

Meeting the Needs of English Learners with Disabilities

Module 1

Defn. of Terms, Pre-referral Activities, Assesment & Eligibility for Special Education

April, 2010

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Challenges for Educators

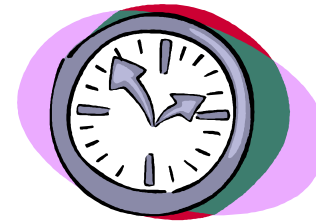
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“ Far too often, children from diverse backgrounds who fall behind in their learning are inappropriately labeled as needing special education. What they may really need is academic support and the opportunity to learn in a culturally responsive environment.”

(Weaver, 2008)



Presentation Topics



Section 1 - Definition of Terms for English Learners

Section 2 - Pre-referral (RTI) Activities for English Learners

Section 3 - Assessment of English Learners

Section 4 - Identification & Assessment

Definition of EL Terms Cont'd.



Home Language Survey (HLS)

It is a form administered by the school district to be completed by the pupil's parent/ guardian at the time of first enrollment in a California public school indicating language used in the home.

Definition of EL Terms Cont'd.

California English Language Development Test (CELDT)

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.

Note: CELDT is given to students in grades K - 12 only

E.C. 313 and 60810[d])



Definition of EL Terms Cont'd.

English Learner (EL)- State law defines “English learner” as “a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English.”

Primary Language (L1) - Primary language is the language first learned by the pupil, most frequently used at home, or most frequently spoken by the parents or other adults in the home when speaking with the pupil.

Definition of EL Terms Cont'd.



Full English Proficient (FEP) - A student may initially be designated as full English Proficient if initial assessment On CELDT indicates they are proficient

Limited English Proficient (LEP) - Students classified as LEP who have not met a level of proficiency in English to be considered fluent or able to be successful in English academics (in listening, speaking, reading & writing

Reclassified Full English Proficient (RFEP)
Students who have been reclassified from EL to fully proficient are RFEP (based on the 4 reclassification criteria).

Definition of EL Terms Cont'd.



Accommodation- Any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect comparability of scores. Accommodations may include variations in scheduling, setting, aids, equipment, and presentation format.

Modification- A variation in assessment environment or process that fundamentally alters what test measures or affects comparability of scores.



Definition of EL Terms Cont'd.

Alternate Assessments- An alternate way of measuring English language proficiency of pupils with disabilities whose IEP Team has determined they are unable to participate in CELDT even with accommodations, variations, or modifications.

Note: CDE has advised that any "alternate assessment(s)" must assess in all four domains: listening, speaking, reading & writing



Definition of EL Terms Cont'd.

BICS- (Basic interpersonal Communication Skills)
describes the development of conversational fluency in
the second language

CALP- (Cognitive Academic Language Proficiency)
describes the use of language in decontextualized
academic situations (higher levels of processing and
thinking in the 2nd language)

Pre Referral RTI Strategies for English Learners



Response to Intervention (RTI)

- Emphasizes prevention and early intervention for all students, including English learners
- Premised on data-based decision-making for all learners within the system

Pre Referral RTI Strategies for English Learners

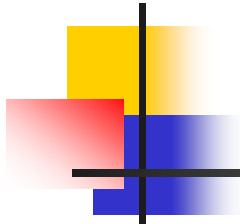
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Three Recommended Components of RTI:

- 1) Universal screening of academics
- 2) High quality, research-based general education instruction that is multi-tiered based on need (both **English language development** services and **academic instruction**)
- 3) Progress Monitoring of English development and academics

Sample Response to Intervention (RTI)

Model for EL Students



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Tier III

**Referral
To
Special
Education**

Tier II

**Monitor and record academic
& language acquisition growth
and track response to such
Provide intensive, research based
interventions**

Tier I

**Provide targeted instruction to “at risk EL students”
to rule out language difference versus learning difficulty**
Monitor & track academic & language acquisition growth
Conduct universal screening to determine student risk levels
Provide core research based reading program & EL services



Universal Screening

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- All students, to include EL students should be administered screening assessments at the beginning of the school year to determine individualized learning needs.
- Outcome assessments from the previous year may also be used as screening tools.
- Screening assessments provide initial information about how to differentiate instruction for EL students and whether some students may be at risk for difficulties in reading, writing or math.
- Screening assessments can also inform whether or not an academic difficulty is due to a language difference or a learning problem.



