Optimizing Collaboration to Identify, Serve, and Assess English Learners with Disabilities

Special Education Leadership Development Academy (SELDA)

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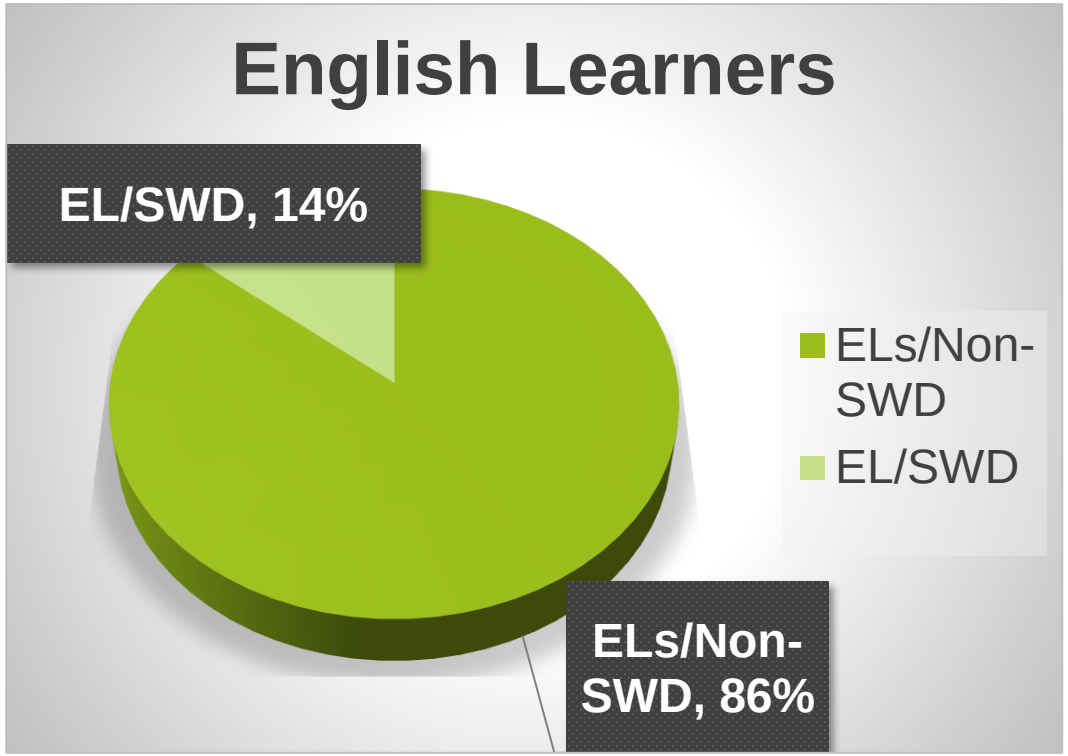
Common Acronyms

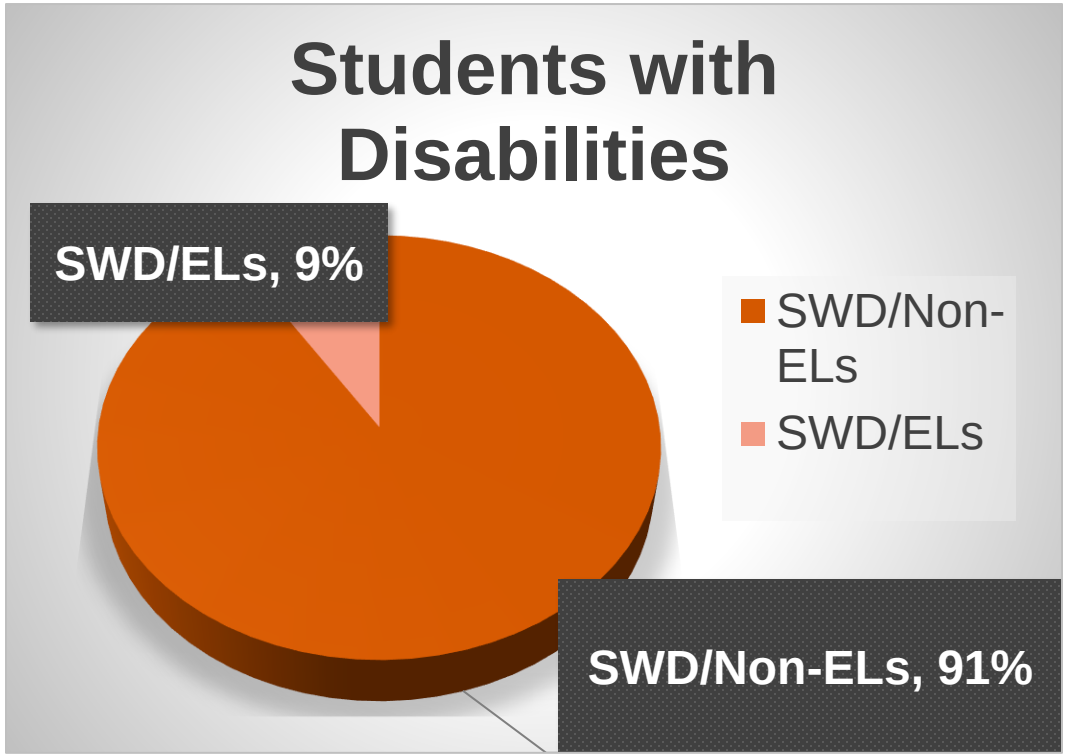
1. **EL –** English learner – refers to a **student** identified as having a primary language other than English and qualifying for English language instruction based on eligibility scores from an ELP screener or assessment.
2. **EL/SWD –** English learner student with disabilities.
3. **ESOL –** English for Speakers of Other Languages - refers to the state-funded language instruction educational **program.**
4. **ELD –** English language development

