

Assessment and Identification of English Learners for Special Education

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Marin County SELPA
Assessment and Identification of English Learners for Special Education

Legal Requirements for Assessment of English Learners

Pursuant to the Code of Federal Regulations (34 CFR 300.304(c)(1)(i)(ii)), assessments and other evaluation materials used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis; and are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

California Education Code further stipulates that testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory. Assessments must measure the extent to which the student has a disability and requires special education, rather than measuring the student's English proficiency. (EC 56320)

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

Following are legal requirements for teams to consider prior to referring English learner students for special education, or when considering eligibility for special education:

1. "A pupil shall be referred for special education services only after the resources of the regular education program have been considered, and when appropriate, utilized" (EC 56303).
2. The normal process of second-language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a disabling condition (5 CCR 3023(b)).
3. A child may not be determined to be eligible for special education if the determinant factor for that eligibility determination is a lack of instruction in reading or math, or limited English proficiency (34 CFR 300.306(b)).

Staff Certification Requirements for Teaching English Learners

The California Commission on Teacher Credentialing (CTC) requires that teachers of English learners (ELs), to include special education teachers, attain English learner authorization. The type of certificate, permit, or credential required depends on the type of service and/or instruction being provided to ELs.

English Learners

Students designated as English learners (ELs) must be taught by certificated teachers with an appropriate English Learner (EL) authorization. EL services may fall under one of three types:

1. English Language Development (ELD) or English as a Second Language (ESL) is a content subject area. ELD is instruction appropriate for the level of language proficiency as identified for each EL student. The instruction is designed to promote

the effective and efficient acquisition of listening, speaking, reading, and writing skills of the EL student. Service is restricted to the grade level of the document.

2. Specially Designed Academic Instruction in English (SDAIE) is an instructional approach designed to increase the level of comprehensibility of the English language in the content area of the class. The specially designed content instruction in a subject, such as math or social science, is presented in English to English learners. A SDAIE authorization is restricted to instruction in the subject area and grade level of the teacher's prerequisite credential (as applicable).
3. Instruction in the Primary Language, or Bilingual Education, is a method where instruction is provided in both English and the EL student's primary language, clarifying and facilitating comprehension of content subject matter. Service is restricted to instruction in the subject area and grade level of the prerequisite credential (if applicable). The primary language is printed on the credential document.

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

Common English Learner Authorizations and the Services They Authorize

Credential	Authorization Code	English Learner Service(s)			
		Specially Designed Academic Instruction in English (SDAIE)	English Language Development (ELD) within content being taught	Departmentalized English Language Development (ELD)	Bilingual Instruction
Single Subject (All types)	ELA1	✓	✓	✓	X
	ELAS	✓	✓	X	X
	BA**	✓	✓	✓	✓
	R1WL/ELD	✓	✓	✓	X
Multiple Subject (All Types)	ELA1	✓	✓	✓	X
	ELAM	✓	✓	X	X
	BA**	✓	✓	✓	✓
Education Specialist (All Types)	ELA1	✓	✓	✓	X
	ELAE	✓	✓	X	X
	BA**	✓	✓	✓	✓
Designated Subjects: CTE	ELA1	✓	✓	✓ ¹	X
	S17C	✓	X	X	X
	BA**	✓	✓	✓	✓
Language Development Specialist ⁵	S22/S-22	✓	✓	✓	X
CLAD Certificate	ELA1	✓	✓	✓ ¹	X
CCSD Certificate	S17D	✓	✓ ²	X	X
	S17S	X	✓ ³	X	X
	S17A	✓	X	X	X
SB 1969 Certificate ⁴	NONE	✓	✓ ³	X	X
Bilingual Documents (Specialist, BCC, and BCLAD) ⁵	R-3/R3B				
	S6/S-6	✓	✓	✓	✓
	S14				

A "✓" indicates that the service is authorized. An "X" indicates that the service is not authorized.

**references the two letter code for the specific language authorized by the bilingual authorization. See the document's authorization statement for more information.

¹ Departmentalized ELD is not authorized if the prerequisite document is a Designated Subjects Adult Education Teaching Credential, Child Development Instructional Permit, or a Child Development Supervision Permit.

² Authorizes ELD within the content area being taught in a *Departmentalized Setting* only.

³ Authorizes ELD within the content area being taught in a *Self-Contained Setting* only.

⁴ Never resulted in the issuance of a certificate; the Commission served as repository of program completion information only. Employers must verify the original document to determine if the certificate authorizes SDAIE, ELD in a self-contained setting, or both.

⁵ These documents are no longer initially issued.