 5 and 6 of this guide), which are determined in the initial IEP meeting and refined, as needed, in ongoing IEP meetings.

Recommended effective approaches go well beyond strategies and curriculum materials because students are individuals with varying strengths and needs. Teachers need to make sound instructional decisions about how to integrate strategies into lessons and how to adapt and refine lessons and curriculum to meet learner needs. This is not to say that teachers should not use effective and specific strategies—this is necessary. However, focusing on broader and core classroom practices ensures that the appropriate strategies are identified and integrated effectively into teaching and learning tasks. These core classroom practices—effective for all students, and especially for English learners and English learners with disabilities—include the following:

- Structuring opportunities for students to engage in meaningful academic discussions
- Scaffolding students' close reading and interpretation of complex texts
- Providing guidance to students for analyzing the language in complex texts
- Scaffolding students' writing of academic texts
- Providing clear expectations for learning tasks and feedback on progress

For students in the primary grades, and for older students who require it, the following core practice is added:

- Explicitly teaching foundational reading skills

Each core practice includes culturally and linguistically sustaining pedagogy and is differentiated relative to the English Language Proficiency (ELP) and disability-related needs of the English learner with disabilities. These core practices, enacted across classroom settings and in all disciplines, are supported by three critical features of teaching and learning:

- Standards-Focused Lesson Planning
- Comprehensive ELD Instruction, Emphasizing Disability-Related Services
- Formative Assessment (See also in chapter 6)

This section discusses standards-focused lesson planning and comprehensive ELD that emphasizes disability-related services. Formative assessment, a critical feature of all teaching and learning, is discussed in depth in chapter 6 of this guide and in the California curriculum frameworks. For detailed information, see chapter 8 of the *ELA/ELD Framework: Assessment* (accessible at: https://bit.ly/2DTtuuc)

Standards-Focused Lesson Planning

Thoughtful, informed, standards-focused lesson and unit planning is central to effective teaching and learning. California content standards delineate grade-level and end-of-year expectations of all students when appropriately designed and well-delivered instruction is in place. California educators share the belief that English learners with disabilities, like all students, are able to attain these content standards and that they will need specialized support to do so. This support includes services and instructional approaches that are specific to individual students' disabilities, as specified in students' IEPs that factor in the student's English language proficiency.

The *California English Language Development Standards* (*CA ELD Standards*) (accessible at: https://bit.ly/2hp4D5S) plays a critical role in supporting English learners with disabilities in attaining content standards. These standards were designed to amplify content standards so that English learners, including English learners with disabilities, are supported in:

- interacting in meaningful ways—with their peers, with grade-level content, and with complex texts and topics—in all disciplines; and

- developing metalinguistic awareness (knowledge of how language works) and advanced levels of English in the disciplines.

The *CA ELD Standards* guide designated ELD and should be used in tandem with other content standards (i.e., ELA/literacy, science, math, history-social science, health, arts, computer science, and others) in integrated ELD to provide full access to and amplify rigorous disciplinary learning and to accelerate English language development in each discipline.

California's *ELA/ELD Framework*, as well as the curriculum frameworks for other content areas, provide classroom teachers, specialists, and paraprofessionals of all grades and disciplines with descriptions of robust grade-level teaching and learning that includes both

integrated and designated ELD across the content areas. The *ELA/ELD Framework's* Circles of Implementation (see figure 7.1 earlier in this chapter) emphasize five key themes of a robust and comprehensive instructional program across the disciplines. These five key themes—meaning making, content knowledge, language development, effective expression, and foundational skills—are described in figure 7.8.

Figure 7.8.
Key Themes of Literacy and ELD Instruction Across the Content Areas

KEY THEMES OF LITERACY AND ELD INSTRUCTION ACROSS THE CONTENT AREAS

MEANING MAKING

Meaning making is at the heart of content and *CA ELD Standards* and instruction. It is the central purpose for interacting with text, producing text, engaging in research, participating in discussion, and giving presentations. It is the reason for learning the foundational skills and for expanding language. Meaning making includes literal understanding but is not confined to it at any grade or with any student. Inference making and critical reading, writing, and listening are given substantial and explicit attention in every discipline. Among the contributors to meaning making are language, knowledge, motivation, and in the case of reading and writing, the ability to recognize printed words and use the alphabetic code to express ideas.

CONTENT KNOWLEDGE

Content knowledge is key to meaning making and a powerful contributor to reading and listening comprehension and effective writing and speaking. It undergirds the ability to write effective arguments, narratives, explanations, and other genres; engage in meaningful discussions; and present ideas and information to others. It contributes significantly to language development, and it is fundamental to learning about how English works. Content standards and the *CA ELD Standards* ensure that students can learn from informational texts and can share their knowledge as writers and speakers. An organized independent reading program contributes to knowledge as *the more students read, the more content they know*.

LANGUAGE DEVELOPMENT

Language is the cornerstone of literacy and learning. It is with and through language that students learn, think, and express information, ideas, perspectives, and questions. The strands of the Common Core State Standards (CCSS) for ELA/Literacy—Reading, Writing, Speaking and Listening, and Language—all have language at the core, as do both parts of

the *CA ELD Standards*—Interacting in Meaningful Ways and Learning About How English Works. The science, math, history-social studies, and all other content standards are language intensive. Students enrich their language as they interact with one another through speaking, writing, and other methods of communicating; as they read and listen; and as they learn about language itself.

EFFECTIVE EXPRESSION

Each set of content standards and the *CA ELD Standards* emphasize effective expression. Students learn to examine the author's craft as they read, analyzing how authors use language, text structure, and images to convey information, influence their readers, and evoke responses. Students learn to effectively express themselves as communicators in the discipline—as writers, discussion partners, and presenters—and they use digital media and visual displays to enhance their expression. They gain command over the conventions of written and spoken English—and ideally partner language(s), and they learn to communicate in ways appropriate for the context, audience, and task.

FOUNDATIONAL READING SKILLS

Acquisition of the foundational reading skills enables students to independently read and write. Students who know how to decode and develop automaticity with an increasing number of words are best positioned to make significant strides in meaning making, language development, effective expression, and content knowledge. At the same time, attention to those themes provides the very reason for learning about the alphabetic code and propels progress in the foundational skills. Early and rapid development of foundational reading skills in the primary grades enables students to benefit from wide reading of a variety of texts across the disciplines.

Source: Adapted from: California Department of Education, *English Language Arts/ English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento, CA: California Department of Education, 2015).

These five key themes are illustrated—primarily in integrated ways—throughout the *ELA/ELD Framework*, and with the exception of foundational reading skills, they are relevant for all other disciplines (foundational skills are typically addressed in ELA). Figure 7.9, adapted from the *ELA/ELD Framework*, provides a useful tool to guide standards-focused lesson planning.

Figure 7.9.
Framing Questions for Lesson Planning: English Learners with Disabilities

FRAMING QUESTIONS FOR LESSON PLANNING: ENGLISH LEARNERS WITH DISABILITIES

FRAMING QUESTIONS FOR ALL STUDENTS

- What are the big ideas and culminating performance tasks of the larger unit of study, and how does this lesson build toward them?
- What are the learning targets for this lesson, and what should students be able to do at the end of the lesson?
- Which clusters of content standards does this lesson address?
- What background knowledge, skills, and experiences do my students have related to this lesson?
- How complex are the texts and tasks that I will use?
- How will students make meaning, express themselves effectively, develop language, and learn content? How will they apply or learn foundational skills?
- What types of scaffolding will most students need to effectively engage in the lesson tasks?
- How will my students and I monitor learning during and after the lesson, and how will that inform instruction?

ADDITIONAL QUESTIONS FOR ENGLISH LEARNERS WITH DISABILITIES

- What are the English language proficiency levels of my students?
- Which clusters of CA ELD Standards amplify the content standards at students' English language proficiency levels?
- What oral language or language in the text will be new for students or present challenges?
- How will students interact in meaningful ways and learn about how English works in collaborative, interpretive, and productive modes?

- What types of scaffolding, accommodations, or modifications will individual students need to effectively engage in the lesson tasks?

Source: Adapted from: California Department of Education, *English Language Arts/ English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento, CA: California Department of Education, 2015).

A major emphasis in all California standards is for students to engage deeply and meaningfully with complex texts. Carefully scaffolding this engagement for optimal student learning—with the goal of student autonomy—is essential. The following steps, adapted from the California History-Social Science Project (accessible at: https://bit.ly/2va71V9), are helpful for teachers to engage in as they plan student engagement with complex texts. Teachers analyze complex texts, craft questions that support students' understanding of the text, highlight language in the text that may be useful for students' writing, and anticipate challenges students may experience so that appropriate scaffolding can be planned:

1. **Identify the Central Question:** Identify the standards-aligned central question (e.g., essential question, question at issue, inquiry question) to which the text is intended to respond.

2. **Read the Text:** Read the text in its entirety.

3. **Analyze for Content:** Analyze the text for potential good questions that will support discussion and understanding, focusing on what is most relevant to the central question, using the standards as a guide. Student may have prior knowledge of content.

4. **Analyze for Language:** Analyze the text for language that may be challenging, new, or ideal to highlight for future student writing, focusing on what is most relevant to the central question, using the standards as a guide.

5. **Attend to ELD and Disability-Related Needs:** Determine the likely impact of students' English language proficiency and specific disabilities on understanding the text.

6. **Plan Learning Tasks:** Prepare a learning task or sequence of learning tasks that will help students to discuss the text and scaffold their access to the content and language of the text, focusing on what is most relevant to the central question, using the standards as a guide.

7. **Try It Out:** Before using the text with students, try out the learning tasks to determine their efficacy and to anticipate formative assessment opportunities.

8. **Reflect:** Do the learning tasks still align to the intended standards and central question? Is additional lesson refinement needed to scaffold learning?

Standards-based planning, using the UDL framework and culturally and linguistically responsive and sustaining pedagogy (see "Cultural Proficiency and Cultural Competency" earlier in this chapter), is a strong step toward ensuring English learners with disabilities experience access and equity in their school learning. Remember to check for prior knowledge and understanding. Additional guidance is provided at the following websites:

- All California Content Standards and CA ELD Standards are accessible at: https://bit.ly/2IB2Vgw
- All California Curriculum Frameworks are accessible at: https://bit.ly/2Va9fhC
- *Resource Guide to the CA CCSS Foundational Reading Skills Standards* is available at: https://bit.ly/2YijJOa
- Common Core State Standards in Language Arts and Literacy in History-Social Studies, Science, and Technical Subjects: Spanish Language Version accessible at: https://bit.ly/2IqJ1FN

Integrated and Designated ELD Emphasizing Disability-Related Services

When establishing IEP goals and monitoring student progress over time, the IEP team must consider the individual student's needs, including the following (also see chapter 5, "Developing an Individualized Education Program for English Learners"):

- Consideration of the student's need for assistive technology
- If the student has a low incidence disability (deafness, hearing impairment, visual impairment including blindness, deaf-blindness, or orthopedic impairment) and needs specialized services or equipment
- Consideration for the student who is visually impaired
- Consideration for the student who is deaf or hard of hearing
- If the student's behavior impedes learning, how will this be addressed

For English learners with disabilities, considerations also include how integrated and designated ELD instruction and other English learner services are provided, how primary language support is provided, and the type of educational program the student will participate in, such as multilingual education or Structured English Immersion (see chapter 6 of this guide for information on these topics).

Primary language support, not to be confused with "language of instruction," is always an option for English learners and can be used at any time to provide equal access to teaching and learning tasks. Examples of primary language support include:

- explaining instructions for a learning task in the student's primary language, as needed;
- providing a written translation for a learning task (e.g., a math problem-solving task);
- drawing students' attention to cognates in their primary language; and
- inviting students to speak or write in their primary language, as appropriate to the learning task.

All English learners with disabilities receive comprehensive ELD, which in California includes both integrated and designated ELD. Both integrated and designated ELD are part of English learners' core instruction. (Designated ELD should not be merged with intervention or supplemental instruction.) The *CA ELD Standards* are the central feature of this comprehensive approach to ELD, with content instruction in all disciplines that integrates ELD (integrated ELD) and designated ELD that is directly connected to content (designated ELD), as defined in in chapter 2.

Figure 7.10 provides recommended teaching and learning strategies, adapted from the *CA ELD Standards*, the *ELA/ELD Framework*, and other California frameworks for English learners with disabilities. The strategies could be used in either integrated or designated ELD (depending on the goals and specifics of lessons and units of study) and should be differentiated to meet individual students' English language proficiency and disability-related learning needs.

Figure 7.10.
Recommended Teaching and Learning Strategies to Support English Learners with Disabilities

RECOMMENDED TEACHING AND LEARNING STRATEGIES TO SUPPORT ENGLISH LEARNERS WITH DISABILITIES

LEVERAGING BACKGROUND KNOWLEDGE

- Drawing on primary language and home culture to make connections with existing background knowledge
- Developing students' awareness that their background knowledge may live in another language or culture
- Providing visual supports and think-alouds (accessible at: https://bit.ly/2UHBNnl) to aid in connecting new content to build background knowledge
- Using visual aids or short videos in primary language and in English with closed captions to activate and connect background knowledge to new content
- Guiding students as a whole class or in small groups, complete the K column of a K-W-L chart (what I *know*, what I *want* to know, and what I *learned*), allowing students to use pictures and other non-linguistic representations as well as primary language to add to the chart

SCAFFOLDING COMPREHENSION OF COMPLEX TEXTS

- Teaching and modeling, through thinking aloud and explicit reference to strategies, how to make meaning from the text (described at: https://bit.ly/2Jox1V1) using specific reading comprehension strategies (e.g., questioning, visualizing) (described at: https://bit.ly/2H26o5o)
- Providing multiple opportunities to employ and be successful with learned comprehension strategies (described at: https://bit.ly/2H26o5o)
- Emphasizing a clear focus on the goal of reading as meaning making (with fluent decoding as an important skill) while English learners are still learning to communicate through English
- Explicit modeling (described at: https://bit.ly/2XjiFZD) and discussion of strategies and how to use tools (e.g., graphic organizers, success criteria) with ample opportunities for practice in meaningful contexts

- Reviewing and practicing previously learned comprehension strategies using a familiar text at an accessible reading level (a text students have read previously)
- Explicitly teaching and modeling new comprehension strategies using a familiar text
- Explicitly modeling (via think-alouds and visual models, using docucam) (described at: https://bit.ly/2Gob2dP) of how to apply the comprehension strategies students have been using on familiar text to a new text
- Clearly explaining the specific learning target for each reading of the text
- Rereading selected passages to model and practice looking for answers to questions or to clarify points of confusion
- Reading the text aloud (or using an audio recording) for the first reading so all students hear the entire text prior to beginning analysis tasks
- Unpacking selected sentences to help students disentangle the meanings in grammatically and content-dense sentences

FOSTERING VOCABULARY DEVELOPMENT

- Explicitly teaching vocabulary (described at: https://bit.ly/2H7jEHe) critical to understanding and planning multiple opportunities to develop word knowledge over time
- Structuring many meaningful opportunities for students to use new vocabulary in discussions and in writing
- Explicitly using primary language, including cognates, and developing cognate awareness
- Explicitly teaching how to use morphological knowledge and context clues (described at: https://bit.ly/2Uko94B) to derive the meaning of new words as they are encountered
- Making morphological relationships between languages transparent (e.g., word endings for nouns in Spanish, –dad, -ión, -ía, -encia) that have the English counterparts (–ty, -tion/-sion, -y,-ence/-ency)
- Integrating photos and media to illustrate or explain domain-specific vocabulary (e.g., erosion, tsunami)

- Demonstrate how students can use online visual (described at: https://bit.ly/2Zf4QgR) and auditory dictionaries that provide visual connections and use text-to-speech (described at: https://bit.ly/2IsiWWK)

SCAFFOLDING WRITING AND LANGUAGE AWARENESS

- Explicitly teaching and discussing how written texts are organized and what kinds of language resources are used to make them cohesive (e.g., text connectives)
- Supporting students to analyze the grammatical structures in texts (e.g., complex sentences, long noun phrases) and how they contribute to the meaning of the text
- Drawing attention to grammatical differences between the primary language and English (e.g., word order differences)
- Drawing attention to similarities and differences between the text organization, language features, and structures of different text types (genres)
- Using metalanguage to talk about language (e.g., long noun phrases, complex sentences, nominalization)
- Using anchor charts to explicitly show how different genres are organized and which language resources are typically used in them
- Providing time and protocols for students to analyze and discuss mentor texts, texts that students can aspire to and that are the same genre as the one they will be writing
- Providing graphic organizers to support organization and content of writing
- Unpacking selected grammatically complex sentences to help students discuss the language the author used to convey meaning and to provide a model for how students can choose to write

COLLABORATIVE DISCUSSIONS

- Structuring equitable peer and small group discussions—both brief and extended—to promote collaborative meaning making of text, videos, or other media and opportunities to use newly acquired grammatical structures and vocabulary

- Strategically grouping (e.g., pairs, triads, small groups) for specific learning tasks to best support students' specific learning needs, depending on the purpose of the discussion
- Crafting and posing thoughtful questions that promote extended discourse, and providing time for students to gather their thoughts and rehearse what they will say
- Providing appropriate (to the discussion task) language frames or stems that students can choose to use (or not) to support discussion
- Establishing discussion norms and review often and use discussion protocols, previewing with students before they use them
- Provide opportunities for "back channel" discussions (described at: https://edut.to/2UGDI15), digital conversations that run concurrently with face-to-face activities, to provide students with an outlet to engage in conversation
- Providing opportunities prior to in-person discussions for students to have processing and rehearsal time (posting questions and thoughts online a few days prior to the class discussion then bring to in-class discussion)

SEQUENCING LEARNING TASKS

- Systematically sequencing texts and tasks so that they build upon one another
- Continuing to model close reading of complex texts during teacher read-alouds while also ensuring students develop proficiency in reading complex texts themselves
- Focusing on the language demands of texts, particularly those that may be especially difficult for English learners
- Carefully sequencing tasks to build understanding and effective use of the language in them
- Offering texts at students' readability levels that address key content ideas to build proficiency in reading in preparation for students to engage with more complex text
- Chunking the larger texts or tasks into smaller sections or sub-tasks so that students can focus before moving on to the next section or sub-task

- Rereading a text multiple times to build understanding of ideas and language incrementally, beginning with literal comprehension questions on initial readings and moving to inferential and analytical comprehension questions on subsequent readings

Source: Adapted from: California Department of Education, *English Language Arts/ English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento, CA: California Department of Education, 2015).