Common Acronyms

5. **ELP –** English language proficiency, usually referred to as levels on a developmental continuum, i.e., WIDA ELP Levels 1-6.
6. **HLS –** Home Language Survey **-** Questions during registration to identify potential ELs who must be screened.
7. **IDEA –** Individuals with Disabilities Education Act
8. **OCR –** Office for Civil Rights

21,053 EL/SWD Students in Georgia



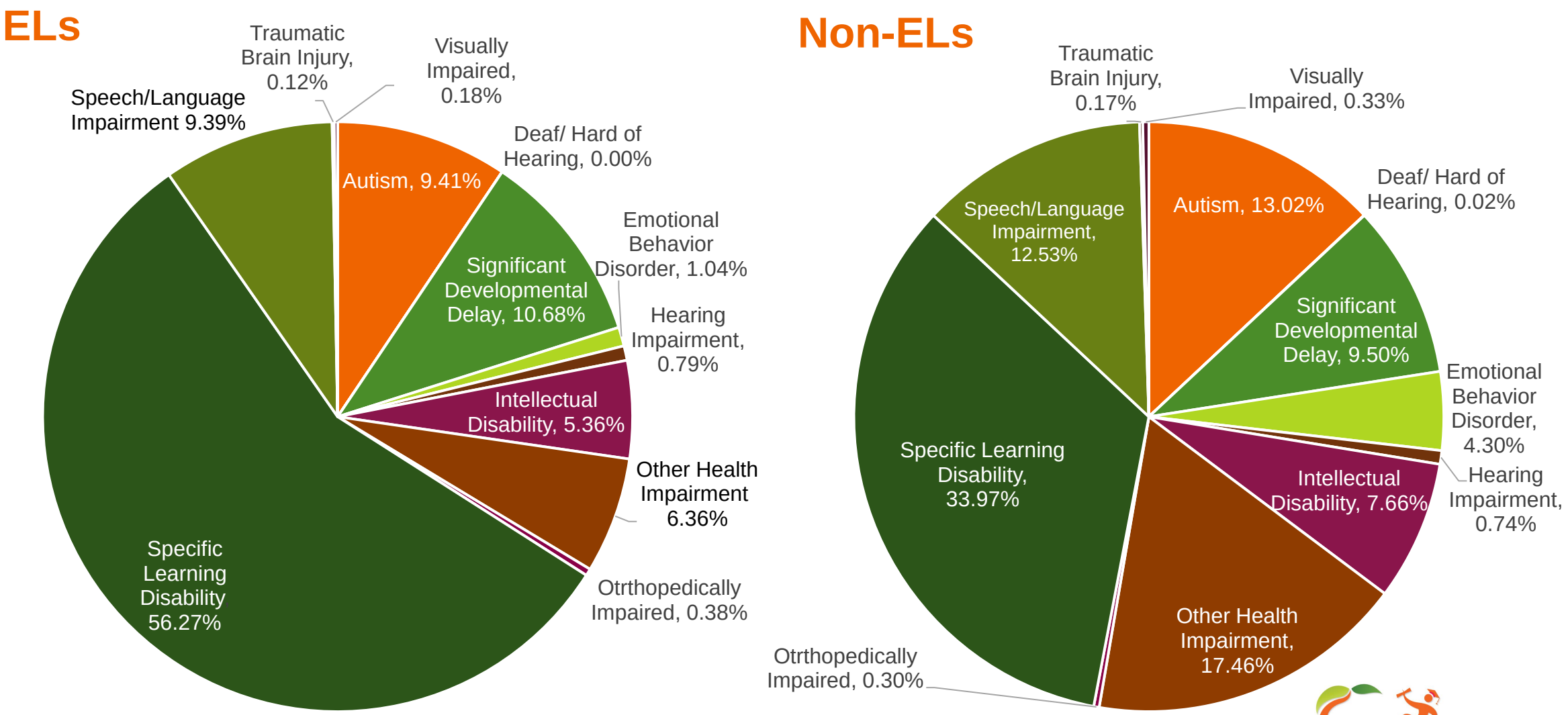


Total EL Population: **148,240**
(8% of total student population)

Total SWD Population: **236,641**
(14% of total student population)

