



Guidelines for English Learners with Individualized Education Programs

Introduction

The Pennsylvania Department of Education's Bureaus of Special Education and of Curriculum, Assessment, and Instruction have developed guidelines regarding the identification, assessment, instruction, and placement of English Learners (ELs) thought to be eligible for special education services and/or ELs with Individualized Education Programs (IEPs). Local Educational Agencies (LEAs) must ensure that all ELs who may have a disability and need services under Individuals with Disabilities Act (IDEA) or Section 504, are located, identified, and evaluated for special education and disability-related services in a timely manner. When conducting an evaluation for special education eligibility, LEAs must consider information regarding the English language proficiency of ELs in determining the appropriate assessments and other evaluation materials to be used. LEAs must not identify or determine that ELs are students with disabilities because of their limited English language proficiency. (Dear Colleague Letter, January 2015, p.24).

This document also provides guidelines in addressing the roles of English as a Second Language (ESL) teachers, content teachers, and special education teachers, collaboratively planning for the instructional program and making program exit decisions for ELs with IEPs. In addition, Every Student Succeeds Act (ESSA) regulatory changes are addressed in the guidance document.

Role of the ESL Program Specialist/ESL Teacher

IDEA requires that the IEP team considers, among other special factors, the language needs of a student with limited English proficiency. To comply with this requirement, it is essential that the IEP team includes participants who have the ESL professional knowledge to address the student's language needs. To ensure that ELs with IEPs receive services that meet their language and special education needs, it is necessary for the IEP team to include professionals with expertise in second language acquisition and an understanding of how to differentiate between the student's limited English proficiency and the student's disability. (Dear Colleague Letter, p.27)

In Pennsylvania, the ESL Program Specialist (PK-12) is the add-on certificate for teachers who provide English as a Second Language instruction. The ESL teacher has the training, expertise, and experience to:

- Analyze and interpret English language proficiency assessment results
 - Focusing on English language proficiency levels, and
 - Calculating language proficiency growth using the scaled scores;
- Identify the student’s language strengths and needs;
- Provide essential guidance related to the process of second language acquisition, communication with families, cultural responsiveness, and reduction of language barriers;
- Provide information concerning the ecology of the student (e.g., first language literacy, cultural and educational background, length of time in the U.S., interrupted education, mobility, acculturation stages, socio-economic status).

State-mandated English Language Proficiency Placement Test: WIDA Screener or the WIDA ACCESS Placement Test (W-APT)

All ELs receiving ESL instruction are initially administered the WIDA Screener, WIDA MODEL, or the **W-APT**. Additional criteria for placement in the language instruction educational program (LIEP) include: educational and cultural backgrounds, interviews with families, and native language literacy.

State-mandated ACCESS 2.0 and Alternate ACCESS for ELLs

The ACCESS 2.0 language proficiency assessment is administered annually to demonstrate progress in the development of English language proficiency. The IEP team must complete Section IV of the IEP form (i.e., Participation in State and Local Assessments, page 9 of 17) by listing either the accommodations on the ACCESS for ELs 2.0 by domain, or explaining why the Alternate ACCESS will be administered in place of the ACCESS for ELs 2.0

The Alternate ACCESS for ELLs is an assessment of English language proficiency for students in grades 1-12, who are classified as ELs and have significant cognitive disabilities that prevent their meaningful participation in the ACCESS 2.0 assessment.

Specific criteria for participation in the *Alternate ACCESS for ELLs* include:

- student participation in the Pennsylvania Alternate System of Assessment (PASA);
- students classified as ELs and identified with significant cognitive disabilities as documented in the student’s IEP.

Data from these standardized assessments are used to inform instruction, support the development of the IEP, and inform the process of English language acquisition as developmentally appropriate.

Determination of Special Education Eligibility

The assessment data related to second language acquisition should be part of the special education Evaluation Report for determining eligibility for special education. Assessment data, such as the data from classroom observations, progress monitoring, and the results of formative and summative assessments, including data from the annual English language proficiency assessment ACCESS 2.0 and the State-mandated placement assessments WIDA Screener/W-APT should be discussed and be part of the evaluation.

Determining eligibility for special education for all students, including ELs, may not be based solely on one test, for example an IQ test. In the absence of standardized assessments that are culturally and linguistically appropriate for and normed on ELs, the Multidisciplinary Team must consider multiple data sources. Information to be reviewed by the Multidisciplinary Team may include: years in the US, years of instruction in English, years of instruction in native language, interrupted formal education, level of English language proficiency per WIDA Screener/W-APT/MODEL and ACCESS 2.0, attendance patterns, migration patterns, native language literacy, and how the EL compares with other ELs with similar profiles.

Data related to the second language acquisition process should be part of the present levels indicating how the student is performing in listening, speaking, reading, and writing skills, and how he/she compares to other ELs with similar profiles.

Realizing that no single test will accurately represent the abilities of the student, given the language and cultural barriers, the expertise of an ESL teacher will be necessary to determine valid recommendations regarding evaluation/placement and ongoing explicit and systematic ESL planned instruction.

