

# IDENTIFICATION AND ASSESSMENT OF ENGLISH LANGUAGE LEARNERS

3.1	<b>PURPOSE AND SCOPE</b> .....	3-1
3.2	<b>IDENTIFICATION AND REFERRAL OF ENGLISH LEARNERS SUSPECTED OF HAVING A DISABILITY</b> .....	3-1
3.3	<b>SPECIAL CONSIDERATIONS FOR EL STUDENTS PRIOR TO REFERRAL</b> .....	3-2
3.4	<b>STUDENT STUDY TEAM (SST)</b> .....	3-2
	3.4. A. SST TEAM MEMBERS.....	3-2
	3.4. B. SST RESPONSIBILITIES.....	3-3
3.5	<b>ASSESSMENT PROCEDURES FOR ENGLISH LEARNERS</b> .....	3-3
	3.5. A. PSYCHOEDUCATIONAL ASSESSMENTS.....	3-4
	3.5. B. OTHER PROCEDURES FOR GATHERING INFORMATION.....	3-4
	3.5. C. ADDITIONAL ASSESSMENT GUIDELINES.....	3-5
3.6	<b>PROGRAM OPTIONS</b> .....	3-6
	3.6. A. SPECIFIC PROGRAM OPTIONS FOR ENGLISH LEARNERS.....	3-6
3.7	<b>IEP DEVELOPMENT FOR ENGLISH LEARNERS WITH DISABILITIES</b> .....	3-7
	3.7. A. LINGUISTICALLY APPROPRIATE GOALS, OBJECTIVES AND PROGRAMS.....	3-8
	3.7. B. IEP CONSIDERATIONS FOR ENGLISH LEARNERS.....	3-8
	3.7. C. ADDITIONAL LINGUISTIC AND CULTURAL CONSIDERATIONS.....	3-9
	3.7. D. IEP ACCOMMODATIONS AND MODIFICATIONS.....	3-9
	3.7. E. IEP CHECKLIST FOR ENGLISH LEARNERS.....	3-9
	3.7. F. LINGUISTICALLY APPROPRIATE GOALS AND OBJECTIVES.....	3-10
	<b>APPENDIX A FREQUENTLY ASKED QUESTIONS</b> .....	3-12

## **IDENTIFICATION AND ASSESSMENT OF ENGLISH LANGUAGE LEARNERS**

### **3.1 PURPOSE AND SCOPE**

This chapter was developed to provide SELPA and LEA staff members with a concise, practical, and sequential approach to the identification, assessment, and programs for students with disabilities, who are English learners (EL). When considering possible special education and related services, extreme care must be taken to avoid the over-identification of students as having a disability, as well as the exclusion of English learners who may have a disability. With this in mind, two specific challenges are presented to educators:

1. To utilize appropriate assessment tools and procedures and to provide services in the least restrictive environment
2. To incorporate language and culture into a special education curriculum

All English learners must be properly identified. Identification includes the completion of the state-mandated Home Language Survey (HLS). The California English Language Development Test (CELDT) or Alternate Proficiency Instrument (ALPI) is administered to determine English proficiency. These assessments are to be done within 30 within 30 calendar days after the date of first enrollment in a California public school, or within 60 calendar days before the date of first enrollment, but not before July 1 of that school year" (EC 60810).

The CELDT has three purposes: (1) to identify students who are limited English proficient; (2) to determine the level of English language proficiency of students who are limited English proficient; and (3) to assess the progress of limited English proficient students in acquiring the skills of listening, reading, speaking, and writing in English. All ELs must be administered the CELDT annually. There are no parent waivers for taking CELDT.

The ALPI is used for students with severe disabilities to provide a primary language assessment in receptive and expressive language. Deaf and hard of hearing students may be informally assessed in American Sign Language (ASL). The student's IEP includes scores or levels in each of the assessments.

### **3.2 IDENTIFICATION AND REFERRAL OF ENGLISH LEARNERS SUSPECTED OF HAVING A DISABILITY**

Procedures for Identification and referral for special education and related services for all students are described in Chapter 1.

### 3.3 SPECIAL CONSIDERATIONS FOR EL STUDENTS PRIOR TO REFERRAL

Unless the student has a severe disability, including but not limited to severe vision and hearing impairments, severe physical impairment, severe intellectual disability, autism, or severe health impairment, the student should be allowed sufficient time to acquire English proficiency and receive appropriate academic instruction in English language arts and math. It is critical to differentiate between a student who is not achieving in the classroom because English is not his/her primary language, and a student who is not achieving due to a disability.