Source: GaDOE Data Collections 2024 FTE-1 EL Student Population by SEA

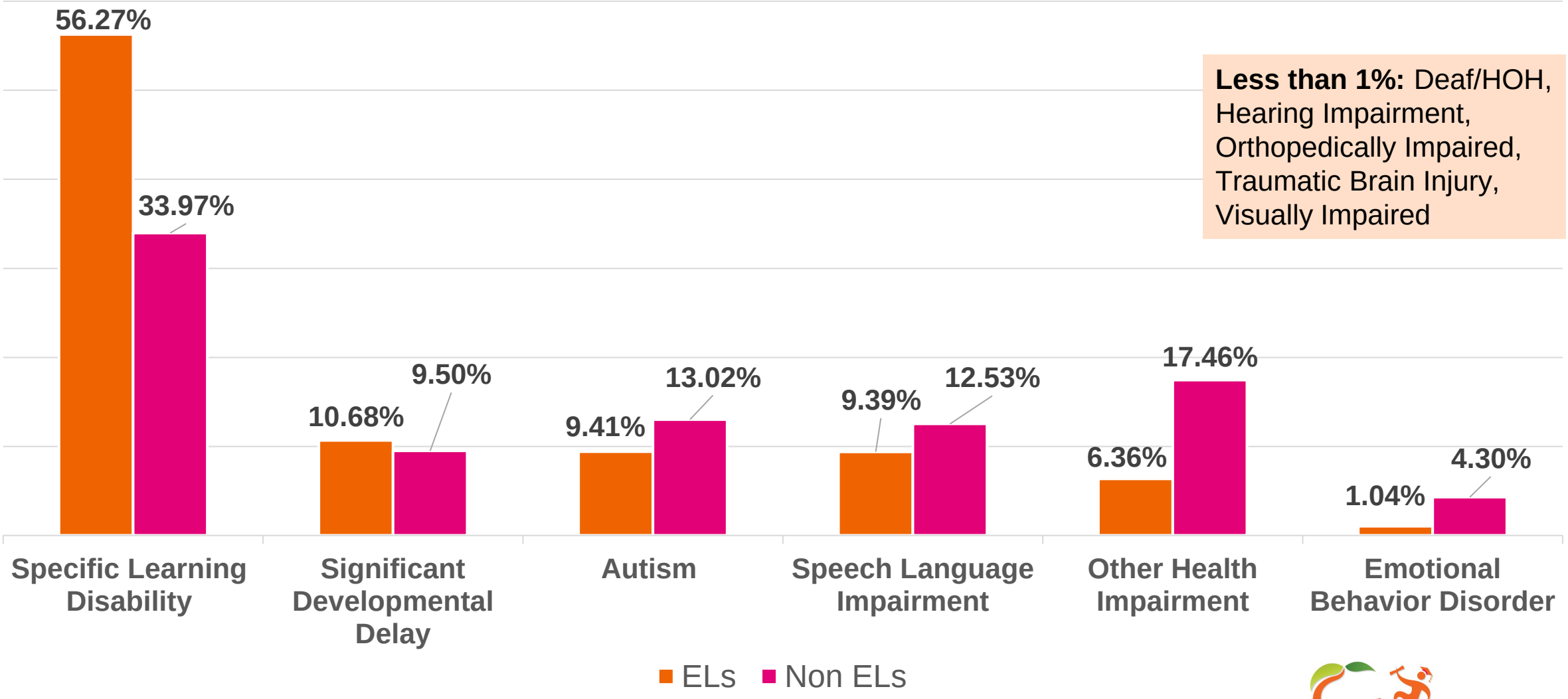
Percentage of SWD (6-21) Served by IDEA Part B, by EL Status and Primary Area of Disability, 2022-2023



Source: Data Collections, FTE, Cycle 1, October 2022

Georgia Department of Education

Comparison - Percentage of SWD (6-21) by IDEA Part B, by EL Status and Primary Served Area of Disability, 2022-2023



Less than 1%: Deaf/HOH, Hearing Impairment, Orthopedically Impaired, Traumatic Brain Injury, Visually Impaired

Source: Data Collections, FTE, Cycle 1, October 2022

Learning Goals

1. Become familiar with IDEA, Section 504, and OCR requirements that influence the process to identify English learners (ELs) with suspected or identified disabilities.
2. Dispel myths regarding the assessment and evaluation of ELs with suspected disabilities.
3. Build understanding of collaborative best practices for dually serving and reporting services for English learners with disabilities (EL/SWD).

Identify

Is the student an English learner?

EL Identification Pathway: Students New to U.S. Schools

Potential EL: Home Language Survey (HLS) indicates primary language is not English.

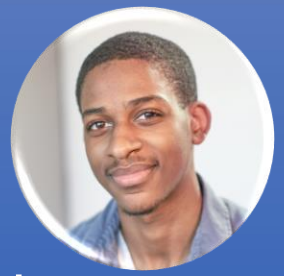
Schools administer appropriate grade-level WIDA Screener with accommodations, when necessary.

Schools apply eligibility criteria to identify student as English learner.

Federal timeline: **30 days** from enrollment any time throughout the school year.