Accommodations and Modifications for English Learners with Disabilities

Most English learners with disabilities are able to achieve standards-based expectations when the following four conditions are met:

1. Standards are implemented within the foundational principles of universal design for learning.

2. Evidence-based instructional strategies are implemented.

3. Instructional materials and curriculum are culturally and linguistically responsive and reflect the interests, preferences, and readiness of each student to maximize learning potential.

4. Appropriate accommodations are provided to help students access grade-level content by culturally and linguistically responsive educators.

Accommodations are changes that help a student to overcome or work around the disability. Accommodations do not reduce the learning or performance expectations but allow the student to complete an assignment of assessment with a change in presentation, response, setting, timing, or scheduling so that learners are provided equitable access during instruction and assessment. They also include learner-appropriate behavior management techniques. Figure 7.11 provides types and examples of accommodations for English learners with disabilities.

Figure 7.11.
Types of Accommodations for English Learners with Disabilities

Traditional Classrooms	UDL Classrooms
Changes in timing or scheduling	• Extended time (e.g., to allow for limited dexterity; to allow students to use bilingual dictionaries and process information in primary language) • Frequent breaks (e.g., to avoid physical discomfort) • Dividing assignment over several sessions (e.g., to avoid eye strain or frustration)
Changes in setting or environment	• Specialized furniture (e.g., adjustable height desk to allow for wheelchair) • Preferential seating (e.g., close to white board to support low vision or to be free from distractions) • Stabilization of instructional materials (e.g., book holder to support weak fine motor skills)
Changes in how the curriculum is presented	• Varied lesson presentation using multisensory techniques (e.g., photos, graphics, real objects, videos) • Use of student's primary language (e.g., in a bilingual classroom setting or through the strategic use of the primary language in English medium classrooms) • Use of culturally relevant and responsive curriculum and materials (e.g., culturally relevant books) • Use of American Sign Language (ASL) • Provision of audio and digital versions of texts • Provision of tactile resources, such as physical models and raised maps

Traditional Classrooms	UDL Classrooms
Changes in how the student responds	• Uses primary language in speaking and/or writing • Uses large lined paper or computer for written work • Responds in braille • Uses a recording device to record or play back questions, passages, and responses
Behavioral strategies	• Use of culturally responsive behavioral management techniques appropriate for the learner • Reinforce self-monitoring and self-recording of behaviors

Source: Adapted from: California Department of Education, *English Language Arts/ English Language Development Framework for California Public Schools* (https://bit.ly/2uRx7wp) (Sacramento, CA: California Department of Education, 2015).

The selection and evaluation of accommodations for English learners with disabilities must involve collaboration among educational specialists, the classroom teacher, teachers providing instruction in ELD, families, and the student, including during the IEP process. The following five major conditions are important to consider in selecting accommodations for English learners and students with disabilities:

- Effectiveness: An accommodation must be effective in making a teaching and learning or assessment task more accessible to students.
- Validity: An accommodation should not alter the focal construct. That is, the outcomes of accommodated and non-accommodated tasks should be comparable.
- Differential Impact: An accommodation should be sensitive to the individual student's background characteristics and their academic standing (i.e., one size may not fit all).
- Relevance: An accommodation should be appropriate for the individual student.
- Feasibility: An accommodation must be logistically feasible to implement in the teaching and learning or assessment setting.

Unlike accommodations, modifications are adjustments to an assignment or assessment that changes what is expected or measured. Modifications should be used with caution as they alter, change, lower, or reduce learning expectations and can increase the gap between the achievement of students with disabilities and expectations for proficiency. Examples of modifications include the following:

- Reducing the expectations of an assignment or assessment (completing fewer problems, reducing amount of materials, or level of problems to complete)
- Making assignments or assessment items easier
- Providing clues to correct responses

Accommodations and modifications play important roles in helping students with disabilities access the core curriculum and demonstrate what they know and can do. The student's IEP or Section 504 plan team determines the appropriate accommodations and modifications for teaching and learning and assessment. Decisions about accommodations and modifications are made on an individual student basis, not on the basis of category of disability. For example, rather than selecting accommodations and modifications from a generic checklist, IEP and Section 504 plan team members (including families and the student) need to carefully consider and evaluate the effectiveness of accommodations and modifications for each student.

Accommodations and modifications support equitable instruction and assessment for English learners with disabilities and should be available across classroom instruction, classroom tests, and district assessments. The California Assessment of Student Performance and Progress (CAASPP) as well as the English Language Proficiency Assessments for California (ELPAC), both include universal tools, designated supports, and accommodations as accessibility resources for students. It is crucial that educators are familiar with state policies regarding these resources and how, when, and for whom they can be used during assessment.

For more guidance on accommodations and modifications, see the following resources from the Council of Chief State School Officers (CCSSO):

- CCSSO's *English Learners with Disabilities Guide*[14] (accessible at: https://bit.ly/2VRPqwG)
- The CCSSO accessibility manual: *How to select, administer, and evaluate use of accessibility supports for instruction and assessment of all students*[15] (accessible at: https://bit.ly/2UMsjaF)

This section provides broad and specific guidance for integrated and designated ELD that attends to specific disability-related needs. Clearly, all students' needs are not addressed here since each individual student has specific ELD and disability-related needs. Additional resources can be accessible at the following websites:

- *California Dyslexia Guidelines* (accessible at: https://bit.ly/2Pt14fj)

- The dyslexia guidelines assist general education teachers, special education teachers, and parents to identify and assess pupils with dyslexia and to plan, provide, evaluate, and improve educational services to pupils with dyslexia.

- California Department of Education *Guidelines for Occupational Therapy and Physical Therapy in California Public Schools* (accessible at: https://bit.ly/2VlmmSh)

- These guidelines are useful to occupational therapists, parents, teachers, and school administrators.

- National Professional Development Center on Autism Spectrum Disorders (accessible at: https://unc.live/2UpR7A6)

- These free professional resources for teachers and therapists provide detailed information on how to plan, implement, and monitor specific evidence-based practices.

- California Department of Education *Integrating ELD into Math and Science* (accessible at: https://bit.ly/2hp4D5S)

- Guidance on using the *CA ELD Standards* in K–12 math and science instruction, including examples at different English language proficiency levels and at each grade span.

- Council for Great City Schools: *A framework for re-visioning mathematics instruction for ELLs* (accessible at: https://bit.ly/304CAhe)

- Provides an understanding of the interdependence of language and math and the challenging language demands required by the math standards and shares criteria teachers can use to evaluate instructional materials being used with English learners.

- Colorín Colorado: *Math Instruction for English Learners* (accessible at: https://bit.ly/2UooW4j)

- This resource provides suggestions and guidance on how to better provide access and instruction in math to English learners.

- *Understanding Language* (accessible at: https://ell.stanford.edu)

- Provides white papers, curriculum resources, and other guidance for supporting English learners in rigorous disciplinary learning.

- *Promoting the Educational Success of Children and Youth Learning English—Promising Futures* (accessible at: https://bit.ly/2Ziqdh5)

- Provides extensive and up-to-date guidance from national experts working with the National Academies of Sciences, Engineering, and Medicine on effective practices for English learners, with a chapter focused specifically on English learners with disabilities.

- United States Department of Education *English Learner Tool Kit* (accessible at: https://bit.ly/2J9rtOK)

- The United States Department of Education *Newcomer Tool Kit* (accessible at: https://bit.ly/2DT4Mdh)

- Institute of Education Sciences, What Works Clearinghouse, Educator Practice Guides (accessible at: https://bit.ly/2IFmO6i)

Formative Assessment

Formative assessment is a pedagogical practice. The process involves careful observation of students as teaching and learning tasks are unfolding, which allows teachers to gain valuable feedback from students on how and what they are learning, adjust instruction, and provide feedback to students in a timely manner. This process is critical to quality teaching as teachers do not just *deliver* instruction to a passive audience. Rather, students are partners in teaching and learning, and formative assessment is the process through which appropriate and contingent scaffolding for learning occurs. Formative assessment is also essential for reflective practitioners to know if what they carefully planned actually worked, and if not, to step in and refine lessons and teaching approaches on-the-go.

The sources of evidence available to teachers in formative assessment processes are what students do, say, make, or write. This includes teacher-student interactions fueled by well-designed questions or structured peer-to-peer discussions that the teacher observes. For more information about formative assessment, see chapter 8 of this guide, the California curriculum

frameworks (accessible at: https://bit.ly/2DTtuuc) (especially the "assessment" chapters), and the following video resources, which while not specific to English learners with disabilities provide information on the role of formative assessment:

- Edutopia—*Formative Assessment* (accessible at: https://edut.to/2V82scm)
- Teaching Channel—*Formative Assessment Practices to Support Student Learning* (accessible at: https://bit.ly/2UlbTkp)

Teacher Collaboration

Attending to students' needs in a UDL framework and using culturally and linguistically sustaining practices are made manageable through collaboration among teachers, along with ongoing engagement in quality professional learning. This section addresses how teachers can collaborate to plan effective lessons, monitor student progress, and engage in collaborative inquiry with data to inform instruction.

Research suggests that teacher collaboration positively affects educators and students in numerous ways as it creates and sustains an environment dedicated to a culture of learning and shared responsibility for student success. Positive outcomes for teachers include learning new educational ideas or teaching strategies from colleagues;[16] improving morale and perceptions of self-efficacy,[17] upholding social norms around effort and responsibility;[18] and a greater willingness to try new and innovative practices.[19] Such positive outcomes for teachers translate into improved academic achievement for students and their increased motivation and overall performance in school.[20] Collaboration requires systems, processes, and time, and schools and districts are encouraged to prioritize evidence-based collaboration practices and find the time teachers need to collaborate.

One high-leverage collaborative practice is the use of protocols as a structured way to collectively plan, analyze, and improve instructional practices. Protocols can be used to evaluate student work, to plan original lessons, to observe peers as they teach and provide useful feedback, and to tune lessons to make them more powerful and appropriate for students. Published materials and teacher-created materials typically need some type of refinement and adaptation to make them more effective for individual students and groups of students. This is especially the case for English learners with disabilities. Tuning protocols are useful tools for supporting thoughtful lesson refinement and collaborative practice among educators.[21] Lessons refined using tuning protocols are ones that have already been crafted, such as lessons from a published curriculum or a teacher's specially designed lesson. These tools have the potential

to foster professional conversations that can have a profound impact on educator and student growth. Figure 7.12 provides an example of a lesson tuning protocol.

Figure 7.12.
Lesson Tuning Protocol[22]

LESSON TUNING PROTOCOL

Purpose: This is an opportunity to share ideas and collectively refine, or tune, a lesson, which contributes to everyone's professional growth.

Roles: Each team member has the same role for each tuning session. Team members will switch roles at the next meeting.

- Sharer: Shares the lesson
- Feedback Givers:
  - Facilitator: Maintains focus on the task
  - Time-keeper: Keeps time and gives "times almost up" warnings
  - Recorder: Records notes

Norms:

1. Speak your truth
2. Listen carefully
3. Value different perspectives
4. Presume positive intent
5. Be compassionate and supportive

Materials: A copy of the lesson for each team member. The protocol.

Protocol: 45 min. session

- The Facilitator briefly reviews the protocol, schedule, and norms. (1 min.)
- The Sharer describes classroom context and individual case study students (including English learners with disabilities). (2 min.)
- The Sharer describes their lesson, including why they are doing it, what they hope students will learn, how they are supporting their case study students, what they anticipate happening during the lesson, and how they will know if the lesson accomplished its goals. (10 min.)

- The Feedback Givers ask clarifying questions to tease out any information they need to help the Sharer with useful feedback. (2 min.)
- The Feedback Givers discuss what they heard and share their reflections about how the lesson might be strengthened. The sharer is silent and can take notes, if needed. (10 min.)
- The Sharer discusses their thoughts about the feedback. (2 min.)
- The group collectively tunes the lesson. (15 min.)
- The group reflects on the process, makes a plan to debrief how the lesson went at the next meeting, and selects who will be the next sharer. (3 min.)

Teams of educators, which may include general education teachers, English learner specialists, instructional coaches, and special education specialists, are encouraged to use such protocols to ensure English learners with disabilities have full access to the grade-level curriculum through appropriate scaffolding and supports. The example protocol provided in figure 7.12 is just one of many protocols available to teachers. The following sources provide different types of protocols available for use and can be modified for use with English learner students with disabilities:

- School Reform *Initiative Tuning Protocol* is accessible at: https://bit.ly/2JmORru
- WestEd's VITAL *Lesson Tuning Protocol* is accessible at: https://bit.ly/304F9zF
- Colorín Colorado—*Serving English Learners with Disabilities: How ESL/Bilingual Specialists Can Collaborate for Student Success* is accessible at: https://bit.ly/2KMmFRa

Effective lesson planning and tuning promote positive student outcomes. Another key method for ensuring students receive the instruction they need to make progress is to gather evidence of student learning and analyze such evidence to inform instructional decisions. Include specific items for English learner students with disabilities before beginning work with the protocol. The following resources provide information on using a range of assessment methods and analyzing student data to make informed decisions about instructional changes aimed at improving student achievement.

- *Using Student Achievement Data to Support Instructional Decision-Making* (accessible at: https://bit.ly/2WunVK3)

This guide helps K–12 teachers and administrators use student achievement data to make instructional decisions intended to raise student achievement. While not specific to English learners with disabilities, the guide focuses on how schools can make use of common assessment data to improve teaching and learning for all students.

- *ELA/ELD Framework*—Chapter Eight: Assessment

In this chapter of the *ELA/ELD Framework*, topics addressed include the purpose of assessment, different assessment cycles, student involvement in assessment, different types of assessment for ELD progress and intervention, mandated California assessments, and the technical quality of assessment. The chapter defines formative assessment and provides additional information on short-cycle formative assessments (accessible at: https://bit.ly/2DTtuuc), including defining the process and how to use the information from formative assessments to make instructional adjustment. Snapshots are offered that provide additional concrete examples of formative assessments in action.

- *Focusing Formative Assessment on the Needs of English Learners* (accessible at: https://bit.ly/2PQvEj2)

This paper from the Center on Standards and Assessment Implementation (CSAI) examines how formative assessment can enhance the teaching and learning of English learners. This paper also highlights the opportunities and challenges of integrating formative assessment into instruction. In addition the authors offer a definition and principles of formative assessment (accessible at: https://bit.ly/2JoIm8M) and a proposed approach to formative assessment of English learner students (accessible at: https://bit.ly/2J6iiyD) that educators may find helpful when planning.

- *Formative Assessment for Students with Disabilities* (CCSSO) (accessible at: https://bit.ly/2VnaLC8)

This resource offered by the Council of Chief State School Officers (CCSSO) provides guidance to educators on formative assessment for students with disabilities. The document provides resources including videos and written examples of formative assessment strategies.

The following resources can support educators in working collaboratively to understand and use student assessment data.

- *Practitioner Data Use in Schools: Workshop Toolkit* (IES and REL Northeast & Islands) (accessible at: https://bit.ly/2LwIB30)

This toolkit for the *Practitioner Data Use in Schools Workshop* consists of a facilitator guide and workshop handouts. The toolkit is intended for use by district leaders, school officials, teacher leaders, and coaches who want to conduct workshops on data inquiry and data use at the school level with school-based educators. The facilitator guide provides materials to engage educators in using data for inquiry and instructional planning. These materials include a step-by-step agenda for a full-day professional development session (or a series of shorter sessions), guiding ideas to scaffold participant learning, and suggestions for activities. The facilitator guide also suggests ways to facilitate the workshop and customize it for specific school and district contexts. The workshop handouts offer tools, protocols, and resources for each step of the data inquiry cycle.

- *Looking Collaboratively at Student and Teacher Work* (Center for Collaborative Education) (accessible at: https://bit.ly/2Ychgog)

Looking collaboratively at student and teacher work is a process in which teachers primarily, but also administrators, parents, students, and members of the community, look at student and/or teacher work with the goal of improving student learning. This guide provides six protocols that will help a school community collaboratively analyze student and teacher work to improve instructional practice and the quality of teacher discourse.

- *Protocols for Looking at Student Work (We Teach NYC)* (accessible at: https://bit.ly/2IsIfbb)

This website provides a collection of protocols that teacher teams may use when analyzing student work and using evidence of student learning to drive instruction.

- *Analysis of Student Work Protocol* (VITAL: WestEd) (accessible at: https://bit.ly/2PTGYuC)

The purpose of this protocol is to use the focus standards of instruction to analyze student work to inform teaching and learning.

- Teaching Channel—*Critical Friends: Looking at Student Work* (accessible at: https://bit.ly/2GrqHKu)

This video is part of a series from New Tech Network on Deeper Learning. It provides an example of the Critical Friends protocols to analyze student work.

- *Meeting the Needs of English Learners (Els) with Disabilities Resource Book*, SELPA (rev 2017); see Collaboration Between Special Education and General Education Teachers, p.62. (accessible at: https://bit.ly/302m412)

Chapter 6 of this guide also provides information on co-teaching models and monitoring the ELD progress of English learners with disabilities.

Student Scenario

This student scenario integrates many of the topics in this chapter. As emphasized throughout this guide, each individual student has particular assets and learning needs. The scenario provided here is intended to tell the story of just one student's experience. Teachers are encouraged to consider their own students' assets and learning needs as they read the scenario and make connections to the ideas presented in this chapter.

Supporting an English Learner Student with a Specific Learning Disability in Middle School

Meet Mateo

Mateo, an eighth grader at Dolores Huerta Middle School, has many interests and talents. He is on the school soccer team, loves to draw, and is a skilled leader in small group projects. Mateo is bilingual in Spanish and English. His family immigrated to the US the summer before he started first grade, and he has been in the same California school district for over seven years. The language of instruction in Mateo's classrooms has been English, with primary language support provided by teachers and paraprofessionals. Mateo speaks Spanish with his family at home, and his parents read with him in Spanish to maintain his bilingualism. He also sustains his academic Spanish by participating in an after-school engineering club, which is conducted in Spanish by bilingual college students who were former migratory students.

Before coming to California, Mateo learned to read in Spanish in his home country of Mexico, and since his teachers recognized this asset (they were skilled foundational reading skills teachers), his transition to decoding in English was swift. Toward the end of the elementary grades, his teachers began to observe that Mateo was finding reading more challenging than his English learner peers, who had similar backgrounds and levels of English language proficiency, and finding it more difficult to comprehend complex texts and write coherent and cohesive informational and literary texts. Mateo was becoming frustrated and discouraged, and his teachers worried that he would develop a negative sense of self and begin to disengage from school learning.