Progress Monitoring

Ongoing assessments should be conducted

- Benchmark assessments should be administered at least **3x a year**, but more frequently depending on student progress and needs.
- For students experiencing reading difficulties, assessments should be administered weekly, bi-weekly, or monthly, depending on severity
- **Curriculum-embedded assessments** should typically be administered every 6–8 weeks, but more frequently if needed
- **Dibels** is the most frequently used assessment used for universal screening and ongoing monitoring of progress

Considerations for English Learners Prior to Referral to Special Education

- "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." E. C. 56303
- The normal process of 2nd language acquisition, as well as **manifestations of dialect and sociolinguistic variance** shall not be diagnosed as a handicapping condition. CCR, Title 5 3023(b)
- A child may not be determined to be eligible for SPED...if the determinant factor for eligibility determination is...1) lack of instruction in reading or math, or 2) limited English proficiency....

CFR 300.534



Referral to Special Education

Questions for the Student Study Team to Consider

√ Has the student received intensive interventions implemented with fidelity over time and demonstrated little or no progress?

√ Does the team have data to support that the difficulties (academic, social-emotional, or in speech & language) is most likely due to a disability versus a language difference?

If answers to questions above are “YES,” a referral to special education may be appropriate.

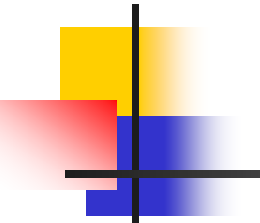


Assessment of English Learners

Statewide assessment & English Learners

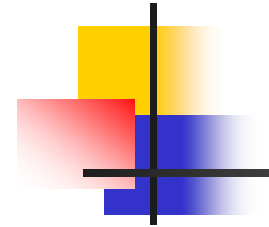
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Statewide Assessment & English Learners

- 
- **CELDT Testing** -The law requires that all students whose primary language is other than English be assessed for English language proficiency until they are reclassified (R-FEP).
Parents/guardians cannot remove (opt out) their children from this requirement.
 - **STAR Program Testing** - State Law **does allow** parents or guardians to excuse (opt out) their students (including students with disabilities and English learners). This request must be made in writing to the school.

E. C. Section 60616

Statewide Assessment & English Learners



Initial CELDT Assessment

Any K-12 pupil whose primary language is other than English as determined by the **HLS** and.....

- who has not previously been identified as an English learner (EL) by a California public school or
- for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English language proficiency with CELDT
- 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.

Statewide Assessment & English Learners Cont'd.

CELDT

- The law requires that all students whose primary language is other than English be assessed for English language proficiency until they are reclassified (R-FEP) using an “objective assessment instrument”
- An alternate assessment to CELDT may be designated by the IEP team for students receiving special education services

E. C. Section 60810; CFR Section 300.138(b)(1)(2)
State Board Adopted CELDT Regulations 2009-2010

Statewide Assessment & English Learners Cont'd.



Alternative Assessments to CELDT

- At this time, the California Department of Education does not have an approved, recommended alternative assessment to CELDT for students with moderate to severe disabilities that the IEP team determines may not be able to take CELDT in order to determine their level of English proficiency.
- If the IEP team determines that a student should take an alternate assessment to CELDT, they must ensure that the student is assessed in all four domains of English proficiency: listening, speaking, reading, and writing.

Statewide Assessment & English Learners Cont'd.

Language Assessment Tools

- Research states that the five most common language proficiency tests administered across all states are: the Language Assessment Scales (LAS), the IDEA Language Proficiency Tests (IPT), the Woodcock-Muñoz Language Survey, the Language Assessment Battery, and the Basic Inventory of Natural Language (BINL).
- All tests above, with the exception of the Woodcock Muñoz Language Survey, address listening, speaking, reading and writing according to research; however these assessment tools are similar to the CELDT and may not be appropriate for students with moderate to severe disabilities (CAPA level).

Statewide Assessment & English Learners Cont'd.