Note: Schools review prior English language proficiency screening or assessment records of potential ELs transferring from schools in GA or the U.S.

EL Identification Pathway:
Students with Identified or Suspected Disabilities



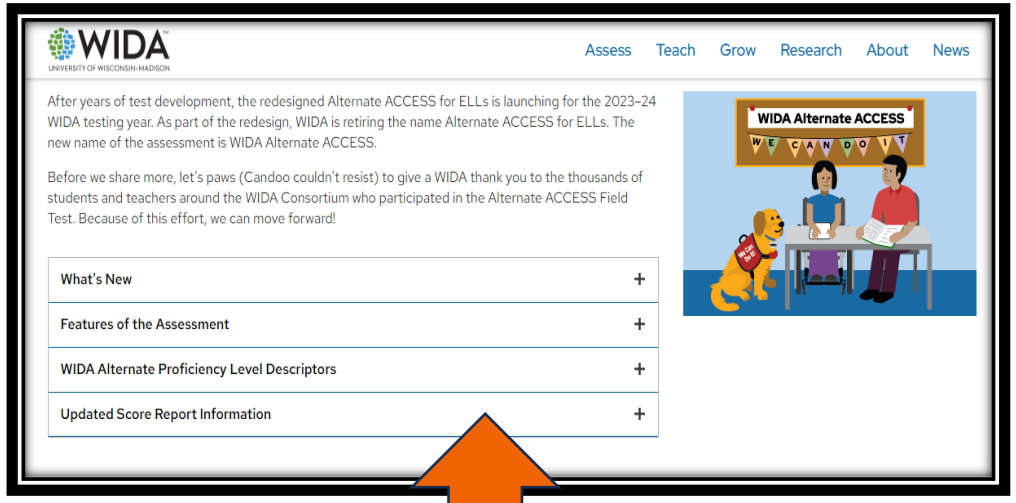
Students needing accessibility and accommodations on the language screener

Students with language domain exemptions

Students with significant cognitive disabilities

GaDOE 2023-2024 Student Assessment Handbook and USED/DOJ, 2015, Dear Colleague letter: English Learner Students and Limited English Proficient Parents.

Annually Evaluating EL Eligibility for EL/SWD with Significant Cognitive Disabilities
WIDA *Alternate ACCESS*



WIDA Webpage: Alt. ACCESS Updates!

Delayed 2024 Alternate ACCESS Scores
("Regular" ACCESS Scores **not Affected**)

- **January 10 – March 1:** LEAs administer WIDA's **new** Alternate ACCESS to **eligible** EL/SWD.
- **September 2024:** WIDA releases Alternate ACCESS scores to Georgia, after summer assessment standard setting.

Delayed Alternate ACCESS scores will delay IEP/EL Reclassification meetings for EL/SWD whose scores meet criteria.

See memorandum sent by Shaun Owen on January 30.

Assess / Evaluate

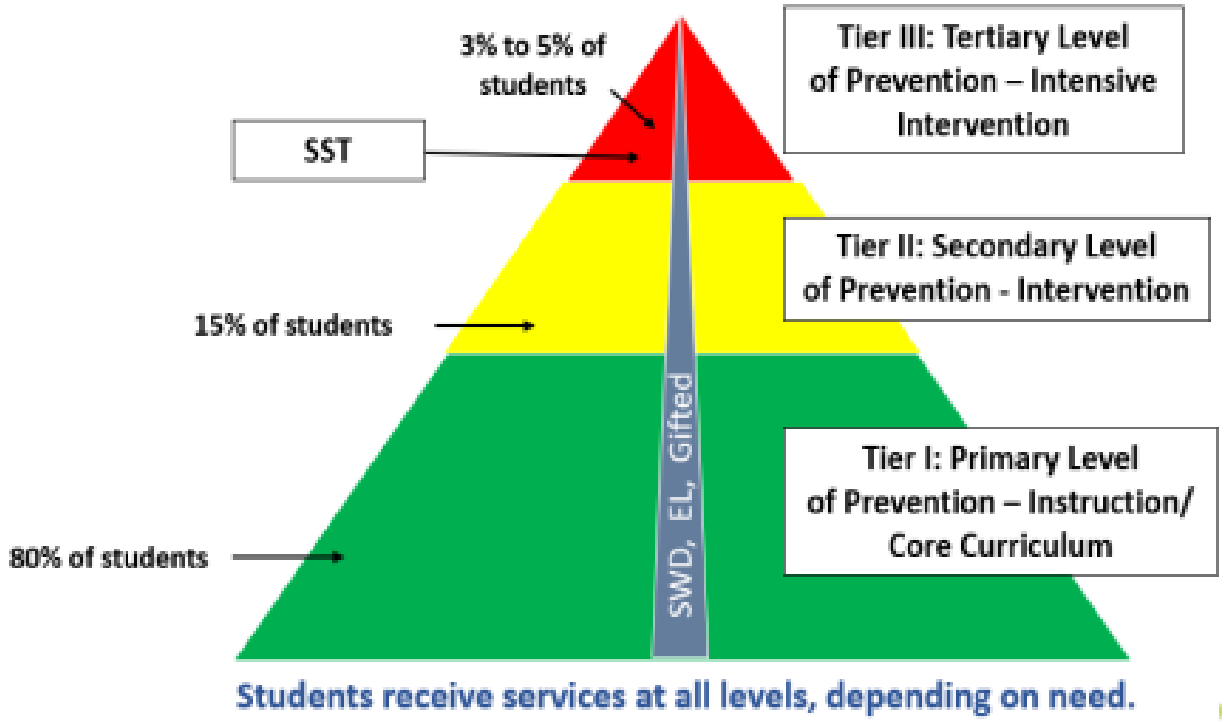
Does the EL student have disabilities?