Mateo's elementary school had a strong and comprehensive English language development (ELD) program, beginning in transitional kindergarten, thanks to multiyear districtwide professional learning focused on integrated and designated ELD. With support from their instructional coach and principal, Mateo's fifth-grade teachers engaged in a Multi-Tiered

System of Supports (MTSS) process, which resulted in referring Mateo to be evaluated for special education services. Mateo was evaluated in both English and Spanish, and it was determined, near the end of the school year, that he has a specific learning disability, more specifically, a language processing disorder.

Now in middle school, the teachers on Mateo's IEP team meet with his other teachers to collectively ensure that he makes steady academic and linguistic progress and maintains a positive sense of himself as a young scholar. For the past few years, the middle school staff has engaged in professional learning that has strengthened their ability to serve their culturally and linguistically diverse student population, with a particular emphasis on English learner students. Tangible actions teachers have taken include incorporating culturally and linguistically relevant texts and learning topics into the curriculum, surveying students to ask what they are interested in learning about, and organizing quarterly family arts and science learning events to cultivate stronger and more positive family-school relationships.

To improve teaching and learning practices schoolwide, three years earlier, a team of teacher leaders worked with the site administrators and district English learner and special education coaches to design a coherent, multiyear professional learning plan to develop schoolwide competencies in how to scaffold academic content learning and disciplinary language and literacy development. Each year, all teachers and administrators participate in intensive summer institutes and receive job-embedded coaching in the learning labs (defined at: https://bit.ly/2IrFYNo) during the school year. The main focus areas for professional learning each year are limited so that teachers are able to concentrate on improving in discrete areas that they can measure through an action research process in their communities of practice (defined at: https://bit.ly/2ZiL2Jh). The teachers are now in their third year of professional learning. A chart in the school professional learning room tracks their focus areas over the three years.

Year 1 Focus Areas

- Structuring opportunities for students to engage in meaningful academic discussions
- Supporting students' academic vocabulary development

Year 2 Focus Areas

- Scaffolding students' close reading and interpretation of complex texts
- Supporting students to *unpack* grammatically challenging sentences
- Reinforce Year 1 focus areas

Year 3 Focus Areas

- Scaffolding students' writing of complex disciplinary texts
- Supporting students to analyze mentor texts for cohesion and coherence
- Reinforce Years 1 and 2 focus areas

Embedded focus in all years

- Providing clear expectations for learning tasks and timely feedback on progress.

Integrated and Designated ELD

In addition to integrated and designated ELD, Mateo receives support and services from the school's special education specialist through a co-teaching model in his English, social studies, and designated ELD class. To support students in discussing and exploring complex disciplinary texts and topics, his teachers provide integrated ELD and many opportunities for structured group discussion using a variety of methods including the following:

- Discussion protocols and norms for interaction (accessible at: https://bit.ly/2XioTZO)
- Collaborative reading approaches, such as collaborative strategic reading (described at: https://edut.to/2IqCn2k), partner reading (described at: https://bit.ly/2UF1SDD), text based discussions (described at: https://bit.ly/2V5Bfao), and expert group jigsaw (described at: https://bit.ly/2Ir79bq)
- General academic and discipline specific vocabulary instruction (described at: https://bit.ly/2XssqoH) using common routines
- Daily *writing to learn* approaches, including note-taking (described at: https://edut.to/2v7Gs2J), short reflections following (or before) small group or paired discussions, and science logs
- Extended writing (described at: https://bit.ly/2Pf1rd6), such as essays or research papers that students draft, provide and receive feedback on from peers, and revise

Reviewing and Setting New IEP Goals

While reviewing data on Mateo's progress at their last meeting, the IEP team (which includes Mateo and his parents, Mateo's social studies and designated ELD teacher, Ms. Pan, and the school's special education specialist, Mr. Jackson) noted that he has made significant progress

in reading and interpreting complex texts, as evidenced by his text-to-speech responses to text-dependent prompts, classroom observation notes of small group discussions, and progress monitoring assessments. The team attributes this progress to Mateo's hard work in this area, specific refinements the teachers have made to their practice over the past couple of years, and the focus they have all brought to Mateo's IEP goals, including transparency with Mateo on his goals.

Mateo expresses that while he feels he has made significant progress in reading, he still finds it frustrating when trying to communicate his ideas in writing. Currently, Mateo can write an argument that has claims, evidence, and reasoning using complete sentences with appropriate syntax. However, the evidence is not always connected to the claims and the reasoning is often absent or confusing (to both Mateo and his readers). Also, while the sentences are grammatically appropriate, they are often quite simple and not reflective of the rich vocabulary and sentence structure that Mateo uses orally. Sometimes the sentences do not flow coherently from one to the other, and while the pieces of the argument may be there, the organization is not cohesive.

The team creates an IEP goal for Mateo that focuses on improving disciplinary writing in social studies through more intensive integrated ELD. According to the last ELPAC results, CAASP ELA results, and teacher evaluations of Mateo's written work in the area of writing, Mateo is at the Expanding level of English language proficiency (ELP). Therefore, the team sets an IEP goal with a focus on the relevant Common Core for ELA/literacy and CA ELD Standards at the Bridging level of ELP.

IEP Goal: By May 30, Mateo will write a cohesive argument in social studies that has at least two claims with relevant evidence and sound reasoning, text connectives (e.g., therefore, moreover) that link ideas across the text, and includes at least five general academic vocabulary words and five complex sentences, as appropriate for the topic in 4 of 5 attempts.

Integrated ELD: Analyzing Mentor Texts and Scaffolding Disciplinary Writing

The professional learning focus for this year is scaffolding students' writing of disciplinary texts and supporting students to analyze mentor texts for cohesion and coherence, and teachers have been learning and trying out new approaches that the team feels would especially benefit Mateo with his IEP goal. Since Ms. Pan co-teaches both social studies and the designated ELD class with Mr. Jackson, this is an area where the team feels Mateo can make significant progress.

Ms. Pan and Mr. Jackson use an inquiry approach to investigating debatable topics, and this year, they are trying out more explicit approaches to supporting argument writing.[23] One

approach they have recently implemented is supporting students to analyze mentor texts, which are exemplars of the same genre (e.g., argument, explanation, narrative) but on a slightly different topic than what students will be writing on. The mentor texts might be professionally written (e.g., a newspaper article), texts that other students from previous years have written, or teacher created.

When analyzing mentor argument texts with students in the social studies class, Ms. Pan and Mr. Jackson prompt students to identify and evaluate the strength of the claims, evidence, and reasoning the author presents and to determine how well the claims, evidence, and reasoning are connected. They guide students to explore how the text is organized, what types of words are used, how sentences and paragraphs are organized, and what language connects the ideas in the text. The class creates charts that tease out some of these features so that they can remember to use the "mentoring" ideas when they write their own argument texts.

Ms. Pan and Mr. Jackson also scaffold student writing by providing the following support:

- Sentence starters and other useful language for argument writing (described at: https://bit.ly/2IDZHZN), posted on chart paper
- Academic vocabulary wall (described at: https://bit.ly/2H5r9hG), created by teachers and students
- Graphic organizers (described at: https://bit.ly/2Gix1CO) to plan and sort out ideas ahead of writing
- Charts from classroom debates (described at: https://bit.ly/2GtlmCj) and discussions to stimulate thinking while writing
- Reflection guides (described at: https://bit.ly/2GrEalm) and success criteria (described at: https://bit.ly/2LuStdz) to guide writing
- Protocols for peer feedback sessions (described at: https://bit.ly/2KKCuaR)

As students work together to craft their drafts, Ms. Pan circulates around the room to provide scaffolding, and Mr. Jackson meets with individuals to discuss their drafts. Mr. Jackson meets with Mateo and asks him what he would like to focus on for the writing consultation. Mateo indicates that he is having difficulty finding the language to connect his first claim with the pieces of evidence he has, as well as finding the language to transition into his reasoning. Mr. Jackson asks Mateo if he would like to use the text-to-speech technology, and Mateo replies

that he would like to try getting his ideas down without it for a while. Mr. Jackson suggests that they look at some of the charts that have sentence starters useful for argument writing. After discussing some ways to use various sentence starters, Mateo feels confident he can try some out on his own.

Designated ELD: Unpacking Sentences and Using Metalanguage

On some days in the College Prep for Young Scholars (designated ELD) class, Ms. Pan focuses students' attention on crafting rich sentences by having them (a) analyze some of the sentences used in the social studies mentor texts and (b) practice writing their own enriched sentences. Ms. Pan uses the ELD standards and a protocol to have the students work together to *unpack* the sentences into meaningful chunks, discuss the chunks, and then discuss the meaning of the complete sentence. Ms. Pan and Mr. Jackson use metalinguistic terms, such as *long noun phrases, text connectives*, and *nominalization* to explicitly discuss the grammatical chunks. They invite students to use this metalanguage so that they have a way to discuss the language they are exploring.

Mr. Jackson then invites students to work together to craft expanded and enriched sentences using photographs related to the topics they are studying in social studies and the arguments they are crafting. This is a way for students to "rehearse" the academic writing they are expected to do in social studies—and they are encouraged to try using some of the sentences they create in the arguments they are writing in social studies class. Mr. Jackson checks in with Mateo as he is working with his partner and observes that while he is not as fast as his partner, he is engaged in the task and collaborating on crafting sentences. Mr. Jackson makes a note to look at Mateo's writing in the next few days to see if he has incorporated any of the sentence starters or expanded sentence ideas.

At their next collaboration meeting, Ms. Pan and Mr. Jackson reflect on Mateo's progress over the first few weeks with the new IEP goal. They review their observation notes and examine Mateo's first draft of an argument text. They note that the argument has two claims with strong evidence and emerging reasoning. Mateo has used several text connectives and at least three complex sentences. The argument still needs much work in terms of organization, but there is progress, and the teachers have a clear path for next steps.

Chapter Summary

This chapter focuses on guidance to support teachers in how best to meet the unique academic, English language development, and disability-related learning needs of English learner students with disabilities. It also provides guidance to site and district administrators,

instructional coaches, and other staff charged with collaborating with and supporting teachers through professional learning and coaching in various communities of practice. As emphasized in chapter 6 of this guide, ensuring the academic success, linguistic progress, and social-emotional well-being of English learners with disabilities is a shared responsibility of all members of the school system. Working together with parents and families, school and district professionals can promote educational equity by ensuring that all English learners participate in the highest quality teaching and learning experiences.

Frequently Asked Questions

Q: Do English learners with disabilities need to have designated ELD?

A: Yes. All English learners, including English learners with disabilities, receive *both* integrated and designated ELD instruction, which comprise a comprehensive approach to English language development.

Q: The instructional materials my district provided give me very little guidance on how to provide integrated and designated ELD. What should I do?

A: With your school administrator, you can reach out to your LEA's English learner specialists who, working collaboratively with your LEA's special education specialists, can support you and your grade-level or department team to adapt the instructional materials to meet student needs. This will involve using the *CA ELD Standards*—and other resources provided in this guide—to "tune" lessons and specific activities and possibly add activities to ensure that English learners with disabilities make academic, linguistic, and social-emotional learning progress.

Q: Is it okay to provide designated ELD that is connected to math and science.

A: Yes. Designated ELD builds into and from content instruction, so a focus in designated ELD on the language of math and science is appropriate.

Q: I do not speak the language of the parents of my English learners with disabilities, and they do not speak very much English. How can I collaborate with them?

A: Your LEA's English learner and special education specialists can help you find ways to communicate effectively and collaborate meaningfully with families of your students. This chapter also offers guidance and many online resources for teachers seeking to expand cultural awareness and proficiency.

Chapter 7 Endnotes

1 J. Motamedi, *Time to Reclassification: How Long Does It Take English Learner Students in Washington Road Map Districts to Develop English Proficiency?* (Washington, DC: US Department of Education, 2015).

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Section 4: Proposing Exit from Special Education Services

Chapter 8: Exiting English Learners from Special Education Status

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Chapter 8: Exiting English Learners from Special Education Status

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Questions Addressed in This Chapter

For Teachers

- What is the process for exiting an English learner from special education? How will I know that exiting special education is appropriate?
- What is the role of the family in determining if exit from special education is appropriate?
- How can I ensure the student continues to progress once he[1] is exited?
- What happens if the general education supports are not successful after the student has exited from special education?

For Administrators

- When is it appropriate to exit a student who is also an English learner from special education?
- What safeguards can we put in place to support a student's transition back to general education?
- Do English learners who are exited from special education need a Section 504 plan?
- What happens if the student is not successful after she is exited from special education?

Chapter Overview

This chapter addresses how exiting a student from special education is an individualized education program (IEP) team decision that is based on multiple factors. To be exited from special education means the student will no longer have an IEP and receive the services that are currently specified in the IEP. Specifically, the student will not have the legal protections or procedural safeguards that ensure he receives a free appropriate public education (FAPE) based on his individual needs that relate to having a disability 20 *United States Code (U.S.C.)* 1414(a)(1)(D)(i)(II) (accessible at: https://bit.ly/2UCReNH). This makes the decision whether to exit a student from special education a very serious one that must be weighed carefully. When a student is identified as an English learner with a disability, the decision becomes even more

complex. The IEP team, including the parent, must determine if the student with a disability continues to need special education and related services to make progress in the general education grade-level curriculum. For the student who is identified as an English learner with a disability, the decision should be made based primarily on the student's continued need for special education supports and services related to the disability versus language development needs associated with being an English learner.

For most students who are exiting special education, the goal is to provide effective, evidence-based special strategies that address skill deficits in order to enable them to access and progress in the general education classroom without the need for special education supports and related services. When a student is being considered for exit from special education, it is important to recognize that the disability has not disappeared but no longer significantly affects the student's ability to access and progress successfully in the grade-level content. A student who is exited from special education may still require accommodations and supports within general education, however for many students, this can be accomplished effectively without the need for an IEP.

For a student who is an English learner and has a disability, the IEP team must carefully consider the impact the disability has on the student's English language proficiency and if the student has met her linguistically appropriate, standards-aligned IEP goals. To determine if it may be appropriate to exit a student from special education, the IEP team must determine if the student possesses the strategies and skills to access and progress in grade-level content. It is important to understand that a student may no longer meet eligibility for special education and related services but still may need English learner services, including integrated and designated ELD instruction.

Appropriate Exit of English Learners from Special Education Services

Considering exit from special education for an English learner with a disability is a complex process that requires ongoing formative assessment and assessment data tracking to determine if the student is able to function more independently without direct support from special educators. Teachers and other experts working with the child will recognize when the child is needing less direct instructional supports, is able to work more independently, is meeting grade-level expectations, and language acquisition is progressing as expected when compared to like peers with similar disabilities and language differences. The use of data can confirm that the student is accessing and progressing in grade-level content. The student will demonstrate that he is using accommodations successfully and has developed skills that help overcome the impact of his disability.

Exiting Students from Special Education

The decision to exit a student from special education is a gradual process that requires parental consent. The IEP team may decide to gradually reduce the special education supports and related services over time while monitoring and tracking progress. Prior to the final exit of a student from special education the IEP team may consider providing more consultative services than direct services. For example, the IEP team may indicate the student is to check in with her case manager a specific number of times per week, or that the case manager will check in with the student's teacher frequently to monitor her progress. Further, the IEP could specify a plan for "fading" the frequency of these check-ins so that the student gradually assumes more responsibility for monitoring assignments and progress and reporting these to her special education teacher or case manager. If the student continues to be identified as an English learner, the required federal and state monitoring and supports shall continue as required by Every Student Succeeds Act (ESSA).

After the IEP team has engaged in thorough data tracking and has determined the student may be able to function with less intensive supports and related services that do not require special education, the team, including the student's parent, may make the determination to exit the student.

Criteria for Exiting Special Education under the Individuals with Disabilities Education Act

Under the Individuals with Disabilities Education Act (IDEA) of 2004, it may be appropriate for a student to exit special education for various reasons:

- The student has graduated from high school with a regular high school diploma and is thus no longer eligible to receive special education services under IDEA.
- If a student does not graduate with a regular diploma, he continues to be eligible to receive special education services up to his twenty-second birthday. At that point the student is no longer eligible to receive services in the public school setting.
- Parents, or a student who is an adult, may revoke consent for special education and related services. The student would exit special education as this would terminate eligibility.
- An IEP team, to include the parent, may determine the student no longer requires specialized supports and related services and exit the student.

Finally, if the IEP team members suspect that a student may no longer need special education services, they must engage in an IEP team assessment and review multiple sources of data. Per 34 *Code of Federal Regulations* (*CFR*) Section 300.304 (accessible at: https://bit.ly/2Io6N5i), the IEP team must "use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent."

Remember, even if a student is suspected of having a disability or has evidence of a disabling condition, the student must be eligible for special education services by meeting the criteria for one or more of the 13 disability categories under IDEA (refer to chapter 5 of this guide) and must require special education and related services as a result of her disability or disabilities.

If both parts of the eligibility test are not met, exiting is appropriate.

It is important for IEP teams to consider the following factors when conducting IEPs for students who are identified as English learners with a disability:

- Since this decision to exit a student from special education is a change of placement, per 34 *CFR* 300.503 (accessible at: https://bit.ly/2IoYTbR), it requires a prior written notice to the parents prior to exiting the student from special education eligibility.

- For the IEP team to make an exit decision, the required team members must attend the IEP meeting and the parents must provide consent.

The IDEA in 34 *CFR* 300.321 (accessible at: https://bit.ly/2V9AY6o) specifies the participants in each child's IEP team comprise:

- the parents of a child with a disability;

- not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

- not less than one special education teacher, or where appropriate, not less than one special education provider of such child;

- a representative of the local educational agency;

- an individual who can interpret the instructional implications of evaluation results;

- at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

- whenever appropriate, the child with a disability.

Additionally, per guidance from the US Department of Education (July 2014) frequently asked questions,[2] it is important for IEP teams to remember:

- IEP teams for English learners with disabilities include persons with expertise in English learner services and other professionals, such as speech-language pathologists, who understand how to differentiate between an English learner and an English learner with a disability (FAQ #5).

- Ensure that parents of English learner students understand and are able to meaningfully participate in IEP team meetings. If a parent whose primary language is other than English is participating in IEP meetings, the IDEA regulations require each public agency to take whatever action necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter 34 *CFR* 300.322(e) (accessible at: https://bit.ly/2IltWFD). When parents themselves are identified as English learners, Title VI of the Civil Rights Act of 1964 also requires that the LEA effectively communicate with parents in a manner and form they can understand, such as by providing free interpretation and/or translation services (FAQ #6).

Data for Decision-Making

Multiple data points must be considered when determining if exit from special education is appropriate for an English learner. English language proficiency is not a determining factor for the IEP team to withhold a special education exit decision. Not having attained English proficiency is not considered a disabling condition. If a student who has a disability is an English learner, it does not mean that he needs to continue to receive special education services unless a disability continues to affect access to his education.