Following are some relevant sections of state and federal law that are particularly important in determining eligibility for special education instruction and services:

*Education Code (EC) 56303: "A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and when appropriate, utilized"*

*California Code of Regulations (CCR), Title 5 3023 (b) "The normal process of second language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a handicapping condition"*

*Federal Code of Regulations (CFR) a 300.534: "A child may not be determined to be eligible...if (i) the determinant factor for that eligible determination is ...1) lack of instruction in reading or math, or (2) limited English proficiency ... and (ii) the child does not otherwise meet the eligibility criteria under 300.7"*

### 3.4 STUDENT STUDY TEAM (SST)

The Student Study Team is designed to offer immediate assistance and suggestions for teachers, parents and support staff for an individual student who is not making progress or exhibiting various types of problems in the classroom and/or school. Through effective utilization of this team, many identification errors can be avoided. The Student Study Team serves as a group of professionals and parents, who will discuss pupil strengths and problems, as well as possible interventions.

#### 3.4. A. SST Team Members

Members of the team may include the following:

- At least one regular education teacher
- Bilingual personnel
- Principal or administrator
- Parent
- Special education specialist
- School psychologist
- School nurse
- Counselor or specialist

- Speech/language pathologist
- Interpreters (as needed)
- Student (as appropriate)
- Others

### **3.4. B. Student Study Team (SST) Responsibilities**

Referrals for special education assessment may be processed through the Student Study Team. The SST will review the student's strengths, concerns, prior interventions and modifications that have been considered, and/or utilized. The results of the interventions will be documented. A plan will be developed, listing additional interventions, and the individuals responsible for implementing them with a follow-up date to review the pupil's progress.

When a student who is an English learner is referred to the school site's SST, the first step is to gather information regarding the specific difficulty the student is experiencing. The second step is to look at why the student is having this difficulty. When gathering information about the specific difficulty an English learner is experiencing, there may be a tendency to describe general performance behaviors, such as, "The student is not making progress," "The student is below grade level," "The student is having problems reading," etc. Statements such as these do not describe the specific difficulty that has been observed, which then makes it difficult to design appropriate interventions. In addition, not knowing the specific difficulty an English learner is experiencing makes it a challenge to determine if the perceived weakness is due to extrinsic factors (e.g. inappropriate instruction, normal process of second language acquisition, lack of formal education, etc.) or a possible intrinsic factor (such as a learning disability, language disorder, etc.)

When describing the specific difficulty the English learner is experiencing, the difficulty needs to be measurable and observable. In addition, data must be collected about the identified difficulty across different contexts (such as different subject areas), in different environments (such as home and school), and in both the primary language and English.

After identifying what specific difficulty the student is experiencing, the next step is to find out why the student is having this difficulty. If an English learner is experiencing difficulties only in English, but not in the primary language, then the problem may be due to English language acquisition rather than an intrinsic disability.

### **3.5 ASSESSMENT PROCEDURES FOR ENGLISH LEARNERS**

After interventions have been utilized and programmatic changes have occurred, some students who have been referred to the SST will need a special education assessment. Special assessment requirements for students whose primary language is other than English are included in this section.

### 3.5. A. Psycho-Educational Assessments

Assessment requirements important to English learners include the following:

1. Assessments with pupils of limited English proficiency shall be administered in the child's native language or mode of communication, unless clearly not feasible to do so (EC 56320, EC 56001).
2. Assessments 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 may have been affected. (CCR, Title 5: 3023)
3. Materials are selected and administered so as not to be racially, culturally or sexually discriminatory (EC 56320, EC 56001).
4. A variety of assessment tools and strategies will be used to gather relevant functional and developmental information, including information provided by the parent (EC 56320).
5. No single procedure is used as the sole criterion for determining an appropriate educational program for an individual child (EC 56320, EC 56001).

The assessment team may include, but is not limited to:

- School psychologist
- Speech/language pathologist
- Regular education teacher(s)
- Special education specialist
- School nurse
- Bilingual specialist
- Principal/vice principal/counselor
- Parent

### 3.5. B. Other Procedures for Gathering Information

It is necessary to review existing procedures and their applicability for appropriate Identification and instructional planning. Appropriate standardized tests are often not available in all languages. A broader variety of methods are necessary to obtain the information needed to determine if the referred student is, in fact, an individual with a disability.