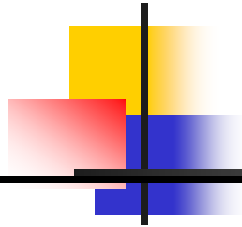


Alternative Assessments to CELDT

The following are assessment tools that various Districts or selpas in California utilize as an alternative to CELDT for students functioning at the CAPA level:

- 1) ALPI (only tests listening and speaking and must be supplemented)
- 2) COM (Used by LAUSD - similar to ALPI)
- 3) Basics 2 (assesses functional listening, speaking, reading, and writing)
- 4) Sandi (assesses functional listening, speaking, reading, and writing)

Resource List for Possible Alternate Assessments to CELDT



Test Name	Skills Assessed	Organization	Contact Information
Proficiency Instrument (ALPI)	Listening Speaking	Orange County Dept.of Education	714-966-4120
Student Oral Language Observation Matrix (SOLOM)	Listening Speaking	San Jose Unified School District	http://www.cal.org/twi/EvalToolkit/appendix/solom.pdf
Basics 2 (good supplement to ALPI)	Listening, Speaking Reading, Writing	Lakeshore	http://www.lakeshorelearning.com/home/home.jsp
Sandi	Listening, Speaking, Reading, Writing	SEACO	

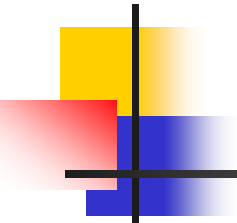


STAR Test Variations for EL

English Learners & STAR Testing

- During STAR testing, English learners may use English-to Primary language translation glossaries or word lists that are regularly used in the classroom and which do not include definitions or formats. This assistance may be provided for all subjects except ELA on the CSTs and the CMAs.
- English learners may have test directions translated for them and ask clarifying questions in their primary language for all subjects tested on the CST and the CMA.
- English learners may be tested separately if such a setting is part of the regular classroom instruction or assessments.

See Matrix 2 of Test Variations <http://www.cde.ca.gov/ta/tg/sr/>₂₆



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Identification & Assessment of English Learners

Identification & Assessment of English Learners



Newly Enrolled EL Students with IEPs:

- If a new student classified as EL student enrolls in school (from another SELPA) with an Individualized Education Program (IEP), the student shall be placed in an interim 30 day placement.
- The student is automatically eligible for special education services upon entry.
- An IEP meeting to determine if the placement and services are appropriate shall be held within the 30 days.

E. C. 56329

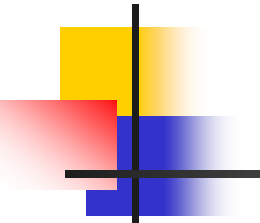
Identification & Assessment of English Learners Cont'd.



Students in *Pre K through age 22 are identified as EL for purposes of special education

- Note: Federal code requires Pre K identification for of English learners for purposes of special education; California Education code does not formally identify students as EL until kindergarten. CELDT is not administered until grade K.

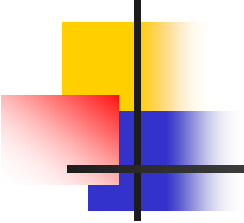
Identification & Assessment Legal Requirements for English Learners



- 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.
- 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 it is not feasible to do so.” For Pre students the assessor needs to establish the “dominant” language.

30 EC 56320, EC 56001(j), 56127, EC 52082(b), 52084(d)

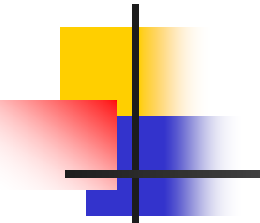
Identification & Assessment Legal Requirements for English Learners Cont'd.



Pursuant to 34 CFR 300.304 (1) (i) (ii), 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; 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.

Identification & Assessment

Legal Requirements for English Learners Cont'd.



- 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 not that the validity may have been affected.

CCR Title 5: 3023

- A variety of assessment tools and strategies will be used to gather relevant functional and developmental information, including information provided by the parent.

Identification & Assessment Legal Requirements for English Learners Cont'd.