Language proficiency data may be beneficial for the IEP team to review when making the decision regarding whether to exit a student from special education if the student's disability affects language development (i.e., the student manifests a disability in reading, writing, or oral language). It is recommended that the IEP team review the student's English language proficiency data over the last two to three years, including:

- data from the assessment of ELP using the English Language Proficiency Assessments for California (ELPAC);

- teacher evaluation including curriculum-based measures and observation;
- parental opinion and consultation;
- student input;
- comparison of performance of the student in basic skills based on the performance of English-proficient students of the same age (for students with intellectual disabilities it is most appropriate for the IEP team to compare the student to students at the same level of cognition); and
- comparison of the student's progress in English language development to other like peers (other English learners with similar disabilities or peers who manifest similar disabilities but are English speakers only).

It is best practice to evaluate the student, using both formal and informal assessment measures as well as curriculum-based data to determine if any skill deficits are due to the disability versus being related to the student's ongoing English language acquisition progress.

For the IEP team to make appropriate decisions regarding whether or not to exit a student (including a student who is an English learner) from special education, it is recommended to carefully review the following data sources:

- Progress monitoring data from interventions provided.
- Classroom formative assessments in academic areas affected by the disability.
- Schoolwide or districtwide benchmark assessment data over time.
- California Assessment of Student Performance and Progress (CAASPP) data over time.
- Teacher anecdotal classroom data, including data and input from the special education case manager.

IEP teams may use a chart similar to that shown in figures 8.1 and 8.2 to review and summarize a student's strengths and weaknesses to help make decisions regarding exit from special education. The Student Scenario later in this chapter shows a chart with example notations.

Figure 8.1.
Sample IEP Team Chart—Assessment Data

Overall ELPAC Score ELP Level	Smarter Balanced Assessment Consortium, English Language Arts/English, Math	California Science Test (CAST)	Spanish Reading/ Language Arts	Screening/ Progress Monitoring	Benchmark Assessments

An accessible long description of figure 8.1 is available at https://www.cde.ca.gov/sp/se/ac/ch8longdescriptions.asp#figure1.

Figure 8.2.
Sample IEP Team Chart—Anecdotal Data

Progress on IEP Goals Academic Functional	Other Curriculum-Based Measurement Data	Progress on Standards (Report Card)	Teacher(s) Input	Anecdotal Data	Other

An accessible long description of figure 8.2 is available at https://www.cde.ca.gov/sp/se/ac/ch8longdescriptions.asp#figure2.

Remember, it is not required that a student demonstrate proficiency in all areas on Smarter Balanced Assessment Consortium (SBAC) or ELPAC assessments, receive specific grades, and meet or exceed all standards in all areas; however, there should be sufficient evidence the student is making adequate progress toward achieving the grade-level standards and is making progress to pass to the next grade. Additionally, other key information for the IEP to review and consider prior to exiting a student from special education is to determine if the student has met her academic and functional IEP goals and objectives. To reiterate, the decision to exit a student from special education is a very individualized decision. Teams will consider varied sources of data, extrinsic factors, and parent and student input when making the decision.

Transition from Special Education

When a student is exited from special education, the system of supports does not immediately end. The student may no longer be receiving special education and related services under IDEA, but the student may need transitional support into the schoolwide system of supports through the Multi-Tiered System of Supports (MTSS) framework described in chapter 2 of this guide.

Multi-Tiered System of Supports and General Education Supports

Upon exiting special education, the student will begin to access only general education supports within the instruction and intervention tiers. Some students may move into targeted Tier II supports (see chapter 4 of this guide), which will continue to provide instruction in areas of need and allow for frequent general education progress monitoring to determine if the current instruction and level of supports is adequate. Some students may need more support and may receive a hybrid of individualized supports where they may receive some Tier III (see chapter 5) level supports for a time in addition to Tier II. The goal is to provide the support needed to continue the trajectory of keeping up with the grade-level curriculum and meeting the grade-level standards. As the student develops skills to overcome learning barriers, he may require only the targeted interventions within his grade-level classrooms with Tier I small group supports while continuing to receive integrated and designated ELD.

While a student may no longer need specially designed education services, this does not mean that she no longer receives designated and integrated English language development instruction if needed. These integrated and scaffolded supports in the core classes and scaffolded supports in designated ELD can be helpful to the student who is transitioning from special education supports to general education supports. The team may decide that the student needs additional designated ELD time during this transitional time to ensure that she is continuing to be successful in keeping up with her content area classes. This additional time can be focused on supporting the language and vocabulary needs in the core classes or other areas identified by the team. The English learner specialist can monitor academic progress in core classes as well as English language development progress to ensure that the current level of supports is adequate.

Some English learners with disabilities may continue to need additional supports along with the general education interventions to successfully access the grade-level core. For these few students, a Section 504 plan (See next section for description) may be appropriate. Not all students who exit special education automatically need to move to a Section 504 plan. The only students needing these supports are those with a disability who no longer need services under IDEA but do need continued access to the accommodations that were provided under IDEA and accessed through a Section 504 plan.

Section 504 Plan

The development of the Section 504 plan is not a special education function. Section 504 of the Rehabilitation Act of 1973 (accessible at: https://bit.ly/2GsEKiX) is a civil rights law that prohibits discrimination or harassment on the basis of a disability in any program receiving federal financial assistance. Therefore, Section 504 provides students with disabilities a free appropriate public education (FAPE) in a program designed to meet the students' educational

needs as adequately as the educational needs of students without disabilities. Section 504 falls under the Office of Civil Rights and not under IDEA.

In developing a Section 504 plan, the Section 504 team—usually led by the site administrator or designee, general education teachers, school psychologist or other specialists, including the English learner specialist, parents and the student—determines which accommodations would allow the student to be free of discrimination and have the same instructional opportunities of his peers without a disability. An example of a reasonable accommodation for a student with a disability might be alternate response options such as an adaptive keyboard or large keys, the use of a calculator for grades six through eleven, print on demand options, a scribe for writing portions of ELA assessments, or speech-to-text or word prediction software. When making Section 504 plan decisions for an English learner with a disability, it would be important to review accessibility resources in the CDE's accessibility matrices (accessible at: https://bit.ly/2KOV7KP) to identify which ones the student may need to access the ELPAC and the English language instruction in her classrooms.

The CDE's accessibility matrices clearly describe current system accessibility resources under universal tools, designated supports, and accommodations. These are described in greater detail in chapter 5. The team making decisions about the need for a Section 504 plan in addition to the schoolwide MTSS intervention and supports should review the matrix to see if the universal tools and designated supports are adequate to allow the student access to the grade-level curriculum and the statewide assessments including the CAASPP and the ELPAC. If the universal and designated supports are adequate, the student may not need a Section 504 plan. Again, this is an individualized decision, but reviewing the CDE's accessibility resource matrices will allow the team to make a more informed decision. It is also extremely important to obtain feedback from the student on which universal tools, designated supports, or accommodations are truly beneficial. Even elementary students can articulate which meet their specific learning needs. If the student needs support beyond universal access or designated supports, the team then should use these matrices to make decisions about the most appropriate accommodations that the student will be allowed under the Section 504 plan.

Student Scenario

Edgar, a third grader, has received special education services in speech and language since preschool due to a speech receptive and expressive language delay in both his primary language and English.

He was identified as needing special education services as a preschooler in his Head Start program and at that time was determined (using the Desired Results Developmental Profile

[DRDP]) to be a dual-language learner. Upon entering kindergarten, he was assessed using the Initial ELPAC assessment and identified as an English learner with an overall score of 135, or a level 1. Both his listening and speaking scores were only somewhat developed, due to his receptive and expressive language delay. Over the past four years his ELD proficiency has progressed to the upper Expanding level.

Edgar presented with delays in early literacy skills in kindergarten based on academic screeners and further diagnostic testing. The student study team and IEP team recommended that Edgar receive academic supports in addition to speech and language therapy to support his early literacy deficits. The IEP team added academic supports to his service delivery to meet his specific academic and language needs associated with his communicative disorder.

Edgar has been receiving integrated ELD supports in his general education classroom and during his special education resource pull-out time as well as during his speech and language therapy. He has also received designated ELD through a push-in program where the English learner specialist worked with Edgar and other students in his class to support English language development through targeted small group instruction focused on meaning making, language development concentrated on vocabulary and reading aloud, and by providing him opportunities to work on grammar and practice discourse skills.

In special education, Edgar's specially designed instruction has focused on language development through speech and language serves and on targeted skills in the area of reading including phonological awareness, phonics, decoding, word recognition, fluency, comprehension, and strategies to support constructing meaning from the text.

Despite Edgar's initial language delay, his English language development is progressing at the same rate as his peers. The specially designed instruction from his special educators, the supports received in the classroom, and the ongoing moderate ELD support have allowed Edgar to reduce the achievement gap that had existed between himself and his peers. Formative and summative assessment data along with ELPAC scores and progress in the curriculum led Edgar's teachers to believe that he may be ready to exit special education and related services even though he is still considered an English learner. The IEP team is considering requesting a full reevaluation to determine if Edgar—while still having a disability—no longer requires special education services.

Edgar's family and the IEP team agree that a consideration for exit from special education is appropriate. During this phase, a multidisciplinary team sent a prior written notice to his family and developed an assessment plan for the reevaluation. Edgar was then reevaluated in the areas of suspected disability including language impairment and reading using a standardized

achievement measure. Additional reading evaluation included assessments in the areas of phonics, decoding, fluency, vocabulary, and reading comprehension.

After reviewing records and data from Edgar's previous triennial review, and although Edgar continues to have a visual processing disorder, the psychologist determined that there is no need for an additional psychological assessment. The assessments are all given in English as during Edgar's initial evaluation, and it was determined that primary language assessment did not benefit him. The multidisciplinary evaluation also included a thorough evaluation by the speech and language therapist to measure his vocabulary and oral language production. Figures 8.3 and 8.4 offer an example of Edgar's assessment and anecdotal data. Assessment data includes summative statewide assessments, language proficiency assessments, and curriculum-based measures, as well as progress on academic and functional goals. Anecdotal data is provided by his general education teacher, special education teacher, English learner specialist, Edgar himself, and his family.

In addition to the multidisciplinary team's specific assessment, which reveals that Edgar no longer exhibits a language delay and that his standard scores in reading and writing fall into the average range, the team also reviewed the following data:

Figure 8.3.
Sample IEP Team Chart—Edgar's Assessment Data

Overall ELPAC Score ELP Level	Smarter Balanced Assessment Consortium, English Language Arts/ English, Math	California Science Test (CAST)	Spanish Reading/ Language Arts	Screening/ Progress Monitoring	Benchmark Assessments
ELPA: **1489** ELP Level: **2**	SBAC ELA: **Level 2** Math: **Level 3**	**N/A**	**N/A**	Math: **Benchmark** ELA: **Strategic**	Math: **Benchmark** ELA: **Making progress adequate to reach benchmark**

Figure 8.4.
Sample IEP Team Chart—Edgar's Anecdotal Data

Progress on IEP Goals Academic Functional	Other Curriculum-Based Measurement Data	Progress on Standards (Report Card)	Teacher(s) Input	Anecdotal Data	Other
Progress on IEP academic goals in reading, including linguistically appropriate goals: **Met.** Progress on IEP functional goals (independent work habits): **Met.**	Fountas and Pinnell (LLI): **Level M** Fluency: **CWPM 100 @ third grade, Above 50th percentile for winter benchmark.**	**Meets math standards. Making progress toward ELA standards.**	General ed teacher: **Work is commensurate with peers**; English learner specialist: **Making adequate progress toward ELD level 3.** Special ed teacher: **Fluency and comprehension fall in average range for third grade.**	**Edgar works hard and is beginning to enjoy reading. The more word knowledge he obtains, the more he improves his comprehension. Beginning to self-correct as he gains confidence.**	**Family feels he has made great progress and with help from his ELD teacher and continued help from the interventionists and his classroom teacher, they feel that he will continue to build his English skills, which will help his reading.**

After reviewing the data, the team determined that while Edgar still has a visual processing disorder, he no longer exhibits a language delay and no longer needs modifications to the curriculum and is no longer eligible for special education.

The IEP team determined that exiting special education was appropriate for Edgar, but he is still in need of supplemental or Tier II supports to continue to accelerate his growth in reading. He will continue to be part of a small reading group that targets instruction on decoding strategies for multisyllabic words to build his confidence and skill in the areas of decoding and fluency. To continue to support his English language development, he will also continue to receive designated ELD and integrated ELD support in his general education classroom.

Progress monitoring will occur every two weeks in his intervention group. This will allow the interventionists and classroom teacher to continue to monitor his progress and ensure that he does not lose ground in fluency, comprehension, and vocabulary. The grade-level team along with the English learner specialist will continue to monitor his progress and share his progress monitoring data with the family on a regular basis. While it is not a legal requirement to track a student's progress once they have exited from special education, it is best practice to continue to closely monitor progress to ensure that the student has sufficient supports needed to continue to close any existing language or achievement gaps.

Chapter Summary

It is important that students like Edgar who exit special education are provided ongoing monitoring and support. It may be appropriate to consider transitioning the student into a schoolwide tiered system of supports to provide him with a safety net to ensure that he does not lose momentum and that achievement gaps do not redevelop. For example, English learners who have gained proficiency are monitored for four years upon reclassification. Students exiting special education would benefit from the same type of ongoing monitoring.

If achievement gaps do redevelop, teachers, specialists, or parents may call a meeting to review the student's progress to determine if additional general education supports are needed, a Section 504 plan should be considered, or if the student should be reconsidered for special education services.

Edgar is an example of a student success story of effective whole-child supports provided through general education, special education, and English learner education collaboration. Targeted, direct interventions and evidence-based instruction applied with consistency proved effective in closing the gaps he had in his reading skills. Ongoing English learner services and supports will allow him to continue to progress in his English language development to be successful in school.

Frequently Asked Questions

Q: Does an English learner need to be reclassified as fluent English proficient (RFEP) in order for the IEP team to consider exiting the student from special education?

A: No. The decision to exit an English learner student from special education must be based on the IEP team's determination that the student no longer meets eligibility requirements for

special education. English learner services must continue until the student is reclassified as English fluent proficient.

Q: Is it a legal mandate that a member of the English learner department and the IEP team meet for an English learner who is being considered for exit from special education?

A: Although the term "English learner specialist " or similar term is not explicitly specified in federal or state regulations regarding required IEP team membership, FAQ #5 from the US Department of Education regarding English learners with disabilities released in 2014 states: "It is essential that IEP teams for English learners with disabilities include persons with expertise in second language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between language acquisition difficulty and a disability."

Chapter 8 Endnotes

1 In the interest of gender non-discrimination, the authors refer to individual students alternately as "she" and "he." The authors recognize that many individual students identify as transgender, gender non-binary, gender non-conforming, agender, or other gender identities and may prefer gender-neutral pronouns or other emerging identifying terms.

2 US Department of Education, *Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives* (Washington, DC: US Department of Education, 2014).

References Chapter 8

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Section 5: Reclassification from English Learner Status

Chapter 9: Reclassifying Students with Disabilities from English Learner Status

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Chapter 9: Reclassifying Students with Disabilities from English Learner Status

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Questions Addressed in This Chapter

For Teachers

- How can we appropriately apply our English learner reclassification criteria for English learner students with disabilities when making reclassification decisions?
- How can I determine if an English learner student with an IEP is fluent in English when she[1] exhibits a continued disability in reading, writing, or oral language?

For Administrators

- What factors should I consider when developing policies and procedures at the local educational agency (LEA) and school-site level to address the reclassification of students with disabilities?
- Who should be involved in the decision-making process for reclassifying students with disabilities?
- How can the IEP team be appropriately prepared to make decisions regarding reclassification of English learners?

Chapter Overview

As noted in the introduction and presented throughout this guide, there are two key issues related to reclassifying English learner students with disabilities as fluent in English: First, English learners with disabilities are less likely to be reclassified out of English learner status, relative to their English peers without disabilities. Additionally, English learners at the secondary level qualify for special education services in greater proportions than English learner students in the earlier grades.[2] Among other factors identified in research, reasons for this include variation in implementation of criteria and evaluation procedures for English learner students[3] and unvarying reclassification criteria for students with and without disabilities.[4] As researchers[5] point out, currently, there is scant federal or state guidance about adjusting criteria or processes for reclassifying English learner students with severe cognitive disabilities, although this is beginning to change.[6] Yet students' disabilities may clearly affect their ability to reach thresholds on particular language domains of the Summative ELPAC, as well as other criteria used for reclassification decisions. The California Department of Education (CDE) provides guidance to local educational agencies (LEAs) on how to responsibly implement the four criteria for reclassification for English learners with disabilities (see pages 24 and 25 of the annually updated ELPAC Information Guide [accessible at: https://bit.ly/2Tw9I0J]). This chapter

summarizes information in the ELPAC Information Guide and provides additional research-based guidance for the teams making these decisions.

Reclassification Procedures and Criteria

Reclassification Procedures

Reclassification (or redesignation) is the process LEAs use to determine whether or not an English learner student has acquired sufficient English skills to successfully engage in classroom learning of the core academic curriculum taught in English, and to be accurately assessed in academic subject matter using English, without specialized English learner services and supports. When English learner students demonstrate that they have acquired the necessary English skills to be academically successful without this specialized support, they are reclassified as fluent English proficient (RFEP).

An English learner with a disability may be unable to meet a particular reclassification criterion due to the specific nature of his disability.[7] For example, an English learner with dyslexia may continue to be classified as an English learner due to less than proficient ELPAC scores in reading.

Additionally, under Title III of the ESSA, states must implement standardized, statewide English learner entrance and exit procedures and criteria. California's State Board of Education recently adopted a change to Criteria 1 of the state's four reclassification criteria. Proficiency level 4 on the Summative ELPAC will be used to consider reclassification. The remaining three criteria continue to be locally determined. What follows is a more detailed discussion of current and evolving reclassification criteria.

Reclassification Criteria

Reclassification criteria, pursuant to California *Education Code* (*EC*) 313(f) (accessible at: https://bit.ly/2VNknSS), have remained unchanged since the 2015–16 school year. LEAs continue to use the following four criteria to establish local reclassification policies and procedures:

1. assessment of English language proficiency, using an objective assessment instrument, including, but not limited to, the state test of English language development;

2. teacher evaluation,[8] including, but not limited to, a review of the student's curriculum mastery;

3. parent opinion and consultation; and

4. comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

The *ELPAC Information Guide* states that students with disabilities, including severe cognitive disabilities, are to be provided the same opportunities to be reclassified as students without disabilities. Local IEP teams, therefore, may determine appropriate measures of ELP and performance in basic skills and minimum levels of proficiency on these measures that would be equivalent to an English proficient peer with similar disabilities, in accordance with local reclassification policies based on the state definition of ELP (*EC* 313[f]) (accessible at: https://bit.ly/2VNknSS).