Following is a brief overview of four assessment procedures.

1. Norm-referenced Tests: The norm-referenced test measures an individual's performance in relation to others on the same instrument. Key words often associated with this type of testing include: reliability, validity, and standardization. When using this type of test, it is critically important that the pupil being tested comes from a background (e.g., language, socioeconomic status) similar to that of the pupils on which the norms were derived is questionable. This often is the case with English learners.
2. Criterion-Referenced Tests: The criterion referenced test breaks down an area and measures what a student can do on each task in that area. No comparison of one student's performance with the performance of the group can be made. This type of testing gives yes/no answers to instructional questions (e.g. Can the student tell time by the ½ hour?) With this information, curricular suggestions can be made leading to specific goals and objectives.
3. Systematic Observation: This alternative assessment encourages the direct study of the referred student in a wide variety of settings. In systematic observation, one selects a specific behavior to observe, selects an appropriate measuring technique, depicts what is seen in the observation, and makes interpretations. Since the student is in his/her natural environment, it is possible to obtain a better picture of what the student is actually doing while using his/her own peer group as a backdrop. However, the presence of an observer may alter the environment and thus affect the validity of the behavior observed.
4. Structured Interview: This alternative assessment technique provides for a broad range of information collection. It is designed to incorporate the expectations and concerns of all those who are associated with the referral. Additionally, interview based assessments allow for the funneling of information and expectations into the formal assessment system.

### 3.5. C. Additional Assessment Guidelines

Following are additional guidelines to consider when assessing a student with limited English proficiency:

- Assess language dominance at time of referral or consider prior language dominance assessment conducted by regular education personnel.
- Whenever possible use two language dominance tests to establish functioning information.
- Assess in student's dominant language whenever possible.
- Assess using non-language measures (e.g., performance).

- Use a trained interpreter whenever needed.
- Assess achievement in both primary language and English.
- Do not accept scores on translations of tests as valid; use other, non-biased or non test based measures to support the scores.
- Assess adaptive behavior, mindful of different cultural norms.
- When considering the presence of a language disability, consider whether primary language is deficient when compared to peers and school population. Is language generally depressed (common in low socioeconomic populations) or are there significant peaks and valleys? Is there evidence of a true language disability?

### 3.6 PROGRAM OPTIONS

All students in need of special education and related services, including students identified as English learners, are to be served under the requirements of current state and federal law.

Districts need to offer appropriate resources to ensure that each English learner with a disability receives appropriate *educational and linguistic opportunities in the least restrictive environment*. A full continuum of program options will be available to each student with a disability. To the maximum extent appropriate, children with disabilities are educated with their typically developing peers.

A full continuum of program options include, but are not limited to the following:

- Regular education program with specially designed modification.
- Regular education program majority of the day with some special education specialist or resource specialist support
- Regular classroom with specialized academic instruction for the majority of the day from SDC/and or special education specialist and/or related services support.
- Special classes and centers.
- Nonpublic schools
- State special schools
- Residential placement
- Home/Hospital

#### 3.6. A. Specific Program Options for English Learners

There are three different types of programs for English Learners. All programs include daily English Language Development (ELD) instruction along with self-image and

cross-cultural instruction that is integrated throughout the subject area. Each program focuses on the development of speaking, listening, reading, and writing skills to develop second language literacy in English. Below is a list of programs offered along with a brief summary of possible components for each program.

#### **Structured English Immersion**

- a. Reading taught in English
- b. Core curriculum taught in English
- c. Some Specially Designed Academic Instruction in English (SDAIE) may be used to help with understanding
- d. Daily English Language Development (ELD) instruction
- e. Self-image and cross-cultural instruction is integrated throughout subject areas
- f. May include some primary language support to help with understanding

#### **English Mainstream**

- a. Reading taught in English
- b. Core curriculum taught in English
- c. Some Specially Designed Academic Instruction in English (SDAIE) may be used to help understanding
- d. Daily English Language Development (ELD) instruction
- e. Self-image and cross-cultural instruction is integrated throughout subject areas

#### **Alternative Program**

- a. Develops literacy in primary language first
- b. Core curriculum taught in primary language while student is acquiring English
- c. Daily English Language Development (ELD) instruction
- d. Gradual transition from primary language to English in reading and core subject matter
- e. Self-image and cross-cultural instruction is integrated throughout subject areas

Students may receive primary language support and/or language development services in any of the above program options, when determined appropriate by the IEP team.