It is best practice to use the following four sources of information in order to address all socio-cultural factors related to English learners:

1) Norm-referenced Assessments in English and *Primary Language
*(if primary language assessments are available)

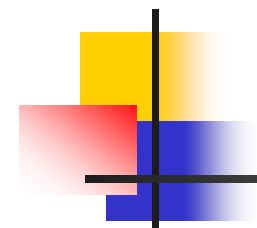
2) Criterion-referenced Tests

3) Systematic Observation in educational environments

4) Structured Interviews (with student, parent, teachers, etc.)

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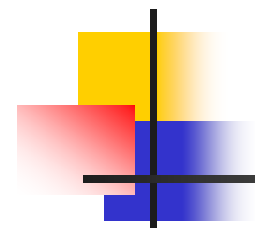
Native Language Assessment for English Learners



Why Assess in the Student's Primary Language?

- It provides comparative data to the IEP team about how the student performs in the Primary language versus English.
- The assessor can determine if similar error patterns are seen 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.

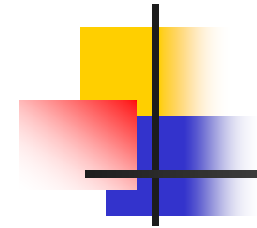
Native Language Assessment for English Learners



Best Practices to Guide Assessment Decisions:

- An assessor fluent in both languages should assess for language dominance to guide the assessment team regarding types of assessment to be performed by using like instruments in primary language and English when available.
- All assessors should assess in the dominant language when Feasible to do so..
- If primary language assessments are not available, use non language measures and structured interviews to inform decisions.

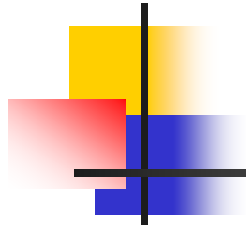
Native Language Assessment Cont'd.



Examples of When it May Not “Be Feasible” to Assess in the Student’s Primary Language:

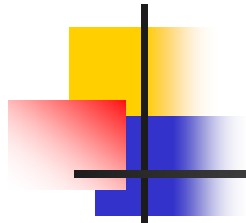
- The student has moderate to severe disabilities and lacks the communication or other skills to be able to be assessed accurately.
- When Primary language assessments are unavailable. It is best practice is to interview parent/guardian about Primary language patterns through use of an interpreter.

Primary Language Cognitive Assessments



Test Name & Publisher	AGES	DESCRIPTION
The Bilingual Verbal Ability Test (BVAT) Riverside Publishing	5-adult	Verbal ability in 17 languages
K-ABC (English & Spanish) Pearson Assessment	3-18	Cognitive & achievement
Bateria III Woodcock-Munoz - Riverside Publishing Riverside Publishing	2-90	Cognitive & achievement in Spanish

Non-verbal Cognitive Assessments



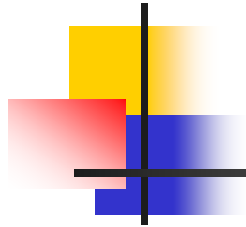
Test Name & Publisher	Ages	Description
The Universal Nonverbal Intelligence Test (Unit) Riverside Publishing	5-17+	Non-verbal ability test
Bender Visual Motor Gestalt Test Pearson Assessment	3-adult	Visual-motor integration test
Naglieri Nonverbal Abilities Test (NNAT) NCS Pearson Corporation	5-18	Non-verbal ability test
Test of Non-verbal Intelligence (TONI) Pearson Assessment	6-89	Non-verbal ability test



Speech & Language Assessments

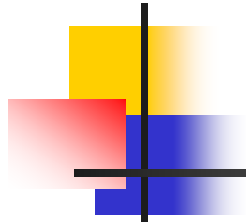
Test Name & Publisher	Ages	Description
Peabody Picture Vocabulary Test 3rd Ed. (PPVT) Pearson Assessment	2.5-40	Receptive lang. Verbal/non-verbal
Dos Amigos Academic Therapy Publications	6-12	Verbal Lang. & Dominance
Test de Vocabulario en Imagenes Peabody Western Psychological Services (WPS)	4-12+	
The Bilingual Verbal Ability Test (BVAT) Riverside Publishing	5-adult	Verbal ability in 17 languages

Speech & Language Assessments Cont'd.