In accordance with federal and state laws, the IEP team may address the individual needs of each English learner with a disability, using multiple criteria in concert with the four reclassification criteria in *EC* 313(f). These four criteria are the minimum required components that LEAs must include in their local reclassification policy. Other criteria may be used to supplement the four required criteria to ensure that the most appropriate decision is made for each student.

The following are recommendations for applying the four criteria in *EC* 313(f) (accessible at: https://bit.ly/2VNknSS) to local reclassification policies regarding English learners with disabilities from the annual ELPAC Information Guide:

Criterion 1: Assessment of ELP Using an Objective Assessment Instrument

Assessment of ELP using an objective assessment, including but not limited to the ELPAC, is one of four criteria, in state law per *EC* 313(f), to be used by LEAs in determining whether an English learner should be reclassified as RFEP. The IEP team can use the scores from an alternate assessment aligned with the state *2012 CA ELD Standards* for reclassification purposes. An alternate assessment may be used to measure the student's ELP on any or all four domains in which the student cannot be assessed using the ELPAC.

For purposes of Title I accountability requirements, a student assessed with a locally determined alternate assessment, will receive the lowest obtainable scale score (LOSS) on the ELPAC for each domain tested with an alternate assessment. The IEP team, however, may use results from the alternate assessment in conjunction with the other required criteria (i.e., teacher evaluation, parental opinion and consultation, and the student's scores on an assessment of

basic skills) to determine a student's eligibility for reclassification. Once the Alternate ELPAC is operational, there will be criteria established for reclassification based on a student's performance.

Criterion 2: Teacher Evaluation

The student's academic performance information, that is based on the student's IEP goals for academic performance and ELD, should be used for reclassification consideration.

Criterion 3: Parent Opinion and Consultation

The parent or guardian should be encouraged to be a participant on the IEP team and in understanding and making a decision on reclassification.

Criterion 4: Comparison of Performance in Basic Skills

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

The CDE cannot make specific recommendations of alternate assessment instruments because it is the responsibility of the IEP team to gather pertinent information regarding the student and assessment needs specific to that student. The IEP team may use this comprehensive approach to make decisions regarding program supports and reclassification that will allow the student to make maximum progress, given the student's capacities.

Approaches for Reclassifying English Learners with Disabilities

School-site and district educators determine the process for making reclassification decisions for all students, including English learners with disabilities. The IEP team may be designated, in accordance with local policy, to make reclassification decisions as long as team members utilize state reclassification criteria and apply those criteria to students with disabilities using state guidelines. An English learner specialist with specialized knowledge on second language acquisition is an important member of this team. While it is not required that the IEP team make reclassification decisions, best practice suggests the following collaborative and integrative approaches.[9]

The IEP case manager reviews the student's performance data (i.e., progress made on linguistically appropriate IEP goals, current ELP levels, comparisons of student performance over time in areas of ELA compared to non-English learner peers with like disabilities, etc.) and brings that data to the IEP meeting. The IEP team then uses a "reclassification worksheet," or other methods for documenting information to assist the team in walking through the four reclassification criteria using the ELPAC Information Guide. The IEP team, including the parent(s)/guardian and the English learner specialist, then discuss whether or not to reclassify the student to RFEP status.

Considerations When Making Reclassification Decisions

Considerations for Educators

Recent research highlights considerations for educators when making reclassification decisions. First, not only is it important for IEP goals and objectives to be linguistically appropriate based on students' current ELP levels, the students' most recent ELP results should be taken into consideration, as well as the student's progress toward meeting both the ELA and ELD standards.[10]

Currently in many districts, decisions to reclassify English learners with disabilities often are driven more by one area or the other (e.g., decisions regarding reclassification are made solely by the English learner department committee or the IEP team rather than by both the English learner and special education specialists). Research suggests that both English learner and special education experts as well as the classroom teacher should have a say in reclassification decisions.[11]

Finally, researchers emphasize the importance of continuing to provide integrated supports for English learners with disabilities, even after they are reclassified.[12] For example, general education and special education teachers of reclassified fluent English proficient (RFEP) students with disabilities continue to consult with district special education experts to develop and implement appropriate instructional supports and performance expectations for RFEP students with disabilities. RFEP students are monitored by the English learner specialist for four years after reclassification. Teachers can also consult with school and district English learner experts and ELD teachers to identify appropriate ways of monitoring and supporting students' continued progress in life-long English language learning. These continuing collaborations among teachers and experts in support of student achievement and overall well-being reflect a culture of shared responsibility in the LEA system for the success of all students.

Considerations for LEA Leaders

Researchers offer additional considerations—adapted here and referenced in earlier chapters—for LEA leaders as they refine systems supporting school-level staff who work with English learner students with disabilities.[13]

Integrating and Aligning English Learner and Special Education Services

LEA leaders may consider sharing different service delivery models that would prevent the interruption or diminishing of either English learner or special education services and emphasize that special education services for English learners with disabilities do not take priority over English learner services (in general and regarding reclassification decisions). English learners, including those with disabilities, are entitled to ELD services. Additionally, LEA leaders can encourage specialists to incorporate special education supports into English learner services and, similarly, include English language development and culturally inclusive supports in special education services.

Promoting Collaboration Between Special Education Experts and English Learner Specialists

LEA leaders can offer school discussion guides and professional learning community discussions that facilitate conversations between special education and English learner staff on developing and implementing integrated special education and English learner services, including collaboration around reclassification decisions. It is important to note that IEP services must be delivered according to the IEP; however, special education staff members should provide linguistically appropriate services when accommodating the disability. LEA teams could come together with school-based teams to review individual student cases and offer support for making reclassification decisions for English learner students with IEPs.

Pathways to Reclassification for Students with Disabilities

The Council of Chief State School Officers (CCSSO) recently published a *Framework for Exiting English Learners with Disabilities from English Learner Status*.[14] In this national-level resource, the authors describe three broad pathways for English learner students with disabilities to exit English learner status:

- Pathway 1: English learners with disabilities who are able to demonstrate English language proficiency in all four domains (listening, speaking, reading, writing) with or without accommodations.

- Pathway 2: English learners with significant cognitive impairments who are assessed using an alternate ELP assessment process.

- Pathway 3: English learners with disabilities whose disabilities preclude assessment in one or more domains on the English language proficiency assessment and there are no appropriate accommodations for the affected domain(s).

For each pathway, the authors provide guidance on the composition of the IEP team and the body of evidence (including specific, high-priority evidence and evidence to include if possible) for educators to consider when making reclassification decisions for English learners with disabilities who may not be able to demonstrate their proficiency due to factors not related to a language difference.

Student Scenarios

The CCSSO document also includes six scenarios depicting hypothetical students (some from states other than California) with different disability needs through each of the three pathways to reclassification.[15]

Scenario 1: Amanda

Amanda, a third-grade Hmong-speaking English learner with speech language impairment, is exited from English learner status (Pathway 1).

Amanda is a third-grade Hmong-speaking English learner who was identified in preschool as having a speech and language impairment. After the results from the state ELP assessment are released in the spring, Amanda's IEP team convenes to discuss her eligibility for exiting English learner status. The IEP team includes Amanda's parents, her third-grade classroom teacher, the speech language pathologist (SLP), Amanda's English language development teacher, the school's English language development coordinator, the assistant principal, and a Hmong-English interpreter.

The speech language pathologist leads the team meeting. The team first examines Amanda's ELP assessment results. She has met the state's criteria for demonstrating proficiency as outlined in the ELP standards. The team also considers additional sources of evidence for Amanda. They see that she has consistently met grade-level content standards as indicated on her report cards. The SLP then shares assessment data as well as language samples. The SLP shows the team that Amanda has demonstrated consistent growth over time in her articulation and fluency skills in English, but she continues to struggle with semantics. She then explains the instructional supports that she provides Amanda to help her meet grade-level writing standards. The SLP also recommends that the classroom teacher regularly emphasize

vocabulary development and word retrieval so that Amanda does not rely too heavily on nonspecific terms, such as "things" and "stuff."

Amanda's mother explains through the interpreter that she has noticed these trends in Amanda at home as well. The team then asks Amanda's parents to share more about what they observe about Amanda's language use at home. Her parents inform the team that Amanda communicates with her parents exclusively in Hmong, but she talks to her younger brother in English. They explain that she frequently cannot think of the exact word she wants to say, whether she is speaking in Hmong or English. She often waves her hands in the air as she is thinking about the word. The team asked about Amanda's reading and television or other media behaviors. The family shared that Amanda reads in English to her parents and brother every night. She watches television on Saturday mornings only; this is also in English. The Hmong radio station is on frequently at home in the evenings, so she regularly hears that language. As the parents are sharing, the SLP writes their comments onto a form created by the state to document student language use.

Attention then turns to the classroom teacher and the English language development teacher. Both share the student language use forms that they completed while observing Amanda in the classroom. These forms show that Amanda participates in class during pair, small group, and whole class instruction. Very often her utterances are long and windy, as she struggles to find specific vocabulary words; nonetheless, her ideas are comprehensible and relevant to the conversation. Both the classroom teacher and the English language development teacher agree that Amanda is able to meet the ELP standards for speaking. The English language development coordinator then confirms that Amanda has received English learner services consistently since kindergarten. At her school, English learners receive 60 minutes every day of direct English language instruction at the appropriate proficiency level offered by a certified teacher.

The team decides that altogether, the body of evidence indicates that Amanda is proficient in English. Her difficulties stem primarily from her disability. She is thus exited from English learner status.

Scenario 2: Jaime

Jaime, a seventh-grade Spanish-speaking English learner with specific learning disabilities, is not exited from English learner status (Pathway 2).

Jaime is a seventh-grade Spanish-speaking English learner student with specific learning disabilities. He was identified as an English learner in kindergarten and for specific learning disabilities in the second grade.

Jaime's school has a Language Acquisition Committee (LAC) that meets to discuss each English learner at the school who may be exiting from English learner status. The LAC includes the school's principal, the English learner service coordinator, an English language development teacher, the bilingual literacy specialist, and the bilingual speech language pathologist. This team meets for an entire week after the ELP assessment scores are released to discuss each student's eligibility for exiting English learner status. The LAC reviews the ELP assessment scores and the following additional sources of evidence: (1) standardized achievement assessment scores, (2) progress reports, (3) work samples, (4) observation protocols of students' oral language use in both L1 and L2, and (5) peer comparison data (comparing to same-age peers with the same disability categories who were never English learners). For English learners with disabilities, the student's IEP teams meet with the LAC to review the sources of evidence, as well as information on the student's progress toward IEP goals that are relevant to ELP, and the English learner's language use at home. This body of evidence is used to determine whether each English learner with disabilities should be exited from English learner status or not.

Jaime's IEP team includes his mother, his special education teacher who works with him for one class period every day, his English teacher who also teaches Jaime during his English as a second language period, and his Spanish teacher. The joint team meeting for Jaime begins with a review of his ELP assessment results. He received a composite score that is above the state cut-off for proficiency, but his writing domain subtest is below the state's criterion for exiting English learner status. When the team looks at Jaime's writing sample from the ELP assessment, they notice that many of his ideas are incomplete and his responses are short. This is consistent with the writing samples they gathered from Jaime's teachers. In Jaime's progress reports, teachers consistently comment that he is able to share his ideas orally, but writing them down is a challenge. He therefore has not yet met the content standards for writing. The special education teacher confirms this trend. She shows a recent informal assessment she gave to Jaime to evaluate his progress on his writing goals. Even with the support of sentence frames and graphic organizers, Jaime has difficulty with his writing. He appears to struggle persistently with producing complete sentences and full paragraphs in English. When he does write complete sentences, several syntactical errors make deciphering his writing a challenge.

Jaime's mother explains that she has trouble at home getting him to do any homework that involves writing unless it is for Spanish. Jaime's Spanish teacher then shows the group homework assignments demonstrating Jaime's strengths in writing in Spanish. He writes longer, more developed ideas and does not demonstrate the same errors that he shows in English. Jaime has received high marks on all of his Spanish tests and will be receiving a high grade in Spanish.

The team determines that Jaime's difficulties in English writing are not because of disabilities, but his developing English proficiency. They therefore decide not to exit him from English learner status. He will continue to receive both English learner and special education services, with particular emphasis on writing.

Scenario 3: Han

Han, a sixth-grade Korean-speaking English learner with intellectual disabilities, is exited from English learner status (Pathway 2).

Han is a Korean-speaking English learner with intellectual disabilities in the sixth grade who participates in the alternate ELP assessment available in his state. In this state, the IEP team is responsible for making exit decisions for English learners with significant cognitive disabilities. Han's IEP team includes his parents, his special education teacher who works with him in a self-contained classroom, the paraprofessional who works most closely with him, the English learner coach who consults with Han's special education teacher to support his English language development, the music teacher who teaches him when he is in special classes with general education peers, Han's Korean-English bilingual speech language pathologist, his occupational therapist, his physical therapist, the school psychologist, a Korean-English interpreter, and the principal.

The special education teacher leads the meeting. She has a form that was given to her by the district that is meant to guide the discussion. The team is to review Han's alternate ELP assessment scores, alternate standardized content assessment scores, and his progress toward his IEP goals. They begin by looking at Han's alternate ELP assessment scores. Han's composite score is just below the state cut-off for proficiency. The reading, writing, and speaking domains are also slightly below the state cut-offs, while his listening performance is at Proficient. State guidance recommends that school-based teams look at ELP assessment scores over time. Upon doing so, the team notices that for the last three years, Han has produced similar scores across all four domains. This is despite his having received English language development services from his teacher with consultation from the English language coach across those years. In contrast, Han has demonstrated gradual growth over time on standardized alternate content assessments, as well as assessments used to monitor his progress toward IEP goals that are aligned with the alternate ELP achievement standards.

The special education teacher and related service providers then show everyone the data they gathered while evaluating Han on his progress toward his IEP goals over the last three years. Han has shown steady growth in all of the areas for which he is receiving specialized services. The bilingual speech language pathologist shares data demonstrating that his speaking and listening (expressive and receptive language) skills in both Korean and English have improved

since she first started working with him. Han's parents share that they notice he is now able to communicate successfully with children in the neighborhood in either English or Korean. The music teacher confirms this, saying that he notices Han can interact effectively with his general education peers in English and is able to participate in all class activities. The English learner coach shares Han's performance on formative assessments that demonstrate he has met his IEP goals related to the ELP domains of reading and writing as well. The only area in which Han has not yet met his goals related to writing is that he still needs help holding his pencil and physically writing, which is not relevant to Han's ELP. He will continue to work on this with the occupational therapist.

Based on this body of evidence, the team decides that Han's inability to meet the exit criteria on the alternate ELP assessment is due to his disabilities and not his ELP and that he has acquired English proficiency commensurate with his cognitive ability. They therefore decide to exit him from English learner status and monitor his progress for the next two years.

Scenario 4: Marcus

Marcus, a second-grade Somali-speaking English learner with multiple disabilities, including intellectual disabilities, is not exited from English learner status (Pathway 2).

Marcus is a second-grade Somali-speaking English learner with multiple disabilities, including intellectual disabilities. He participates in the state's alternate ELP assessment. At Marcus' school, a student's IEP team decides whether or not to exit English learners with disabilities from English learner status after the spring ELP assessment results are released. Marcus' IEP team includes his parents; his general education inclusion teacher, who is also the certified English as a second language teacher providing English learner services to Marcus; the special education teacher, who is his case manager and offers both push-in and pull-out services; his Somali-English bilingual paraprofessional, who works with him in the general education inclusion classroom; the speech language pathologist; the physical therapist; the occupational therapist; the adapted physical education teacher; and the school principal.

State guidance stipulates that when considering potential exit for English learners with disabilities, IEP teams must complete a rubric to evaluate the following information: (1) general or alternate ELP assessment scores, (2) state standardized content assessments in which the student participates, (3) district standardized content assessments in which the student participates, (4) data demonstrating students' progress on their IEP goals relevant to developing English proficiency, (5) classroom observation protocols completed by both a certified English as a second language teacher and a special education teacher, (6) work samples, and (7) an observation protocol completed by the parents at home to assess the students' home

language use. With the exception of the state standardized content assessments that begin in third grade, all of the remaining elements are available for Marcus. The IEP team reviews the information together.

The team observes that Marcus has not yet met the proficiency cut score that the state set for the alternate ELP assessment. He has, however, made some growth in his scores since kindergarten. This steady growth is evident in his alternate district standardized assessment scores as well, and also in his progress toward his IEP goals relevant to developing English proficiency. In particular, the special education teacher and speech language pathologist share that Marcus is making marked improvements in his English speaking and reading fluency. The classroom observation protocols indicate that Marcus has been interacting more in English with his peers in the general education classroom. He also responds with greater appropriateness to prompts and redirecting in both English and Somali when working with his paraprofessional.

The general education teacher, special education teacher, and paraprofessional have communicated with Marcus' family regularly. The information his parents provide about his home language use are thus already familiar to them. The three also went on two home visits to Marcus' house over the course of the year. They therefore were able to see for themselves how Marcus interacts with his family members. All notice that Marcus is making steady improvement at home in his expressive and receptive language skills in both English and Somali.

Marcus' ELP assessment scores coupled with the gradual, persistent growth he demonstrates in English across settings leads the team to decide not to exit Marcus from English learner status. He will continue to receive English learner services for an additional year to build on his current momentum.

Scenario 5: Natasha

Natasha, a kindergarten student who is blind and from a Russian-speaking household, is exited from English learner status (Pathway 3).

Natasha is a kindergarten student from a Russian-speaking household who was identified as an English learner at the beginning of the school year. She is blind and has not yet learned to read braille. In Natasha's state of California, IEP teams decide whether to exit English learners with disabilities from English learner status. The case manager leading the IEP team is Natasha's special education teacher who "pushes in" to Natasha's inclusive general education classroom every day. The other members of the IEP team include Natasha's parents, an interpreter, her general education teacher, her English as a second language teacher, her classroom paraprofessional, and the assistant principal.

In accordance with district policy, Natasha's IEP team is to consider the following sources of evidence when making exit decisions for English learners with disabilities: (1) ELP assessment, (2) standardized achievement assessment scores, (3) assessments of the students' progress toward their IEP goals that are related to ELP, (4) classroom observation notes that were completed by the students' case manager and an English language acquisition expert (in Natasha's case, her English as a second language ([ESL] teacher) detailing the English learners' use of the English language, (5) language samples, (6) report cards, and (7) documentation of the initial English learner identification process.