How do our schools ensure students' needs are identified in a timely manner?

- "School districts must ensure that all EL students who have a disability and need services under IDEA or Section 504 are located, identified, and evaluated for special education and disability-related services in a timely manner."
- **Impermissible policy:**
  - "Delaying disability evaluations of EL students for special education and related services for a specified period of time based on their EL status."

U.S. Dept. of Justice, (DOJ) and US. Dept. of Education **Office for Civil Rights (OCR),** January 7, 2015, *Dear Colleague Letter: English Learner Students and Limited English Proficiency Parents, p 24-25.*

How do our schools ensure all students including ELs, have access to tiered support as needed?



How do our schools evaluate students in their primary language?

"A school district must ensure that assessments and other evaluation materials used to evaluate a child with a disability 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."

OCR/DOJ January 7, 2015, *Dear Colleague Letter: English Learner Students and Limited English Proficiency Parents, p 26.*
Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools, 2016.

How do our schools ensure students' language proficiency is addressed?

- "When conducting such evaluations, school districts must consider the English language proficiency of EL students in determining the appropriate assessments and other evaluation materials to be used."
- "School districts must not identify or determine that EL students are students with disabilities because of their limited English language proficiency."
- "A student cannot be determined to be a child with a disability if the 'determinant factor' is limited English proficiency and if the student does not otherwise meet the definition of a child with a disability under the IDEA."

U.S. Dept. of Justice, (DOJ) and US. Dept. of Education **Office for Civil Rights (OCR),** January 7, 2015, *Dear Colleague Letter: English Learner Students and Limited English Proficiency Parents, p 24-26.*

How would we characterize our schools' identification of EL/SWD?

Under-Identification?

Some ELs who need special education services may not receive them.

Over-Identification?

Some ELs who do not need special education services may lose valuable instructional time.

<u>Just Right?</u>

All ELs, including those with disabilities, can get the services they need!

How do our schools ensure limited English proficient parents understand?

- "Schools must also inform a parent of an EL student with an individualized education program (IEP) how the language instruction education program meets the objectives of the child's IEP."
  - This information must be in a language the parent understands.
- Schools 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."

OCR/DOJ January 7, 2015, *Dear Colleague Letter: English Learner Students and Limited English Proficiency Parents, p 24-27.*

Q&A – Translation?

- **Question:**

  Which written documents from special education are required to be provided to parents with appropriate written translations or oral interpretations?

- **Answer:**
  - Under Title VI and the EEOA, IEPs of SWD must be translated or interpreted for limited English proficient (LEP) parents.
  - It may be necessary to translate or interpret IEPs, Section 504 plans, and related documents into the parent's primary language.
  - IDEAS That Work: English Learners
  - *Dear Colleague Letter on IEP Translation*
  - *USED's English Learner Toolkit,* Chapter 6 and Chapter 10
  - *OCR's Information for LEP Parents and Guardians and for Schools and School Districts that Communicate with Them*

Serve

Will students receive both language and disability related services?

How do our schools ensure EL/SWD receive both services they need?

- "School districts must provide EL students with disabilities (EL/SWD) with both the language assistance and disability-related services to which they are entitled under Federal law."
- **Impermissible policy:**
  - "Formal or informal 'no dual services' policy, i.e., allowing students to receive either EL services or special education services, but not both."

OCR/DOJ January 7, 2015, *Dear Colleague Letter: English Learner Students and Limited English Proficiency Parents, p 24-25.*

Reporting ESOL Segments

Report total number of ESOL SEGMENTS (Different data element than PROGRAM CODES.)

Gr. K-3 = 1 segment

Gr. 4-8 = 1-2 segments

Gr. 9-12 = 1-5 segments

Report ESOL DELIVERY MODELS attached to course numbers in Student Class.

55.XXXXX (ESOL course number) or regular course number with locally defined digit.

See GaDOE Data Collections Reporting Delivery Models.

ESOL funding weight = 2.6147

ESOL funding weight is multiplied by the base FTE weight and multiplied by the total number of segments reported, then divided by 6 instructional periods.

ESOL SEGMENTS are funded in addition to PROGRAM CODES.

Reporting Data for Dually Served EL/SWD

- **ESOL SEGMENTS** earn funding in addition to **PROGRAM CODES**.
- In general, the student should receive ESOL language instruction and Special Education services in two separate courses reported in Student Class.
- **Exception:** Students served in Special Education in all six instructional segments may be served ESOL during one or more of those segments.