Test Name & Publisher	Ages	Description
Woodcock-Munoz Language Survey Riverside Publishing	2-90	Language proficiency
Expressive One-Word Picture Vocabulary Test-R Western Psychological Services (WPS)	2-18+	Test of vocabulary
Clinical Evaluation of Language Fund. (CELF) Pearson Assessment	5-21	Receptive/express. lang. in Spanish

Primary Language Academic Achievement Assessment



Test Name & Publisher	Ages	Description
Bateria III Woodcock-Munoz Riverside Publishing	2-90	Cognitive & achievement Spanish
Language Assessment Scales (LAS) CTB McGraw-Hill	6-18	Listening, speaking, reading, writing
Spanish Brigance Curriculum Associates	PK-16	Language dominance achievement; oral language
K-ABC Pearson Assessment		Spanish achievement

Assessment

Social-Emotional & Cultural

Test Name / Publisher	Ages	Description
BASC- Pearson Assessments Pearson Assessment	2-21	System for measuring behavior & emotions
Acculturation Rating Scale for Mexican Americans (ARSMA) Cuellar, I., Arnold, B, & Maldonado, R.		Measures acculturation factors: language, ethnic identity, & ethnic interaction
Spanish Version of the Social Skills Rating System-Teacher Form Pearson Assessment	3-18	Assess social skills and behavior
Vineland Adaptive Behavior Scales Pearson Assessment	3-21	Measures adaptive behavior

Use of Interpreters in Bilingual Assessment



Following are best practice recommendations for use of interpreters during assessment

I. Preparation for use of an Interpreter in Assessment

- Know what tests are being administered
- Be prepared for the session to account for extra time needed with an interpreter
- Know the skill level of the interpreter
- Administer only the tests which the interpreter has been trained to assist with

Use of Interpreters in Bilingual Assessment Cont'd.



II. Briefing Procedures (assessor and interpreter review together)

- The general purpose of the assessment session
- Which assessment instruments will be administered
- Information about the student
- Review of English test behavior, if applicable
- Reminder that interpreter should write all behaviors
- Allow time for the interpreter to organize materials, re-read the test procedures, and ask for clarification if needed

Use of Interpreters in Bilingual Assessment Cont'd.



III. Debriefing Procedures

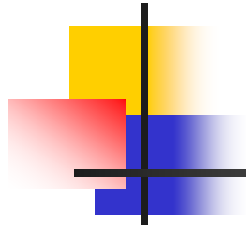
- Ask interpreter to go over each of the test responses without making clinical judgment.
- Go over any difficulties relative to the testing process.
- Go over any difficulties relative to the interpretation process.
- Go over any other items relevant to assessment process.

Use of Interpreters in Bilingual Assessment Cont'd.

IV. Conferencing with Parents and Interpreters

- Observe body language when meeting with an interpreter and parent. Rely on interpreter to assist you in understanding culturally appropriate behavior.
- If the interpreter is used with the parent, avoid portraying the interpreter as the parent's representative or advocate—keep professional.
- Seating arrangements are critical. Give the name and position of each person present. The interpreter should not in any way block the parent from the school person. Parents must be able to see both interpreter and assessor.

Assessment Reports



Required Documentation for Assessment Reports:

- The impact of language, cultural, environmental and Economic factors in learning.
- How standardized tests and techniques were altered.
- Use of the interpreters, translations for tests; include a statement of validity and reliability related to the use of such.

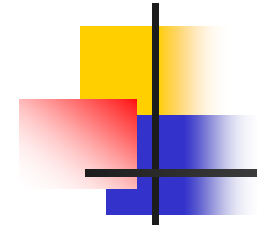
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Assessment Reports Cont'd.

Documentation for Assessment Reports Cont'd.:

- Examiner's level of language proficiency in language of student and the effect on test results and overall assessment.
- Cross-validation of information between norm-referenced, criterion, and interview/observation based measures, to include information from home setting.
- Results of current language proficiency testing.
- Reports should be translated into the primary language if requested by the parent/guardian.

Identification & Assessment Report Writing Cont'd.