Natasha only participates in the listening and speaking portions of the general ELP assessment because there are no accommodations available that would make the reading and writing domains accessible to her. The first time she took the ELP assessment was in the fall of kindergarten. In the spring ELP assessment, Natasha scored above the proficient cut-off in both speaking and listening. The case manager, classroom paraprofessional, and general education teacher express confusion as to why Natasha was originally identified as an English learner. As documented in the classroom observation notes, she seems to interact with her peers and teachers without any difficulty. The only challenges they observe her experiencing are related to her blindness. For example, when Natasha is invited to play a game with a peer, she needs assistance navigating her way through the game; however, she is able to communicate effectively with her peer. The ESL and special education teacher also gathered language samples in speaking and listening that indicate Natasha's ability to communicate effectively with others in English.

The team members share that they never hear Natasha speak in Russian with her parents, although they do hear her parents use Russian with her. Natasha's parents explain that Natasha went to an English-only preschool for two years. Their church is also all English-speaking. At home, the parents are trying to use more English to practice their own English skills. Natasha never uses Russian with them and she now ends up hearing mostly English. Upon reviewing the Home Language Survey completed at intake, the team notices that the parents only noted that the child spoke/heard Russian; they did not mention English. The team then wonders if Natasha's lower score on the ELP assessment in the fall was the result of it being her first time to take such a test.

Academically, Natasha is performing at grade-level with accommodations on standardized early literacy and math assessments. Based on all of this information, the team decides that Natasha was improperly identified as an English learner at the beginning of the year. They therefore correct this misclassification of English learner status, and consider her an initial fluent English proficient (IFEP) student with disability.

Scenario 6: Somaya

Somaya, a high school non-verbal English learner who is deaf with multiple disabilities, lives in an Arabic-speaking home and is not exited from English learner status (Pathway 3).

Somaya is a non-verbal English learner who is deaf with multiple disabilities and who lives in an Arabic-speaking home. She is currently in the high school life skills program at her local school for the deaf. Somaya participates only in the reading and writing domains of the alternate ELP assessment.

At Somaya's school, the IEP team is responsible for exiting English learners with disabilities from English learner status. Somaya's IEP team includes her special education teacher, parents, English as a second language teacher, occupational therapist, physical therapist, the paraprofessional who works most closely with her, and the school principal. The high school special education teachers at the school for the deaf focus on transition services (movement from school to post-school activities, such as vocational education, independent living skills, community participation, etc.). For English as a second language, one teacher takes all four English learner students with significant cognitive disabilities for 30 minutes a day, while the rest of the students have a joint read-aloud class period. All high school special education teachers at this school, however, are certified to teach English as a second language and have received training in English language acquisition. As such, Somaya's life skills teacher also works with her on English language development throughout the day.

The IEP team uses a district-provided checklist to review Somaya's data and determine whether she should be exited from English learner status. The first item on the checklist is Somaya's alternate ELP assessment scores. Somaya's performance on the reading and writing domains is below the state exit criteria for the alternate ELP assessment, indicating that she has not yet met the ELP standards. The team then examines Somaya's performance on the alternate standardized content assessments. They notice that she is below grade level and therefore has not yet fully accessed the state content standards with the English learner supports she currently receives. Looking at her scores across multiple years, the group sees that Somaya's performance has gradually grown over her last three years of high school. This is true for her performance on the reading and writing domains of the alternate ELP assessment as well.

Somaya's special education teacher then shows the team her curriculum-based assessments, which demonstrate that Somaya has made progress on developing the transition services goals outlined in her IEP. She is able to more effectively use the Augmentative and Alternative Communication devices that the speech language pathologist provided and taught her to use, which is one of Somaya's IEP goals. She has also learned a number of new words in American Sign Language. Somaya's parents share that Somaya uses one of the Augmentative and

Alternative Communication devices at home and it has been very helpful for them. Somaya can now point to icons telling them what she wants to eat or when she needs to use the bathroom. They feel that she has made great improvements in her communication skills.

Because Somaya appears to be gradually improving in her English reading and writing as well as in her communication skills, the IEP team decides to keep her in English learner status. She will continue receiving English as a second language services for an additional year. Given that Somaya is starting to demonstrate growth in her language development, the team wants to continue supporting and monitoring her English language acquisition to see if she can get closer to proficient on the alternate ELP assessment.

Frequently Asked Questions

Q: Does a student's individualized education program (IEP) or Section 504 plan take precedence over provisions for English learners in the California *Education Code*?

A: No. The requirements in a student's IEP or Section 504 plan are federal requirements as are the provisions for English learners. The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) require that an LEA provide to English learners with disabilities both the language assistance and disability-related services to which they are entitled under federal law. The LEA must inform parents of English learner students with IEPs how the language instruction education program meets the objectives of the child's IEP. Even if the parent declines disability-related services under IDEA or Section 504, that student with a disability remains entitled to all English learner rights and services.

Q: Is reclassification the responsibility of the IEP team for English learners with disabilities?

A: Each district or LEA must establish policies and procedures to designate the staff responsible for reclassification of English learner students. While the IEP team may be the most appropriate group of professionals to make reclassification decisions for English learner students with disabilities, it is important to note that an English learner specialist with specialized knowledge on second language acquisition should be present when reclassification decisions are made.

Q: A Spanish-speaking student whose family recently arrived in the US has enrolled in our middle school. She was referred for a special education evaluation right away and identified for special education services. She is now receiving her services the majority of the day

in a "special day class." While she was quite social before, she has become sullen and withdrawn. What should I do, as her general education art teacher?

A: Any staff member with concerns about a student may convene an IEP team meeting. This includes the special education case manager and school psychologist. The IEP team can review the student's assessment results and air the concerns of a general education teacher. Key questions to consider are: (1) Was the student given a psycho-educational assessment to determine eligibility in both her primary language and English? What were her cognition skills in her primary language as compared to English? (2) Is she receiving appropriate ELD instruction, and if so, what has her response been to this instruction? (3) Would it be appropriate to re-assess in both languages, considering best practices for bilingual assessment, to determine if she should be placed with true peers? If not, would the team be open to more inclusion in general education classes with support from the English learner and special education specialists? Did the health history reveal any additional needs?

Chapter 9 Endnotes

1 In the interest of gender non-discrimination, the authors refer to individual students alternately as "she" and "he." The authors recognize that many individual students identify as transgender, gender non-binary, gender non-conforming, agender, or other gender identities and may prefer gender-neutral pronouns or other emerging identifying terms.

2 I. Umansky, et al., *Improving the Opportunities and Outcomes of California's Students Learning English: Findings from School District/University Partnerships* (https://bit.ly/2V9JWjP) (Stanford, CA: Policy Analysis for California Education, 2015), Policy Brief No. 15-1.

3 S. Linan-Thompson, "Response to Instruction, English Language Learners and Disproportionate Representation: The Role of Assessment" (*Psicothema*, 2010), 22: 970–974.

4 E. Burr, E. Haas, and K. Ferriere, *Identifying and Supporting English Learner Students with Learning Disabilities: Key Issues in the Literature and State Practice (REL 2015-086)* (https://bit.ly/2YiVG1d) (Washington, DC: US Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Laboratory West, 2015).

5 R. Linquanti, et al., *Moving Toward a More Common Definition of English Learner: Collected Guidance for States and Multi-State Assessment Consortia* (https://bit.ly/2HaUp5x) (Washington, DC: Council of Chief State School Officers, 2016).

6 S. Park, and F. Chou, CCSSO *Framework for Exiting English Learners with Disabilities from EL Status* (Washington, DC: Council of Chief State School Officers, 2018).

7 R. Linquanti, and H.G. Cook, *Re-Examining Reclassification: Guidance from the National Working Session on Policies and Practices for Exiting Students from English Learner Status* (https://bit.ly/2EodRLJ) (Washington, DC: Council of Chief State School Officers, 2015).

8 Pursuant to Assembly Bill 1808, the CDE is in the process of developing a standardized observation protocol for teachers of English learners that may subsequently be adopted for this reclassification criterion.

9 J. Butterfield, G. Lopez, and L. Gonzalez, *Meeting the Needs of English Learners with Disabilities Resource Book* (https://bit.ly/302m412) (Sacramento, CA: SELPA Administrators of California Association, 2017).

10 S. Park, and F. Chou, CCSSO *Framework for Exiting English Learners with Disabilities from EL Status*; J. Butterfield, G. Lopez, and L. Gonzalez, *Meeting the Needs of English Learners with Disabilities Resource Book*.

11 S. Park, and F. Chou, CCSSO *Framework for Exiting English Learners with Disabilities from EL Status*; J. Butterfield, G. Lopez, and L. Gonzalez, *Meeting the Needs of English Learners with Disabilities Resource Book*; M. Thurlow, et al., *Providing English Language Development Services to English Learners with Disabilities: Approaches to Making Exit Decisions (NCEO Report 404)* (Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes, 2016).

12 S. Park, and F. Chou, CCSSO *Framework for Exiting English Learners with Disabilities from EL Status.*

13 J. Butterfield, G. Lopez, and L. Gonzalez, *Meeting the Needs of English Learners with Disabilities Resource Book* (https://bit.ly/302m412) (Sacramento, CA: SELPA Administrators of California Association, 2017).

14 S. Park, and F. Chou, CCSSO *Framework for Exiting English Learners with Disabilities from EL Status.*

15 Two additional scenarios are described in Butterfield, et al. (2017), with ways to apply the four reclassification criteria to two types of English learners with disabilities: those with mild to moderate disabilities that affect areas of English language arts and students with moderate to severe disabilities.

References Chapter 9

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Umansky, I., S. Reardon, K. Hakuta, K. Thompson, P. Estrada, K. Hayes, and C. Goldenberg. 2015. *Improving the Opportunities and Outcomes of California's Students Learning English: Findings from School District/University Partnerships* (Policy Brief No. 15-1). Stanford, CA: Policy Analysis for California Education. https://bit.ly/2V9JWjP (accessed December 5, 2018).

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Appendices

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Appendix 4.7: Focused Observation of English Learner during English Instruction

Appendix 4.8: Parent Report: Individual Education Program Development

Appendix 5.1: IEP Team Checklist for English Learners (ELs)

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Appendix Introduction 1.1: Resources for Dual-Language Learners in Preschool

California Department of Education. 2015. DRDP (2015): *A Developmental Continuum from Early Infancy to Kindergarten Entry*. Sacramento: California Department of Education. http://bit.ly/2Vo8C96

In California, all preschoolers with an IEP are required to participate in the Desired Results Developmental Profile (DRDP) developmental assessment. The instrument has four questions to identify English learners for instructional purposes. This information is not part of the state's formal K–12 system for the classification of English learners. The DRDP 2015 includes four English-Language Development Measures that are administered if the child information page indicates that a language other than English is spoken in the home. The items include: Receptive English; Expressive English; Understanding and Response to English Literacy Activities; and Symbol, Letter, and Print Knowledge in English.

California Department of Education. 2005. *Handbook on Transition from Early Childhood Special Education Programs*. Sacramento: California Department of Education. http://bit.ly/2PXLJUb

This handbook examines the transition for children at age three to preschool services and the transition from preschool services to kindergarten, and provides specific information and resources to assist families, early intervention professionals, and school district personnel.

California Department of Education. 2009. *Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning*. Sacramento; California Department of Education. http://bit.ly/2HaGhdF

This guide is designed to help the reader understand the preschool English learner more fully. Each chapter provides important information about the development, abilities, and everyday experiences of the preschool English learner that is based on current and rigorously conducted research. *Note:* Chapter seven discusses working with English learners who have disabilities or other special needs, although most of the strategies suggested in other chapters can also be effective with this population. The reverse is also true; that is, many of the strategies for children with disabilities or other special needs are effective with English learners and preschoolers in general. See

- Behaviors Demonstrated by English Learners and Children with Disabilities (p.64)
- Coordinating Language and Communication Goals (checklist, p.70)
- Recommended Early Literacy Practices (p.71)

Governor's State Advisory Council on Early Learning and Care. 2013. *California's Best Practices for Young Dual Language Learners: Research Overview Papers*. Sacramento: California Department of Education. http://bit.ly/304KI1a

As a set, these six research overviews reflect the most current research related to the learning and development of young dual-language learners. They provide insight into how young dual-language learners learn two languages and also how they learn and develop in other domains. At the same time, the research summaries provide guidance to early childhood educators on how to support the learning and development of young dual-language learners in preschool programs. *Note:* Paper 5, "Assessment of Young Dual-Language Learners in Preschool," focuses on the importance of accurate and valid assessment of young dual-language learners' development and achievement. The paper discusses the need to take into account linguistic, cultural, and background considerations when assessing young dual-language learners. Paper 6, "Early Intervention and Young Dual Language Learners with Special Needs," addresses both the language development of young dual-language learners with special needs and key considerations when choosing the language for intervention. The overview states that children with a range of special needs can learn more than one language. In fact, children with language disorders can apply their home language skills when learning a second language, which in many cases results in a greater rate of learning of the second language. Of particular note, the authors found that the use of the home language in intervention does not slow the acquisition of the second language.

Early Childhood Technical Assistance Center. *Culturally and Linguistically Diverse Young Children with Disabilities* accessible at: http://bit.ly/2v6Z6ru

When assessing young children for early intervention or special education services, practitioners need to be sensitive to the cultural and linguistic variations that exist in our society. Appropriate procedures need to be in place to determine which language will be used to conduct evaluations and to ensure that appropriate assessment/screening tools are being used. It is critical to obtain a non-biased picture of the child's abilities in order to determine whether certain patterns of development and behavior are caused by a disability or are simply the result of cultural and linguistic differences. This link provides a selection of resources that address these issues. See also

- Espinosa, L. M., and E. García. (2012). *Developmental assessment of young dual language learners with a focus on kindergarten entry assessment: Implications for state policies* (Working paper #1). Chapel Hill: University of North Carolina, Frank Porter Graham Child Development Institute. Available from https://unc.live/2DjIIsl

- The Sobrato Early Academic Language (SEAL) Model accessible at: http://bit.ly/2GssxuL. The SEAL model is designed as a comprehensive model of intensive, enriched language and literacy education designed for English language learners, starting in preschool and continuing through third grade. The SEAL model expanded to 100 California schools in the 2017–18 school year—and is reaching more than 49,000 students in 10 counties. See also

- Hurwitz, A., and L. Olsen. (2018). *Supporting dual language learner success in superdiverse preK-3 classrooms: The Sobrato Early Academic Language model*. Washington, DC: Migration Policy Institute. http://bit.ly/2XmFKuq

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Appendix 3.1: Checklist for Carrying Out the Recommendations (Referral Process for ELs)

Source: J. Butterfield, G. Lopez, and L. Gonzalez, Meeting the needs of English learners with disabilities resource book (Sacramento, CA: SELPA Administrators of California Association, 2017). Accessible at: http://bit.ly/302m412 (accessed December 27, 2018).

1. Screen for reading problems and monitor progress

   - Districts should establish procedures and training for schools to screen English learners for reading problems. The same measures and assessment approaches can be used with English learners and native English speakers.

   - Depending on resources, districts should consider collecting progress monitoring data more than three times a year for English learners at risk for reading problems. The severity of the problem should dictate how often progress is monitored—weekly or biweekly for students at high risk of reading problems.

   - Data from screening and progress monitoring assessments should be used to make decisions about the instructional support English learners need to learn to read. Schools with performance benchmarks in reading in the early grades can use the same standards for English learners and for native English speakers to make adjustments in instruction when progress is not sufficient. It is the opinion of Gersten et al. (2007) that schools should not consider below-grade level performance in reading as "normal" or something that will resolve itself when oral language proficiency in English improves. Provide training on how teachers are to use formative assessment data to guide instruction.

2. Provide intensive small-group reading interventions

   - Use an intervention program with students who enter the first grade with weak reading and pre-reading skills or with older elementary students with reading problems. Ensure that the program is implemented daily for at least 30 minutes in small, homogeneous groups of one to three. Research shows that the "intensity" of an academic intervention is related to the size of the instructional group, how frequently intervention is provided (e.g., two to five times per week), the length of each session (e.g. 30–60 minutes), the duration of the intervention (i.e., number of weeks or months for which it is provided), and other factors, including the nature of the intervention, the knowledge and experience of the teacher, and how time is used during each session (Vaughn & Linan-Thompson, 2003).

   - Provide training and ongoing support for the teachers via interventionists (i.e., reading coaches, Title I personnel, or para educators) who provide the small-group instruction.

Training for teachers and other school personnel who provide the small-group interventions should also focus on how to deliver instruction effectively, independent of the particular program emphasized. It is important that this training include the use of the specific program materials the teachers will use during the school year. But the training should also explicitly emphasize that these instructional techniques can be used in other programs and across other subject areas.

3. Provide extensive and varied vocabulary instruction

   - Adopt an evidence-based approach to vocabulary instruction.
   - Develop district wide lists of essential words for vocabulary instruction. These words should be drawn from the core reading program and from the textbooks used in key content areas, such as science and history.
   - Vocabulary instruction for English learners should also emphasize the acquisition of meanings of everyday words that native speakers know and that are not necessarily part of the academic curriculum.

4. Develop academic English

   - Adopt a plan that focuses on ways and means to help teachers understand that instruction to English learners must include time devoted to development of academic English. Daily academic English instruction should also be integrated into the core curriculum.
   - Teach academic English in the earliest grades.
   - Provide teachers with appropriate professional development to help them learn how to teach academic English.
   - Consider asking teachers to devote a specific block (or blocks) of time each day to building English learners' academic English.

5. Schedule regular peer-assisted learning opportunities

   - Develop plans that encourage teachers to schedule about 90 minutes a week with activities in reading and language arts that entail students working in structured pair activities.
   - Also consider the use of partnering for English language development instruction.