Key Points to Be Considered in the Identification Process for English Learners

- LEAs must identify, locate, and evaluate ELs with disabilities in a timely manner.
- LEAs must consider the English language proficiency of ELs with IEPs in determining appropriate assessments and other evaluation materials.
- LEAs must provide and administer special education evaluations in the child's native language, unless it is clearly not feasible to do so, to ensure that a student's language needs can be distinguished from a student's disability related needs.
- LEAs must not identify or determine that ELs are students with IEPs because of their limited English language proficiency.
- LEAs must provide ELs with IEPs with both the language assistance and disability-related services they are entitled to under federal law. (English Learner Tool Kit for States and LEAs, p.83)

Planning for Instruction

Prior to referral of an EL for an evaluation for special education services, the LEA must ensure that the LIEP is appropriate in terms of planned instruction for English language development (ELD) and content per 22 PA Code 4.26.

As used here, the term *LIEP* refers to:

- planned ELD instruction by a qualified ESL/Bilingual Education teacher;

- adaptations/modifications in the delivery of content instruction by all teachers, based on the student's English language proficiency levels and the Pennsylvania English Language Development Standards (PA ELDS) for ELs, as well as the Pennsylvania Core Standards.

LEAs must ensure that their program is sufficient in quantity and quality before referring the student for an evaluation, demonstrating evidence that:

- ELD instruction is daily, rigorous, and research-based;
- the LIEP is aligned to the English language proficiency levels of the student, and incorporates the PA English Language Development Standards (ELDS);
- grade-level planned instruction in the content areas is delivered according to the English language proficiency levels of the student and the PA English ELDS, and appropriate adaptations/modifications are provided by content teachers to allow meaningful access to core curriculum;
- collaboration is ongoing between the ESL and content teachers;
- instruction and home-school communication are culturally and linguistically responsive.

ELs with IEPs may receive both ELD instruction and special education services simultaneously. The IEP must be developed by the IEP Team, which should include the ESL teacher.

The ACCESS 2.0 is administered to ELs annually, and provides information regarding the progress of language acquisition in the domains of listening, speaking, reading, and writing. Based on these data, the IEP Team determines how special education services can be coordinated and delivered with ESL instruction to meet the student's individual needs.

Based on these individual needs of the student, ELD instruction can range from full participation in separate ELD classes/courses to consultative support delivered by non-ESL-certified teachers who are working with ESL-certified teachers in non-ELD classrooms. Programs must collaborate to ensure that both the language needs and special education requirements are met. LEAs must also address how ELD instruction will be provided for ELs with IEPs in other locations, such as IU special education programs.

Reclassification from the ESL Program

PDE has developed specific reclassification criteria for all ELs, including ELs with IEPs, based on multiple measures. All ELs, including those with disabilities, must meet the state-required exit criteria in order to exit an ESL program. Please consult the PDE Basic Education Circular on the Education of English Learners for further information regarding language instruction educational program reclassification criteria for ELs.

English Learners with an Individualized Education Plan

When making recommendations regarding reclassification from the LIEP for ELs who meet the above criteria, the IEP team, including an ESL specialist, should review the following evidence:

- Historical formal and informal assessment data and direct teachers' (ESL and Special Education) input.

- Ongoing formative assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student.
- The input of a school psychologist or other school professionals may be requested, as necessary, to help determine whether the additional exit criteria are warranted.
- Direct teacher input should provide further insight into the student's classroom performance and needs, and should include, if applicable, documentation of interventions, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities..

Monitoring of ELs with IEPs after Language Instructional Program Exit

Monitoring of the academic progress of ELs who have been reclassified is required for four years after reclassification from the language instruction educational program and appropriate records of student progress must be maintained. ESSA Section 3121(a)(5)

Monitoring may include any or all of the following:

- Periodic review of grades
- Local assessments
- Required state assessments
- Teacher observation
- Teachers may implement appropriate interventions to assist students who are not meeting benchmarks in core content areas.
- Monitoring is not an extension of the language instruction educational program. Students who are monitored cannot be counted as ELs in any state or federal data collection systems for the purpose of acquiring state or federal funding.
- For accountability purposes, an LEA must report on the academic achievement of an EL for each year of the four years after such student has achieved English language proficiency and no longer receives ESL services. These data must include results on content assessments for reading/language arts, mathematics, and science.

Every Student Succeeds Act (ESSA) Data Requirements

Under ESSA Section 3121, an LEA must disaggregate by English learners with disabilities in reporting the number and percentage of ELs making progress toward English language proficiency, and in reporting the number and percentage of former ELs meeting State academic standards for each of the four years after they no longer receive Title III services. (Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), p. 37).

Resources

Council of Chief State School Officers ESSA Resource Page

http://www.ccsso.org/Resources/Programs/Every_Student_Succeeds_Act.html

FAQs - Instructional Guidelines for English Language Learners with IEPs
www.pattan.net.

U.S. Department of Education ESSA Website
<http://www.ed.gov/essa?src=rn>

U.S. Department of Education and Department of Justice Dear Colleague Letter on Obligations to English Learners
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

U.S. Department of Education English Learner Tool Kit for States and LEAs. The tool kit is designed to help state and local education agencies (SEAs and LEAs) in meeting their legal obligations to ELs, including ELs with IEPs, and in providing all ELs with the support needed to attain English language proficiency while meeting college- and career-readiness standards
<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>

U.S. Department of Education Newcomer Toolkit
<http://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/index.html>

U.S. Department of Education Office of English Language Acquisition (OELA) website
<http://www2.ed.gov/about/offices/list/oela/index.html>

U.S. Department of Education Office of Special Education Programs website
<http://www2.ed.gov/about/offices/list/osers/osep/index.html>

U.S. Department of Education Resource Guide: Supporting Undocumented Youth
<http://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>