### **3.7 IEP DEVELOPMENT FOR ENGLISH LEARNERS WITH DISABILITIES**

IEP Teams should ensure that:

- IEPs include linguistically appropriate goals and objectives, including when necessary, use of the student's primary language;
- Necessary documentation and translation services are provided to parents as needed; and
- Teachers providing the students the district's core curriculum are appropriately certified.



Other requirements include:

- Qualified teachers
- Sufficient and appropriate basic and supplemental resources to ensure access to the district’s core curriculum.
- When possible, translation of required parent notifications/documents, including IEP parent rights to inform and involve parents of EL students, and translation services as required by state and federal laws.
- Opportunities for parents to become members of the district and/or school advisory committees.

### **3.7. A. LINGUISTICALLY APPROPRIATE GOALS, OBJECTIVES, AND PROGRAMS**

CCR, Title 5, Section 3001 (s): “Linguistically appropriate goals, objectives, and programs means those activities which lead to the development of English language proficiency; and those instructional systems either at the elementary or secondary level which meet the language development needs of the limited English language learner. For individuals whose primary language is other than English, and whose potential for learning a second language, as determined by the individualized education program team, is severely limited, nothing in this section shall preclude the individualized education program team from determining that instruction may be provided through an alternative program pursuant to a waiver under Education Code section 311(c), including a program provided in the individual’s primary language, provided that the IEP team periodically, but not less than annually, reconsiders the individual’s ability to receive instruction in the English language.

In California, it is recommended that linguistically appropriate goals be aligned to the California English Language Development Standards. The California English Language Development Standards are available for downloading at [www.cde.ca.gov/be/st/ss/index.asp](http://www.cde.ca.gov/be/st/ss/index.asp))

- Kindergarten – grade 2
- Grades 3 – 12, literate in their primary language
- Grades 3 – 12, not literate in their primary language

The CDE EL Standards Book further clarifies that “students who enter California schools in those grade levels not literate in their primary language need to be taught the ELD literacy standards for earlier grade levels, including those standards related to phonemic awareness, concepts of print and decoding skills.”

**3.7. B. IEP CONSIDERATIONS FOR ENGLISH LEARNERS**

Linguistically appropriate goals and objectives have the following characteristics:

- They are appropriate for the cognitive level of the student.
- They are appropriate for the linguistic level of the student.
- They match the developmental level of the student’s primary (L1) or secondary (L2) language.
- They match the student’s general education transition criteria and re-designation policy.

**3.7. C. ADDITIONAL LINGUISTIC AND CULTURAL CONSIDERATIONS**

Culturally appropriate goals and objectives have the following characteristics:

- They access the student’s prior knowledge and experiences.
- They incorporate culturally relevant materials and experiences.
- They affirm the student’s cultural heritage.

**3.7. D. IEP ACCOMMODATIONS & MODIFICATIONS**

The IEP should stipulate appropriate accommodations and/or modifications that may be needed to assist the student who is an English learner be successful in an educational setting. Examples of accommodations that may be appropriate to consider for students learning English may be but are not limited to the following:

- Primary language support to assist with academics
- Translation devices
- Extra time on tests and assignments
- Use of reference materials with visuals to aide comprehension
- Bilingual dictionary if applicable to second language

Examples of modifications that may be appropriate to consider for students learning English may be but are not limited to the following:

- Tests provided or adapted to be more “comprehensible”
- Tests and assignments modified in length and content
- Alternative testing formats such as use of visuals, drawings, etc.

**3.7. E. IEP CHECKLIST FOR ENGLISH LEARNERS**

- The IEP indicates if the student is classified as an English learner
- The IEP includes information about the student’s current level of English language proficiency in listening, speaking, reading, and writing (based on current CELDT or alternative assessment scores/levels)
- The IEP indicates if the student is going to take CELDT or requires an alternate assessment to CELDT and, if so, what will be the alternate assessment utilized

- The IEP indicates which testing accommodations or modifications the student may utilize for CELDT
- The IEP indicates how English language development (ELD) needs will be met and who will provide those services  
*Note: Indicate the setting, duration and frequency*
- The IEP indicates if primary language support is needed
- The IEP indicates what language will be the language of instruction
- The IEP includes goals and objectives that are linguistically appropriate

Note: Linguistically appropriate goals should align to the student's assessed level on the CELDT (or designated alternate assessment) and the CDE English Language Development (ELD) Standards.