Appendix 3.2: Cumulative File Check

Please use date format: mm/dd/yyyy

Student: ID:

Teacher: Grade: Date:

Home Language(s):

English Learner: ◯ Yes ◯ No Date of Birth:

ELPAC Scores: Date: Overall Score:

Listening: Speaking: Reading: Writing:

Person Filling Out Form: Position:

Check cumulative file for the following:

Cumulative File Present: ◯ Yes ◯ No Contact Date:

Schools Attended:

Registration Clerk:

IEP Exists: ◯ Yes ◯ No Contact Date:

Education Specialist/Administrator/Parent:

Evidence of Problem Solving Team/SST/RtI meeting: ◯ Yes ◯ No Contact Date:

School Counselor/Administrator/Parent:

Hearing/Vision/Health Concerns: ◯ Yes ◯ No Contact Date:

Nurse/Parent:

Attendance/Tardiness Concerns: ◯ Yes ◯ No Contact Date:

Attendance Clerk/School Counselor/Parent:

Fine/Gross Motor Concerns: ◯ Yes ◯ No Contact Date:

Occupational Therapist/Adapted PE Teacher/Parent:

Speech/Language Concerns: ◯ Yes ◯ No Contact Date:

Speech-Language Pathologist/Parent:

ELD Instruction/Supplemental Support: ◯ Yes ◯ No

How long?:

English Learner Support Teacher/Administrator/Parent:

Participation in Counseling: ◯ Yes ◯ No Contact Date:

School Counselor/Administrator/
School Psychologist/Parent:

Behavior Concerns: ◯ Yes ◯ No Contact Date:

Previous Teacher/School Counselor/Parent/
Administrator/School Psychologist:

Testing History Reviewed: ◯ Yes ◯ No Contact Date:

Administrator/Previous Teacher:

Report Cards Reviewed: ◯ Yes ◯ No Contact Date:

Administrator/Previous Teacher:

Retained: ◯ Yes ◯ No Contact Date:

Grade Retained:

Administrator:

Student Strengths:

Description of
Concern(s):

Appendix 3.3: English Learner Extrinsic Factors

Please use date format: mm/dd/yyyy

Student: ID:

Date: Home Language(s):

School: Years in US Schools:

Teacher: Grade:

English Learners (ELs) frequently have a wide variety of extrinsic factors impacting their lives and consequently their participation and progress in the US educational system. Only a small percentage of ELs have an intrinsic disability. Factors that are specific to ELs are the differences they experience in their environment, such as culture, language, and exposure to academics. These differences must be examined at an individual level, given specific familial, regional, and other influences, which will reveal a unique set of cultural and linguistic strengths. Therefore, ***it's imperative to investigate extrinsic factors*** *that will better inform our instruction and interventions.*

Staff is to complete information in all sections. Include parent/guardian participation via attendance at pre-referral meetings, phone conversations, home visits and/or conferences, using an interpreter when necessary. Use RtI² to begin to rule out extrinsic factors as **primary** contributors to academic, behavioral and/or English language development concerns. Document interventions and their outcomes on the *Intervention Summary*.

SECTION A: Physical and Psychological Factors that May Impact Learning

Yes	No	Investigating	
◯	◯	◯	Does the student have access to healthcare?
◯	◯	◯	Are the student's basic nutritional needs being met?
◯	◯	◯	Do the results of hearing and vision checks reveal results within normal limits?
◯	◯	◯	Does the student have a history of ear infections, allergies, or ear tubes?
◯	◯	◯	Might the student have an untreated medical condition causing pain (as a result of dental cavities, exposure to chemicals, quality of water, etc.)?

Yes	No	Investigating	
◯	◯	◯	Does the family living arrangement impact the student's learning?
◯	◯	◯	Has student experienced traumatic events, such as warfare, natural disasters, terrorist incidents, extreme poverty, experiences in refugee camps, serious accidents, or personal assaults/abuse?
◯	◯	◯	Is there a physical condition or affective barrier (anxiety, apathy, stress) that impacts the student's learning?
◯	◯	◯	In the school environment, is the student impacted by his/her cultural diversity, difference of status, linguistic differences, relocation or resettlement, and social or cultural isolation (consider self-esteem and sense of belonging)?

Other physical or psychological factor(s) affecting the student:

Strengths revealed:

Areas identified for intervention:

SECTION B: Personal and Cultural Factors that May Impact Learning

Yes	No	Investigating	
◯	◯	◯	Has student moved schools frequently?
◯	◯	◯	Has student endured separation from family members (e.g., parent(s) living abroad, immigration, military deployment, divorce)?
◯	◯	◯	Are there economic circumstances affecting achievement in school (consider economic barriers, changes from home country socioeconomic status)?
◯	◯	◯	Have traditional hierarchical roles shifted within the family (e.g., student taking on more responsibility with childcare, interpreting, etc.)?

Yes	No	Investigating	
◯	◯	◯	Are gender and/or birth order expectations of the home impacting learning?
◯	◯	◯	Do language barriers exist within the family (e.g., student no longer speaks home language proficiently enough to speak with parents and extended family)?
◯	◯	◯	Is family support available to the student (e.g., academic support, homework routines)?
◯	◯	◯	Has the student's family had access to community support systems?
◯	◯	◯	Is the family a member of a community that shares its language and culture?
◯	◯	◯	Has the team examined what motivates and interests the student?

Other personal and cultural factor(s) affecting the student:

Strengths revealed:

Areas identified for intervention:

SECTION C: Language Development Factors that May Impact Learning

Yes	No	Investigating	
◯	◯	◯	Is there evidence that the student has received systematic English Language Development (ELD) instruction?
◯	◯	◯	Does the teacher use explicit oral and written language models in every lesson?
◯	◯	◯	Are the oral and written language models at and slightly above the student's language level?

Yes	No	Investigating	
◯	◯	◯	Has the student been shown how language works to express ideas, intentions, and information?
◯	◯	◯	Are there opportunities for the student to interact and talk in at least 3 lessons a day?
◯	◯	◯	Are a variety of talk structures used in the classroom (e.g., partner talk, small group, large group, teacher directed, student directed) every day?
◯	◯	◯	If grammar and vocabulary errors affect meaning, does the student receive positive and explicit feedback?
◯	◯	◯	Is sufficient wait-time (average 3-5 seconds) given to the student before responses are expected?
◯	◯	◯	Is there a match between student's instructional language level and classroom demands?
◯	◯	◯	Is there listening and speaking data from all languages?
◯	◯	◯	Is there reading and writing data from all languages of instruction?
◯	◯	◯	Has available data related to the student's language development (ELPAC, IPT, Curriculum-Based Assessments, ELD standard goals, etc.) been collected and reviewed?
◯	◯	◯	Has language information been gathered from various contexts (home, playground, classroom) and sources (parent, teacher, other staff)?

Other language development factor(s) affecting the student:

Strengths revealed:

Areas identified for intervention:

SECTION D: Previous and Current Learning Environment Factors that May Impact Learning

Yes	No	Investigating	
◯	◯	◯	Were there similar concerns in any previous school environment?
◯	◯	◯	Did the student receive instruction in English during his/her previous school experience?
◯	◯	◯	Was the student ever formally instructed in his/her primary language?
◯	◯	◯	Have the previous and current instructional programs (i.e., Structured English Immersion, Mainstream English Cluster) matched the student's English language proficiency level?
◯	◯	◯	Has the student moved between different types of instructional programs (e.g., Bilingual, Structured English Immersion)?
◯	◯	◯	Have there been any limited educational opportunities related to attendance, tardies, gaps in instruction, and time in school, district, or country?
◯	◯	◯	Has instruction been differentiated for the student's learning style and level of language acquisition every day? Check off instructional techniques tried:

- ☐ Variety of speech patterns (e.g., intonation, rate, repetition)
- ☐ Experiential techniques (e.g., manipulatives, hands-on activities, movement)
- ☐ Visual supports (e.g., objects, gestures, graphic organizers)
- ☐ Alternative ways to respond (e.g., home language, signals) to ensure participation
- ☐ Flexible group structures (e.g., pairs, cooperative groups)
- ☐ Vocabulary scaffolded for student's prior knowledge
- ☐ Student strengths incorporated in all subject areas
- ☐ Components of literacy explicitly taught in a meaningful and contextual manner
- ☐ Checks for understanding of all lesson objectives

Yes	No	Investigating	
◯	◯	◯	Have work samples been used to compare the student to peers from similar backgrounds?
◯	◯	◯	Has performance across content areas been considered?
◯	◯	◯	Have a variety of methods (classroom performance, district and state data) been used to investigate academic performance in all languages?

Other learning environment factor(s) affecting the student:

Strengths revealed:

Areas identified for intervention:

Appendix 3.4: English Learner Intervention Summary

Please use date format: mm/dd/yyyy

Student: ID:

Date: School: Grade:

Teacher: Program Type:

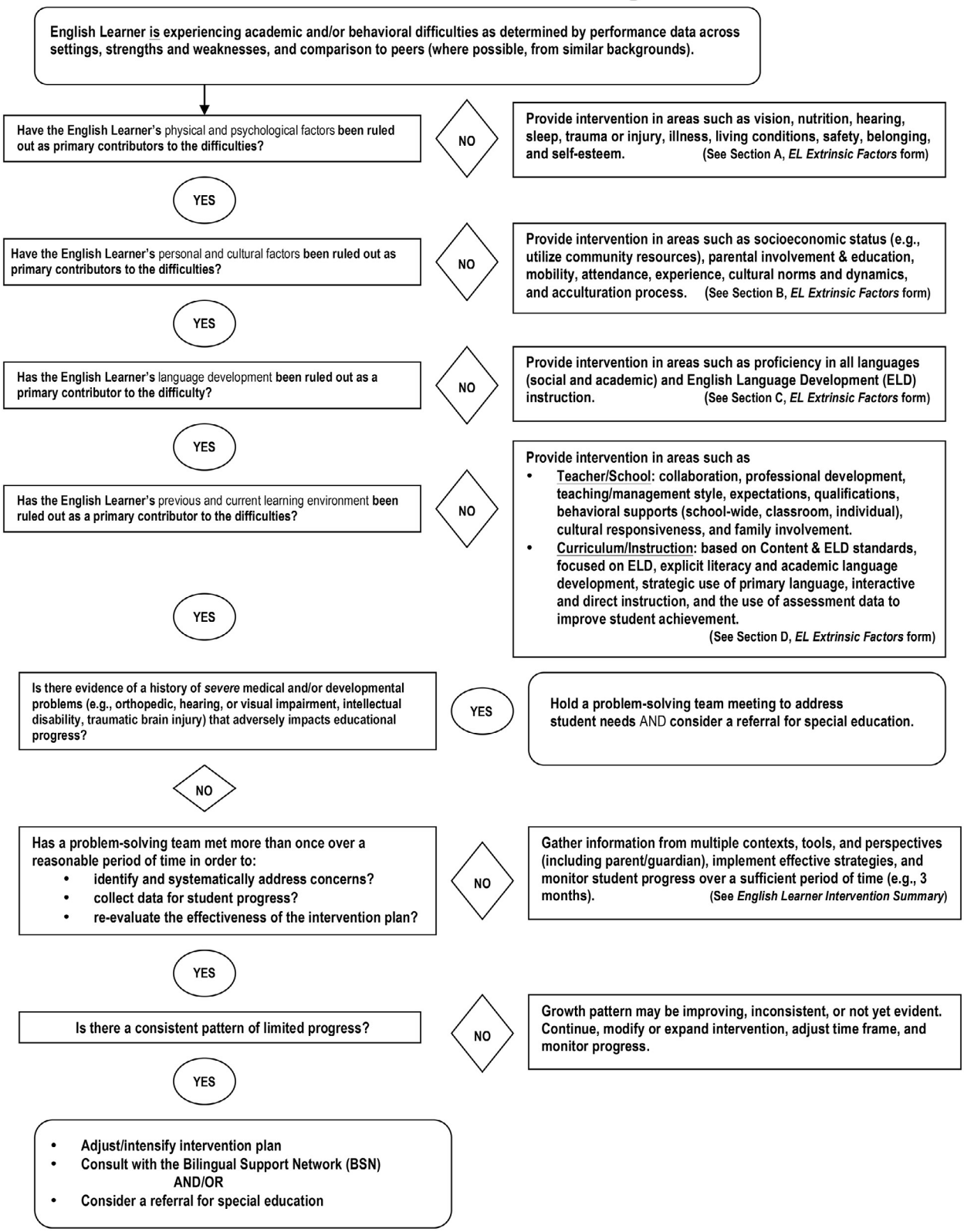
Student strengths:

Area of concern:	**Intervention:**	**Outcomes/dates:**
Extrinsic factors (refer to EL extrinsic factors form)		
Academic concerns in comparison to peers (when possible, from similar backgrounds)		
Behavior concerns that impact achievement of Grade-level standards (observable and measurable)		

Comprehensive Evaluation Process for English Learners (CEP-EL) SDUSD
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Appendix 3.5: English Learner Initial Referral and Decision Making Process



Top of the chart begins with the problem: "English learner 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). Proceed to the first question."

Leads to the first question:

1. "Have the English Learner's physical and psychological factors been ruled out as primary contributors to the difficulties?"

    a. If no, "Provide intervention in areas such as vision, nutrition, hearing, sleep, trauma or injury, illness, living conditions, safety, belonging, and self-esteem. (See Section A, EL Extrinsic Factors form)"

    b. If yes move to the next question:

2. "Have the English Learner's personal and cultural factors been ruled out as primary contributors to the difficulties?"

    a. If no, "Provide intervention in areas such as socioeconomic status (e.g., utilize community resources), parental involvement & education, mobility, attendance, experience, cultural norms and dynamics, and acculturation process. (See Section B, EL Extrinsic Factors form)"

    b. If yes move to the next question:

3. "Has the English Learner's language development been ruled out as a primary contributor to the difficulty?"

    a. If no, "Provide intervention in areas such as proficiency in all languages (social and academic) and English Language Development (ELD) instruction. (See Section C, EL Extrinsic Factors form)"

    b. If yes, move to the next question:

4. "Has the English Learner's previous and current learning environment been ruled out as a primary contributor to the difficulties?"

    a. If no, "Provide intervention in areas such as:

        i. Teacher/School: collaboration, professional development, teaching/management style, expectations, qualifications, behavioral supports (school-wide, classroom, individual), cultural responsiveness, and family involvement.

        ii. Curriculum/Instruction: based on Content & ELD standards, focused on ELD, explicit literacy and academic language development, strategic use of primary language, interactive and direct instruction, and the use of assessment data to improve student achievement."

    b. If yes move to the next question:

5. "Is there evidence of a history of severe medical and/or developmental problems (e.g., orthopedic, hearing, or visual impairment, intellectual disability, traumatic brain injury) that adversely impacts educational progress?"

    a. If yes, "Gather information from multiple contexts, tools, and perspectives (including parent/guardian), implement effective strategies, and monitor student progress over a sufficient period of time (e.g., 3 months). (See English Learner Intervention Summary)"

    b. If no, proceed to the next question:

6. "Has a problem-solving team met more than once over a reasonable period of time in order to:

    a. identify and systematically address concerns?

    b. collect data for student progress?

    c. re-evaluate the effectiveness of the intervention plan?"

        i. If no, "Hold a problem-solving team meeting to address student needs AND consider a referral for special education."

        ii. If yes, proceed to the next question:

7. “Is there a consistent pattern of limited progress?”

    a. If no, “Growth pattern may be improving, inconsistent, or not yet evident. Continue, modify or expand intervention, adjust time frame, and monitor progress.”

    b. If yes,

        i. “Adjust/intensify intervention plan

        ii. Consult with the Bilingual Support Network (BSN) and/or

        iii. Consider a referral for special education”

Appendix 4.1: Potential Bilingual Assessment Tools Inventory

Source: J. Butterfield, G. Lopez, and L. Gonzalez, Meeting the needs of English learners with disabilities resource book (Sacramento, CA: SELPA Administrators of California Association, 2017). Accessible at: http://bit.ly/302m412.

*Potential Bilingual Assessment Tools**

Compiled by Jarice Butterfield, Ph. D.

I. Potential Language Assessment Tools

Test Name & Publisher	Age/Grade	Description
Peabody Picture Vocabulary Test 3rd Ed. (PPVT) **Pearson Assessment**	Ages 2.5-40	Receptive verbal and non-verbal language assessment
Dos Amigos **Academic Therapy Publications**	Ages 6-12	Verbal language & dominance assessment
Test de Vocabulario en Imagenes Peabody (TVIP) **Western Psychological Services (WPS)**	Ages 2.6-17.11	A measure of Spanish vocabulary based on the PPVT
The Bilingual Verbal Ability Test (BVAT) **Riverside Publishing**	Ages 5-adult	Verbal ability measured in 17 languages
Expressive One-Word Picture Vocabulary Test-R (EOWPVT-R-SBE) Spanish-Bilingual Edition **Riverside Publishing**	Ages 2-18+	Expressive vocabulary assessment in Spanish
Receptive One-Word Picture Vocabulary Test-R (ROWPVT-R-SBE) Spanish Bilingual Edition **Riverside Publishing**	Ages 2-18+	Receptive vocabulary assessment in Spanish
Clinical Evaluation of Language Fundamentals (CELF IV) **Pearson Assessment**	Ages 5-21	Receptive & expressive language assessment in Spanish and English
Test of Auditory Processing 3 (TAPS 3) **Academic Therapy Publications**	Ages 4-18	Assessment of auditory processing skills in Spanish and English
Goldman-Fristoe La Meda (articulation) **Pearson Assessment**	Ages 2-90	Assessment of articulation in Spanish and English
Woodcock-Munoz Language Survey (WMLS-R) **Riverside Publishing**	Ages 2-90	Language proficiency assessment in English, Spanish, & other languages

Test Name & Publisher	Age/Grade	Description
Idea Proficiency Test (IPT II) **Ballard & Tighe Publishers**	Grades 7-12	English oral language proficiency assessment of students who are native speakers of other languages
Contextual Probes of Articulation Competence – Spanish (CPAC-S) **Super Duper Publications**	Ages 3-8.11	Test of phonology and articulation skills in Spanish
Dos Amigos **Academic Therapy Publications**	Grades 6-12	Verbal language & language dominance assessment
ADEPT	Grades K-8	Aligned to CELDT

II. Potential Bilingual Cognitive Assessment Tools

Test Name & Publisher	Age/Grade	Description
The Bilingual Verbal Ability Test (BVAT) **Riverside Publishing**	Ages 5-adult	Verbal ability assessment in 17 languages
K-ABC (English & Spanish) **Pearson Assessment**	Ages 3-18	Cognitive & achievement assessment
Bateria' III Woodcock-Munoz – Riverside Publishing **Riverside Publishing**	Ages 2-90	Cognitive & achievement assessment in Spanish
WISC IV – Spanish **Pearson Assessment**	Ages 6-16.11	Cognitive / intellectual ability assessment
Southern California Ordinal Scales of Cognition (SCOSC) **Foreworks Publisher (for the California Department of Education)**	Ages Un-specified	Developmental language assessment – oral and gestural (for exceptional learners)
Cognitive Assessment System CAS **Riverside Publishing**	Ages 5-17.11	Cognitive ability assessment and predictor of achievement – appropriate for culturally diverse children