Reporting ESOL and Special Education Services in FTE and Student Class

- **Scenario:**
  - ESOL teacher is pushing into a general education academic class to serve nine (9) ELs.
  - Special education para-professional is serving five (5) SWD in the same classroom at that same time.
  - Three of the ELs are also SWD.
- **Reporting Details:**
  - Report the general Education classroom with a para-professional as Special Education DELIVERY MODEL = ‘1’ and INCLUSION = ‘4’ Student class.
  - And report the appropriate ESOL DELIVERY MODEL and identify the ESOL teacher as an additional teacher.

Reporting ESOL and Special Education Services in FTE and Student Class

- **Scenario:**

  EL/SWD is reported in the same classroom with an ESOL delivery model and a Special Education delivery model.

- **Reporting:**
  - Two warnings will be generated, one for each delivery model, saying that the student is receiving two services at the same time.
  - Typically, this should occur only for students who are served by a special education teacher every segment.
- **Warning: W5028** - A student should not be the recipient of two services (two delivery models) in the same class period.

W5028

Warning Description	**W5028 - A student should not be the recipient of two services (two delivery models) in the same class period.**
Possible Solution	Schedule these services during different segments when possible.
Prevention	Plan and schedule special education and ESOL services first when considering the master schedule.

Serving Unique Student Needs

High English language needs	High English language needs
Low disability-related needs	High disability-related needs
Low English language needs	Low English language needs
Low disability-related needs	High disability-related needs

Source: ALTELLA – A Framework for Understanding English Learners With Disabilities: Triple the Work

Key Considerations

Consider child's individual needs, characteristics, and preferences.

Consider the nature of the child's disability and the impact it may have on English development.

Consider the cognitive skills needed to support English language development (i.e., oral language, memory, phonological processing, etc.).

Consider how ELP and disability needs interact and inform instructional planning

Consider language and disability changing needs over time.

Consider both special educators and language professionals in decision-making processes.

Adapted from Shyyan & Christensen, 2018 (Advancing ALLTELA Project)

How do our schools ensure IEP teams have the required members?

- The IEP team must consider, among other special factors, the language needs of a child with limited English proficiency as those needs relate to the child's IEP.
- The IEP team must include participants who have the requisite knowledge of the child's language needs.
- The IEP team should include professionals with training, and preferably expertise, in 2nd language acquisition and understanding of how to differentiate between the student's limited ELP and the student's disability.

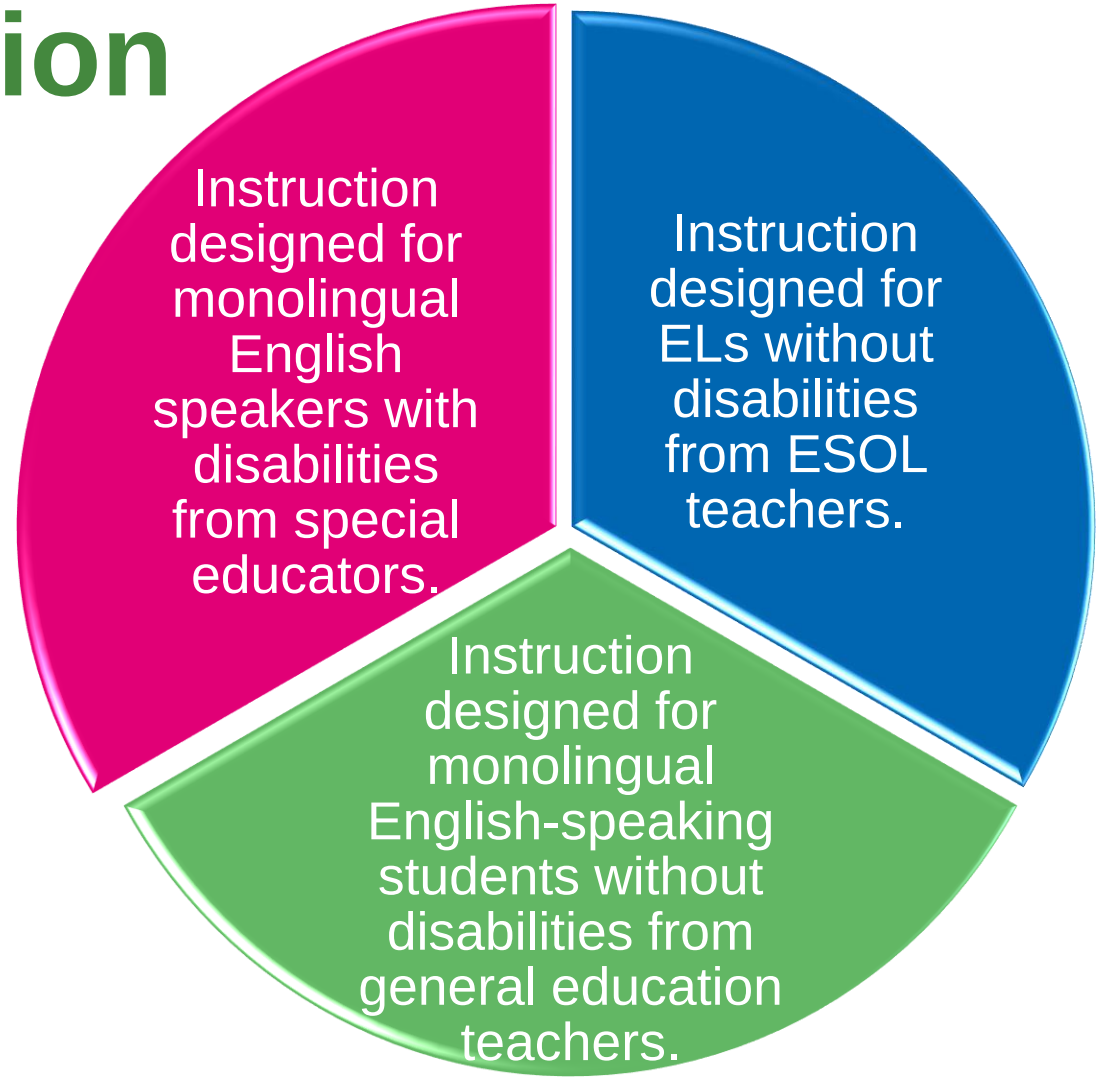
OCR/DOJ January 7, 2015, *Dear Colleague Letter: English Learner Students and Limited English Proficiency Parents, p 26-27.*