### 3.7 F. Linguistically Appropriate Goals and Objectives (LAGOS)

It is required that the IEP for an English Learner include linguistically appropriate goals (and objectives for students receiving a functional skills level curriculum) which lead to the development of English language proficiency. Linguistically appropriate goals, objectives, and programs means:

1. Those activities which lead to the development of English language proficiency;
2. Those instructional systems which lead to the language development of English language proficiency; and
3. Those instructional systems which lead to the language development needs of English language learner. 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 an alternate 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 (EC Section 311(c); CR, Title 5, Section 3001 (s)).

*Note: Even though it is not a legal requirement to formally identify a preschool age student as an English Learner in California, federal regulations require the IEP team to determine if the student is an English learner for purposes of the IEP and include linguistically appropriate goals and services.*

Linguistically appropriate IEP goals for ELs should:

- Be appropriate for the cognitive level of the student;
- Be appropriate for the linguistic level of the student;
- Match the developmental level of the student's primary (L1) or secondary (L2) language;

- Access the student's prior knowledge and experiences;
- Incorporate culturally relevant materials and experiences; and
- Affirm the student's cultural heritage.

It may be beneficial for the IEP team to align a student's LAGOS to the California English Language Development Standards as appropriate based on assessed areas of language proficiency need and academic deficits related to the disability (Personal communication with staff at the CDE Special Education Division 12/2011).

The *California English Language Development Standards* are available for download at [www.cde.ca.gov/be/st/ss/index.asp](http://www.cde.ca.gov/be/st/ss/index.asp))

## Frequently Asked Questions

**Question:** Is reclassification to RFEP the responsibility of the IEP team for EL students in special education?

**Response:** Each district/LEA must establish policies and procedures to designate which staff or the team members that are responsible for reclassification of EL students. As per the CDE 2011-2012 *CELDT Information Guide* the IEP team may be the most appropriate group of professionals to make reclassification decisions. It is important to note that an EL specialist should be in attendance at the IEP where reclassification decisions may be made since they have the specialized knowledge relevant to second language acquisition.

**Question:** May a school EL reclassification team use “alternate criteria” to reclassify a student who is EL to RFEP?

**Response:** No. There is no provision that allows an LEA to use “alternate reclassification criteria.” LEAs must follow the four criteria established by the CDE as per Ed Code Section 313(d). However, as per the CDE 2011-2012 *CELDT Information Guide*, LEAs ultimately make final decisions about reclassification and may determine how to best apply the reclassification guidelines.

**Question:** May a school classify a student that has severe disabilities and is non-verbal as FEP upon entry without testing the student?

**Response:** No, not if the student’s primary way to communicate is with a language other than English as indicated by a mark of “yes” by the parent(s) or guardian on the first three answers of the HLS. The LEA must assess the student’s English proficiency using CELDT or another alternate assessment (as per the IEP) to determine if the student is FEP upon entry or EL. If the parent(s) or guardian indicates that a language other than English is used in the home on the fourth question, then it is up to the LEA whether or not to administer the CELDT or an alternate assessment to determine EL status. It is also important to note that if the IEP team reviews the CELDT or alternate language proficiency results and determines that the student’s scores are not a valid reflection of the student’s English proficiency, the team may take into consideration other data and make a determination about whether the student is FEP upon entry or EL.

**Question:** According to the CDE’s first reclassification criteria, the student is required to pass the English language proficiency section on CELDT with an overall proficiency level of early advanced or higher, a listening score of intermediate or higher, a speaking score of intermediate or higher, a reading score of intermediate or higher, and a writing score of intermediate or higher. May the IEP team use the results of the “alternate assessment” to CELDT that was designated by the IEP team as the “objective assessment instrument?”

**Response:** Yes, the reclassification team may use the results of an alternate assessment as long as the student demonstrates English proficiency (appropriate to his or her level of functioning) in all four domains: listening, speaking, reading, and writing.

**Question:** For the fourth reclassification criteria “comparison of performance in basic skills,” may the reclassification team use data from the CAPA assessments if the student does not take CST or CMA?

**Response:** Yes, if that is the assessment recommended by the IEP team.