III. Potential Non-Verbal Cognitive Assessment Tools

Test Name & Publisher	Age/Grade	Description
The Universal Nonverbal Intelligence Test (Unit) **Riverside Publishing**	Ages 5-17+	Non-verbal ability test
Bender Visual Motor Gestalt Test **Pearson Assessment**	Ages 3-adult	Visual-motor integration test
Naglieri Nonverbal Abilities Test (NNAT) **Pearson Assessment**	Ages 5-18	Non-verbal ability test
Test of Non-verbal Intelligence (CTONI) **Pearson Assessment**	Ages 6-89	Non-verbal ability test
Leiter **Western Psychological Services (WPS)**	Ages 2-20	Totally non-verbal measure of non-verbal ability (for both examiner and student)
Test of Visual Perceptual Skills (TPVS) III **Western Psychological Services (WPS)**	Ages 4-18	Perceptual skills assessment separate from motor skills
DAYC – 2	Ages 0-5	Measures Social, Cognitive, Adaptive, and Communication Functioning www4.parinc.com/Products/Product.aspx?ProductID=DAYC-2

IV. Potential Bilingual Social-Emotional Related Assessments

Test Name & Publisher	Age/Grade	Description
Behavior Assessment System for Children (BASC-2) Spanish **Pearson Assessment**	Ages 2-2.11	Comprehensive rating scales and forms to assess behavior and emotionality
Vineland Adaptive Behavior Scales II – Spanish **Pearson Assessment**	Ages 3-18.11	Assessment of personal adaptive and social skills
Acculturation Rating Scale for Mexican Americans II (ARSMA-II) **Israel Cuellar, Ph. D.**	Ages 11-18+	Multi-factorial assessment of cultural orientation
Social Skills Input System (SSIS) – Spanish **Pearson Assessment**	Ages 3-18	Social skills and behavior assessment
Connors-3 Spanish (CPT-3; CBRS, CDI-2, and EC) **Pearson Assessment**	Ages 6-17	Assessment of attention deficit (ADD) and behavior

V. Potential Academic Bilingual Assessment Tools

Test Name & Publisher	Age/Grade	Description
Bateria III Woodcock-Muñoz **Riverside Publishing**	Ages 2-90+	Cognitive, achievement, and oral language in Spanish
Language Assessment Scales (LAS) **CTB McGraw-Hill**	Ages 6-18	Listening, speaking, reading, writing
Brigance Assessment of Basic Skills – R Spanish Edition **Curriculum Associates**	Grades PreK-9	Assesses 26 criterion referenced academic skills areas in Spanish to include reading, writing, and math
Kaufman Assessment Battery for Children (K-ABC) **Pearson Assessment**	Ages 3-18	Cognitive, achievement, and oral language in Spanish
Dibels (IDEL) in Spanish **University of Oregon**	Grades K-6	Measures reading skills in Spanish

Test Name & Publisher	Age/Grade	Description
Boehm Test of Basic Concepts Revised (BTBC-R) Spanish Edition **The Psychological Corporation**	Grades K-2	Assesses basic conceptual development in Spanish
Bracken Basic Concept Scale – 3 Revised Spanish Edition **Pearson Assessment**	Ages 3.0-6.11	Basic concept acquisition and receptive language assessment
Aprenda 3: La prueba de logros en espanol, Segunda edicion **Pearson Assessment**	Grades K-12	Standardized assessment of achievement I Spanish

VI. Potential Speech & Language Assessment Tools

Test Name & Publisher	Age/Grade	Description
Peabody Picture Vocabulary Test 3rd Ed. (PPVT) **Pearson Assessment**	Ages 2.5-40	Receptive verbal and non-verbal language assessment
Dos Amigos **Academic Therapy Publications**	Ages 6-12	Verbal language & dominance assessment
Peabody Picture Vocabulary Test (PPVT - 4) **Pearson Assessment**	Ages 2.5-90	Receptive language verbal/non-verbal skills
Dos Amigos **Academic Therapy Publications**	Ages 6-12	Verbal language & language dominance
Test de Vocabulario en Imagenes Peabody (TVIP) **Western Psychological Services (WPS)**	Ages 2.6 – 17.11	Vocabulary of Spanish-speaking and bilingual students
The Bilingual Verbal Ability Test (BVAT) **Riverside Publishing**	Ages 5-adult	Verbal ability in 17 languages
Woodcock-Munoz Language Survey **Riverside Publishing**	Ages 2-90	Language proficiency in English, Spanish & other languages
Clinical Evaluation of Language Fund (CELF IV) **Pearson Assessment**	Ages 5-21	Receptive & expressive language in Spanish

Test Name & Publisher	Age/Grade	Description
Contextual Probes of Articulation Competence – Spanish (CPAC-S) **SuperDuper Publications**	PreK-adult	Test of phonological / articulation skills in Spanish
Expressive One Word Picture Vocabulary Test (EOWPVT-SBE) Spanish-Bilingual Edition **Academic Therapy Publications**	4-12	Expressive vocabularies of individuals bilingual in Spanish
Receptive One word Picture Vocabulary Test (ROWPVT-SBE) Spanish-Bilingual Version **Academic Therapy Publications**	4-12	Receptive vocabularies of individuals bilingual in Spanish
Test of Auditory Processing (TAPS 3) English & Spanish **Academic Therapy Publications**	Ages 5.0 – 18.11	Auditory processing skills; reviewed by Spanish-bilingual testing professionals.
Idea Proficiency Test (IPT – II) **Ballard & Tighe Publishers**	Grades 7-12	English oral language proficiency of students who are native speakers of other languages
Speech Pre School Language Schools (PLS – 5) Spanish & English **Pearson Assessment**	Birth – 7.11	Total language, auditory comprehension, expressive communication, standard scores, growth scores, percentile ranks, language age equivalents
Bilingual English Spanish Assessment (BESA) www.ar-clinicalpubl.com	Ages 4-6.11	Assessment of language development (phonology, orphosyntax, semantics) in Spanish-English bilingual children
Systematic Analysis of Language Transcripts (SALT) www.saltsoftware.com	All ages and grades	Analysis of language samples compared to a norm in Spanish and English

**Please note: This chart is provided as a resource. Prior to using any of these assessment tools, the IEP team should review any tool and make sure it is appropriate for the student.*

Appendix 4.2: English Learner–Parent Questionnaire

Please use date format: mm/dd/yyyy

Student: ID:

School: Grade:

Parent/Guardian: Date:

Student L1 (Language other than English):

Language Development

1. Which language did your child first learn to speak? ◯ English ◯ L1 ◯ Both

2. Was your child's language development in his/her first language similar to that of…

   his/her siblings? ◯ Yes ◯ No If no, please explain:

   other children his/her age? ◯ Yes ◯ No If no, please explain:

3. Describe any difficulties, if any, your child experiences with language:

Language Usage

1. What is the primary language used by adults in the home? ◯ English ◯ L1 ◯ Both

2. What language do you use most often to speak to your child? ◯ English ◯ L1 ◯ Both

3. What language does your child use most...

   when speaking to adults in the home? ◯ English ◯ L1 ◯ Both

   when speaking to his/her siblings? ◯ English ◯ L1 ◯ Both

   when speaking to friends in the neighborhood? ◯ English ◯ L1 ◯ Both

4. Does your child understand when you speak to him/her in the L1? ◯ Yes ◯ No

Language Instruction

1. Has your child received instruction in L1? ◯ Yes ◯ No
   If so, when did this instruction begin, and for how long did it take place?

2. Can your child read and write in L1? ◯ Yes ◯ No

3. *(If new to school)* Previously, has your child received instruction in English? ◯ Yes ◯ No
   If so, when did this instruction begin and for how long?

Appendix 4.3: English Learner Student Questionnaire: Language-Use

Please use date format: mm/dd/yyyy

Student: ID:

Student L1 (Language other than English):

Age: Grade:

Examiner Name: Date:

1. I first learned to speak in:	◯ English	◯ L1	◯ Both	
2. I feel more comfortable speaking:	◯ English	◯ L1	◯ Both	
3. If I had to tell what I did over the weekend, would it be easier in:	◯ English	◯ L1	◯ Both	
4. If someone told me a story, would it be easier for me to understand in:	◯ English	◯ L1	◯ Both	
5. At home, with my parents, I speak most of the time in:	◯ English	◯ L1	◯ Both	
6. At home, with my brothers and sister, I speak most of the time in:	◯ English	◯ L1	◯ Both	
7. In the neighborhood, with my friends, I speak most of the time in:	◯ English	◯ L1	◯ Both	
8. At school, in the classroom with my teacher, I mostly speak:	◯ English	◯ L1	◯ Both	
9. At school, in the *classroom* with my friends, I mostly speak:	◯ English	◯ L1	◯ Both	
10. At school, on the *playground* with my friends, I mostly speak:	◯ English	◯ L1	◯ Both	
11. When I watch TV, I like to watch TV shows in:	◯ English	◯ L1	◯ Both	
12. I think to myself (for example, count) in:	◯ English	◯ L1	◯ Both	
13. Do you miss things the teacher says because you do not understand what was said?	◯ Yes	◯ No		
14. Does the teacher speak too fast for you to understand the assignment/directions?	◯ Yes	◯ No		

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Appendix 4.4: English Learner Teacher Questionnaire

Please use date format: mm/dd/yyyy

Student: ID:

Student L1 (Language other than English):

Teacher Name: Grade:

Interviewer Name: Date:

ELPAC Proficiency Level Results: L: S: R: W: Overall:

Student's Language Skills

1. What language does the student speak most in the classroom with the teacher?
2. What language does the student speak most in the classroom with peers?
3. What language does the student speak most on the playground?
4. What language does the student appear to speak more proficiently, if known?
5. What language does the student appear to understand more easily, if known?
6. How often does the student use L1 (primary language) when communicating in English?
7. Does the student appear reluctant or hesitant to use English as a mode of communication?
8. How well does the student socially communicate basic needs and wants, and carry on basic interpersonal conversations?

9. How well does the student utilize the grammar and vocabulary related to academic tasks?

10. How well does the student understand and express ideas and feelings?

11. In English, does the student speak in single words, phrases, or complete sentences?

12. In L1, does the student speak in single words, phrases, or complete sentences, if known?

13. Does the student need instructions or directions to be repeated or clarified regularly?

14. Are there concerns regarding language development in L1?

15. Does the student learn nonverbal concepts (e.g., math) more easily than verbal concepts?

16. Please share any pertinent background information:

Classroom Instruction

1. In what language is classroom instruction?

2. Is primary language support provided? If so, describe by whom, how much, and what it looks like?

3. Does the student receive English language development? If so, describe by whom, how much, and what it looks like.

Appendix 4.5: Transdisciplinary Observations[A]

Source: A. Gaviria, and T. Tipton (2012, updated 2016). CEP-EL: A comprehensive evaluation process for English learners: A process manual. San Diego: San Diego Unified School District. Accessible at: http://bit.ly/2J3DOE8

Perhaps the best way of actually acquiring information is through systematic and direct observation. This method of data collection has many advantages. It is the most authentic of the assessment technologies, it enables the observer to focus on actual and relevant behaviors (in context), and it provides insightful and reflective data. There are some disadvantages as well. When conducting an observation, be mindful of invasiveness. The observer's presence can have an impact on teacher and student behavior. Also, it requires objectivity. Any observer in any of the three types of observations should record only what is seen—"just the facts!" Observers should think of themselves as a video camera, avoiding opinions, interpretations, and impressions. Instead of writing down things like "He seems . . .

She is trying . . . It looks like he avoids . . . She doesn't like . . . I believe he can't . . ." quote the child or teacher. Write exactly what the child or adult says, and use quotation marks. Be positive. If the behavior is negative, state what occurred exactly as it occurred, without opinion or judgment. Three types of observations will be described briefly here. They are anecdotal observations, narrative recording, and participant observation.

Anecdotal Observations

Anecdotal observations are "slices" of the life of the student in the classroom or other relevant setting. The observations describe what a child does, but to be useful as an assessment tool, they should be factual and nonjudgmental. They should be accurate observations of what a child is doing, written in a brief narrative form. The examiner may ask a parent, teacher, or teacher's aide to conduct the anecdotal observation. It is designed to collect "anecdotes" or examples of behavior. It assists with triangulation of data and allows the collection of data from the perspective of the collector. Give the data collector a clipboard and paper. Ask him or her to do the following: "Over the next week, if Student X does or says something that 'catches your ear,' 'grabs your eye,' or 'gets your attention,' and you have the time, write it down. Note your name, the date, the time, and the context as well." If possible, show the observer some anecdotal observation records and collect the observations promptly after they are made.

A From Dunaway, C., Kenny, E., Chandler, M.K., *Forming Transdisciplinary Teams: Performance-Based Assessment*. San Diego Unified School District, 2006.

Narrative Recording

When making a narrative recording, the observer operates as a passive observer who simply observes and records. The observer takes detailed notes during the observation. In this type of observation, the observer has the opportunity to write a narrative about the observations and tends to focus more on the context, as there is more time to observe. Sometimes a narrative observation will turn into a participant observation.

Participant Observation

In the more active participant observation, the observer may take part in various ways in the activity being observed. The observer may serve as a helper or in a supportive role to the leader of the activity. Since the observer is participating, the notes taken may be shorter and more "cryptic" in nature. Sometimes the notes serve as a "memory book" for the observer. During the participant observation, the observer creates field notes, which she or he should expand on soon after the observation. It is best to let the data reveal itself—an interpretive methodology.

Some Practical Suggestions for Narrative and Participant Observation

It is best to plan with the teacher beforehand so that the interaction/observation can be more natural. The observation should be done in a typical classroom or other relevant context. The observer should verify how well the observation represents the actual performance of the student with the teacher. The observer should try not to focus excessively on the student. The student should not know that the observer is there for him or her. Observe over several periods until you see patterns. Observe in different contexts with different observers. This helps triangulate the data. Try to let the data reveal themselves; discover the unexpected—which may be important! Focus primarily on behaviors. Look at reactions, task orientations, interactions, and flexibility of the child.

Make comparisons with other students. Use nonjudgmental descriptions and numbers. Try to determine what the child does and likes to do. Who does she or he like to be with and interact with? How does he or she interact with others, and how do others interact with her or him?

When analyzing observation data, review the notes to determine the significance of the observed behaviors. Try to determine the relationships among the observed behaviors. Try to determine the significance of the behaviors observed and not observed, and what facilitates or compromises performance in the classroom by the child.

Appendix 4.6: English Learner Classroom Observation Checklist

Please use date format: mm/dd/yyyy

School: Observer:

Teacher Name: Grade:

Date & Time: Subject/Period:

Activity:

Environment observations

Schedule visible

Risk taking, safe

Models of student work displayed

Relevant, engaging, & useful visuals

Experiential lessons evident (visual, auditory, kinesthetic)

Student centered & culturally relevant

High expectations present

Instruction observations

Clearly defined objectives

Flexible grouping used (pairs, cooperative groups)

Builds on background knowledge

Meaningful & contextualized activities

Explicit instruction/Comprehensible input given

Vocabulary development is scaffolded

Models expected language use

Give opportunities to practice modeled language

Visual prompts provided

Classroom supports used (manipulatives, realia)

Check for understanding

Extra wait time allowed for processing

Alternative ways to respond used/accepted

Student observations

Engaged in active listening

Involved in structured/unstructured talk

Active participants in learning

Receive positive & specific feedback

Comments

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Appendix 4.7: Focused Observation of English Learner during English Instruction

Please use date format: mm/dd/yyyy

Student:

Teacher Name:

Date: Start Time: End Time:

Lesson Context and Purpose:

Observer Name:

ELPAC Proficiency Level Results: L: S: R: W: Overall:

Focused Observation of English Learner during English Instruction

What is the teacher doing? *(How meaningful and purposeful is the activity? How comprehensible is the input? What scaffolding strategies did you see? What are the opportunities for meaningful and purposeful interactions? How much supportive practice and application is there?)*

Behavioral Observations – Be Descriptive and Factual

Impressions/Interpretation – Look for Patterns

What is the student you are observing doing? *(How is the student responding to the instruction? What evidence do you have that the student comprehends the instruction? How is the student making meaning during the interaction? How does the student interact and learn with peers?)*

Behavioral Observations – Be Descriptive and Factual

Impressions/Interpretation – Look for Patterns

What are the other students doing? *(How are the other students responding to instruction? How are the other students responding to the student of interest? What are the English language levels of the other students? Try to compare student of interest with other students learning English.)*

Behavioral Observations – Be Descriptive and Factual

Impressions/Interpretation – Look for Patterns

Script Examples of Students Oral Language. *(Include what teacher or peer says before and after.)*

Behavioral Observations – Be Descriptive and Factual

Impressions/Interpretation – Look for Patterns

Any other observations about the student(s)?

Behavioral Observations – Be Descriptive and Factual

Impressions/Interpretation – Look for Patterns

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Appendix 4.8: Parent Report Individual Education Program Development

Student:

Parent/Guardian:

1. What are your hopes and dreams for your child?

2a. What are your child's strengths and interests at school?

2b. What are your child's strengths and interests at home?

3. What are your child's favorite subjects?

4. How does your child learn best?

5. What questions and/or concerns do you have?

6. What goals do you have for your child for the next year?

7. What hopes do you have for your child? Where do you see your child at age 25?

Appendix 5.1: IEP Team Checklist For English Learners (ELs)

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

1. The IEP indicates if the student is classified as an English learner.

   ◯ Yes ◯ No

   Comments:

2. The IEP includes the student's current level of English language proficiency in listening, speaking, reading, and writing (alternative assessment scores/levels).

   ◯ Yes ◯ No

   Comments:

3. The IEP indicates if the student requires alternate assessments to required statewide ELD assessments by domain, and if so, what the alternate assessments will be administered.

   ◯ Yes ◯ No

   Comments:

4. The IEP includes linguistically appropriate goals and objectives in areas of disability that involve language (if objectives are required) that reflect assessed English development levels).

   ◯ Yes ◯ No

   Comments:

5. The IEP indicates who will provide the ELD services in general education or special education.

   ◯ Yes ◯ No

   Comments:

6. Was the student assessed in their native language at the initial or triennial IEP (unless there is documentation that the student is processing commensurate in native language and English)?

   ◯ Yes ◯ No

   Comments:

7. The parent was offered an interpreter if their native language is not English (signature on IEP of interpreter, IEP note on IEP invite or referenced in IEP notes).

   ◯ Yes ◯ No

   Comments:

8. There is evidence the parent was informed they could request a written translation of the IEP in their native language.

   ◯ Yes ◯ No

   Comments:

Jarice Butterfield Revised 4-6-16 © Jarice Butterfield Ph.D.


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STATE OF CALIFORNIA