Additional Assessment Report Considerations:

- Consideration of the second language acquisition process and its relationship to the possible handicapping conditions.
- If non-verbal measures were used, a statement of their limitations.
- Recommendations for linguistically appropriate goals.



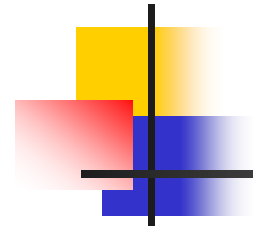
IEP NOTICES for EL Students

IEP Notices should:

- Note if an **interpreter** will be at the IEP (if appropriate)
- Be provided in **primary language** of parent
- Indicate the parent has a right to have copy of IEP in primary language (if feasible)

(SESR 6-1-2.9.1); 20 USC 1415 (d) (2) ; 34 CFR 300.503 c; 30 EC
56506

Identification & Assessment Resources

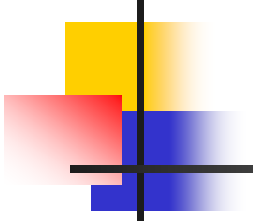


- 1) Culturally and Linguistically Diverse Exceptional Students
Strategies for Teaching and Assessment; by Grassi & Barker.
Sage Publications. <http://www.sagepub.com/home.nav>

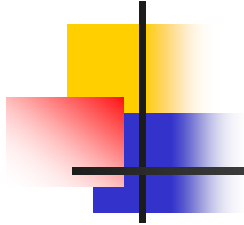
- 2) Assessing Culturally & Linguistically Diverse Students: A
Practical Guide. Practical Intervention in the Schools Series;
by Rhodes, Ochoa, Hector, & Ortiz. Guilford Publications.

- 3) The Map of Standards for English Learners; by Carr &
Lagunoff. WestEd. www.wested.org

Identification & Assessment Resources Cont'd.

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- 4) Determining Appropriate Referrals of English Language Learners to Special Education: A Self-Assessment Guide for Principals; Council for Exceptional Children and NABE. 2002
 - 5) Assessing Culturally & Linguistically Diverse Students: A Practical Guide. Practical Intervention in the Schools Series; by Rhodes, Ochoa, Hector, & Ortiz. Guilford Publications
 - 6) Reporting to Parents in English & Spanish; Ammie Enterprises, Fallbrook, CA

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IEP Development for English Learners

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IEP Development for English Learners

In developing the IEP for EIs the IEP team must consider the following:

- 1) Results of the CELDT or alternative to determine English language proficiency
- 2) IEP team must determine if **accommodations or modifications** are needed for the student on CELDT

(SESR 10-2-2; 10-2-4; 20-4-2)

E. C. Section 60810

CFR Section 300.138(b)(1)(2); CFR 300.324

CDE Board Adopted CELDT Guidelines 2009-10





IEP Development for English Learners

In addition to CELDT considerations, the IEP Team must determine the following:

- 3) How English language development (ELD) needs will be met and who will provide those services (**programs, services, and instruction**)
- 4) Does the student need primary language support and/or what language should be the language of instruction
- 5) **Linguistically appropriate goals** to meet English language development needs (ELD goals & objectives if appropriate)

(SESR 10-2-6; 3-5-8); 34 CFR 300.324



Linguistically Appropriate Goals

*The following sample linguistically appropriate goals were adapted from the **California State Board Adopted ELD Standards** published in 1999.*

- *The California State Board Adopted ELD Standards are categorized subject or domains (listening & speaking, reading, and writing)*
- *The California State Board Adopted ELD Standards are categorized by **strands and sub strands***
- *The California State Board Adopted ELD Standards are not numbered, but are categorized by **levels of proficiency** assessed on CELDT*
- *The California State Board Adopted ELD Standards are categorized by **grade***



Sample Linguistically Appropriate Goal 1

- **Domain:** Listening & Speaking
- **Strand:** Strategies & Applications
- **Sub Strand:** Comprehension
- **Level:** Beginning
- **Grade:** K-2

Goal: By (date) , (student) will respond to simple directions and questions in English by using physical actions and other means of nonverbal communication (e.g., matching objects, pointing to an answer, drawing pictures) with 80% accuracy on 3 consecutive trials as demonstrated by written classroom data.