Specialization Trap

- **Compartmentalization:** Tendency of educators to work narrowly within their professional siloes.
  - Educators' hands-off approach to student needs that lie outside their area of expertise.
- **Fragmentation:** Piecemeal service and support focusing on a fragment of the child's needs.
- **<u>Results:</u>**
  - Disjointed practices.
  - Erasure - Either language or disability is overlooked.

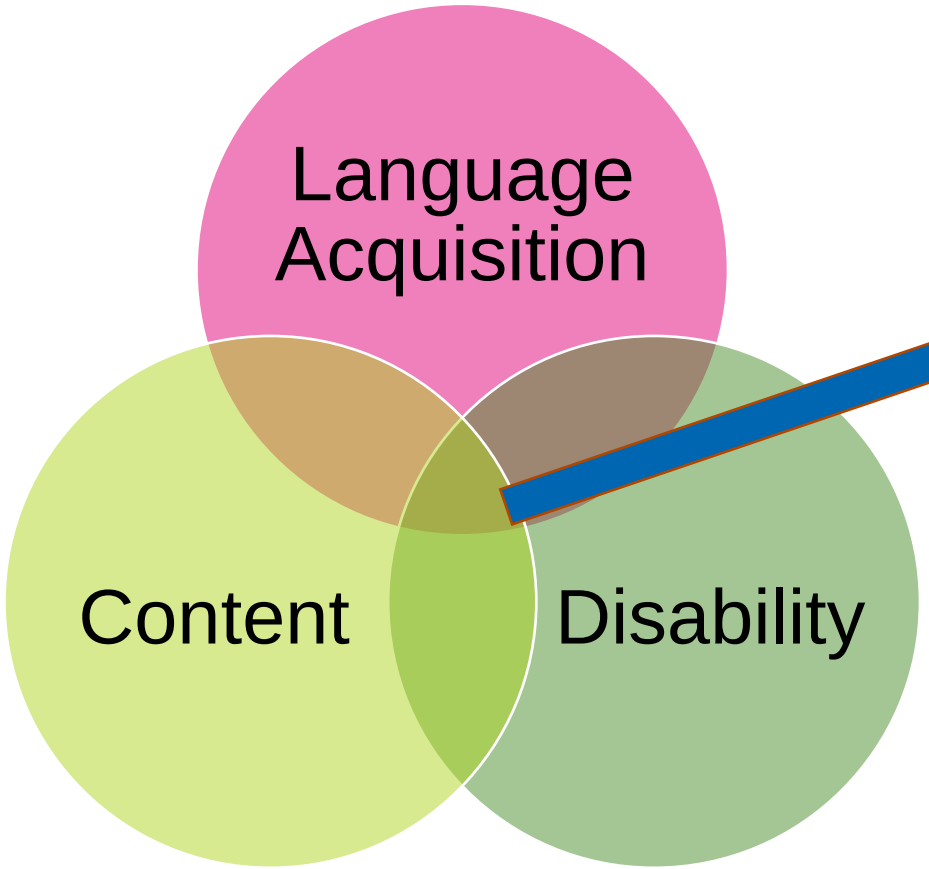
Incoherent Instruction for EL/SWD

Without collaboration and a strong sense of shared pedagogy among all teachers, EL/SWD may experience one or more types of fractured instruction.



¡Colorín Colorado! *Serving English Learners with Disabilities: How ESL/Bilingual Specialists Can Collaborate for Student Success*

Coherent Instruction for EL/SWD



Facilitate Collaboration

Common Conditions	Common Interactions	Common Outcomes
• Time to co-plan • Program models • Caseloads • Dispositions • Skills	• Quality and more frequent consultation • Quality co-instruction • Quality contributions to team	• **Whole Child** focus • Coordinated services • Consider student's language and disability needs

Adapted from Kangas & Cook, 2023

Q&A – Aging out?

- **Question:**
  - Can EL/SWD ages 18-21 continue to be served in ESOL?
- **Answer:**
  - If these students have not received a diploma, they remain in the program and continue to receive ESOL services and are tested annually until they reach full English language proficiency as defined by the state.
  - If the school system has already issued a general education diploma upon completion of high school, then the EL/SWD is no longer eligible for FAPE or ESOL services.

What did we learn today?

1. Became familiar with IDEA, Section 504, and OCR requirements that influence the process to identify English learners (ELs) with suspected or identified disabilities.
2. Dispelled any myths we had regarding the assessment and evaluation of ELs with suspected disabilities.
3. Built our understanding of collaborative best practices for dually serving and reporting services for English learners with disabilities (EL/SWD).

Contact Information

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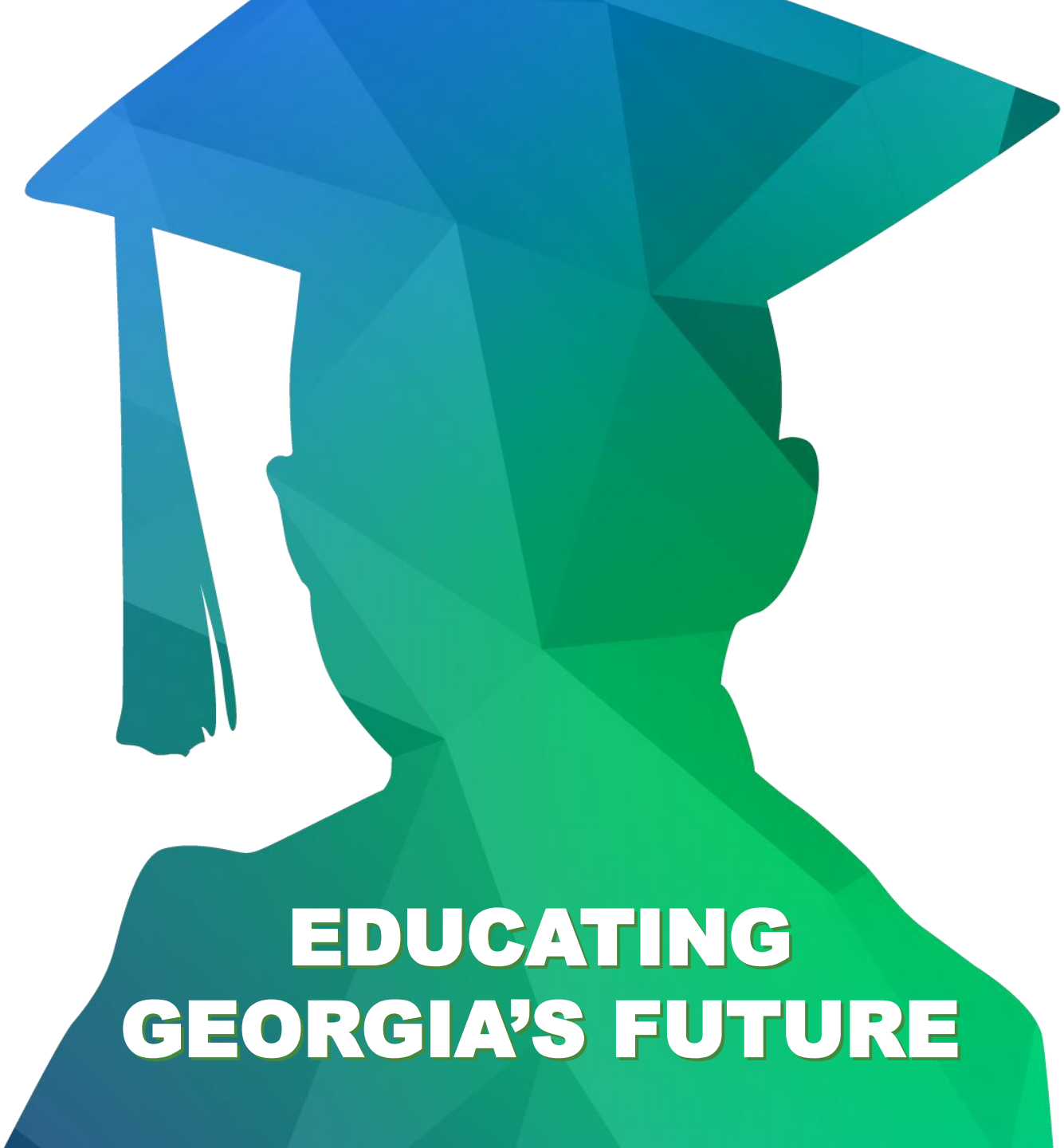
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