Sample Linguistically Appropriate Goal 2

- **Domain:** Reading
- **Strand:** Word Analysis
- **Sub Strand:** Concepts about Print, Phonemic Awareness, and Vocabulary and Concept development
- **Level:** Early Intermediate
- **Grade:** 3-5

Goal: By (date) , (student) , while reading aloud a short passage of 8-10 lines aloud at grade level, will recognize and produce English Phonemes that do not correspond to phonemes he or she already hears and produces with 80% accuracy on 3 consecutive trials as demonstrated by data tracking records.



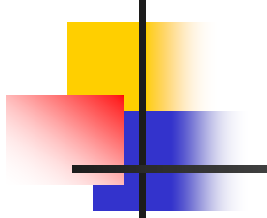
Sample Linguistically Appropriate Goal 3

- **Domain:** Writing
- **Strand:** Strategies & Applications
- **Sub Strand:** Organization & Focus
- **Level:** Intermediate
- **Grade:** 6-8

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Goal: By (date) , (student) will develop a clear purpose in a short essay (two to three paragraphs) by appropriately using the rhetorical devices of quotations and facts with 90% accuracy on 3 consecutive trials as demonstrated by a written response to a prompt.

Sample Linguistically Appropriate Goal 4

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- **Domain:** Reading
 - **Strand:** Fluency & Systemic Vocabulary Development
 - **Sub Strand:** Vocabulary & Concept Development
 - **Level:** Early Advanced
 - **Grade:** 9-12

Goal: By (date) , (student) will use a standard dictionary to determine the meaning of a list of 20 unknown words (e.g., idioms and words with multiple meanings) with 80% accuracy on 2 consecutive trials as demonstrated by classroom written records.

QUESTIONS



1) Is it required that an interpreter who assists an assessor administer a test in the primary language be certified or receive formal training?

Response: No; however, it is best practice to ensure that interpreters are fluent in the language of assessment and have been appropriately trained to interpret in an formal assessment setting since the validity of the test results must be documented.

QUESTIONS



2) May the IEP team designate a CELDT test variation that is not listed in the Title 5 Guidelines Section 11516 or 11516.5?

Response: Yes; however, the district must submit a request for review of the proposed variations in administering the test

3) If a student participates in CELDT with test variations, accommodations, or modifications will they “pass”?

Response: Yes; however, if the student takes alternate assessments for sections of the CELDT, they will get a score of “not valid” for the sections of the test in which they took alternate assessments

QUESTIONS



4) What if a student is deaf? Do they have to take CELDT?

Response: Yes; however, the student may use ASL to take CELDT as an accommodation. The IEP team may also designate an alternative assessment using ASL.

5) May the parent opt a student out of taking CELDT?

Response: No; A parent may not opt a student out of Taking CELDT.

State Board Adopted CELDT Regulations 2009-2010

QUESTIONS



6) Is it advisable to group English learners with non-English learners for RTI intervention?

Response: It is best practice for English learners to be grouped according to their level of English proficiency for Structured English Immersion (EL services). For other types of targeted intervention such as in reading, writing or math, EL students may benefit from being grouped with peers with similar learning needs.

QUESTIONS



7) Are districts required to assess an English learner with moderate to severe disabilities in their native language in order to qualify them for special education?

Response: The regulations state you must assess in the native Language unless it is clearly not feasible to do so. Based on the severity and type of disability, it may not be feasible to assess in the native language. The IEP team should determine the type of assessments that are most appropriate to assess the students needs and/or eligibility.

QUESTIONS



8) What is the recommended or required amount of time an English learner must be in RTI before making a referral for special education?

Response: It is best practice for English learners to receive high quality, research-based interventions over a period of time long enough to determine the following:

- a. Is the student struggling academically due to a disability or language difference?
- b. Can the student's academic needs be met through RTI versus special education?

QUESTIONS



9) May the parent waive the requirement for a student to be assessed for special education in their native language?

Response: There is no specific provision for a parent to waive assessment in the primary language. A parent may decline assessment in part or in whole; however, the assessors determine the language for the assessments to be administered in.