

Assessing English Learners when Conducting Comprehensive Special Education Evaluations

Sharon Madsen
School Administration Consultant

Tanya Morin, PhD
Education Consultant

November 1, 2023



WISCONSIN DEPARTMENT OF
Public Instruction
Jill K. Underly, PhD, State Superintendent

Goals

By the end of this presentation participants will:

- **Understand the legal obligations to provide services to English learners with disabilities**
- **Be familiar with the process to identify English learners and language proficiency levels**
- **Know a district's responsibility to locate and identify ALL students with disabilities**
- **Learn about considerations for conducting a comprehensive special education evaluation for an English learner**
- **Explore a newly developed resource: Assessing English Learners when Conducting Comprehensive Special Education Evaluations**

English Learner: Legal Definition

- Aged 3-21
 - Enrolled/preparing to enroll in elementary or secondary school
 - Not born in U.S. or native language is a language other than English
- AND**
- Where emerging proficiency in speaking, reading, writing, or understanding English language may impact:
 - Ability to meet proficient level of achievement on State assessment
 - Ability to achieve in classrooms where language of instruction is English
 - Opportunity to participate fully in society

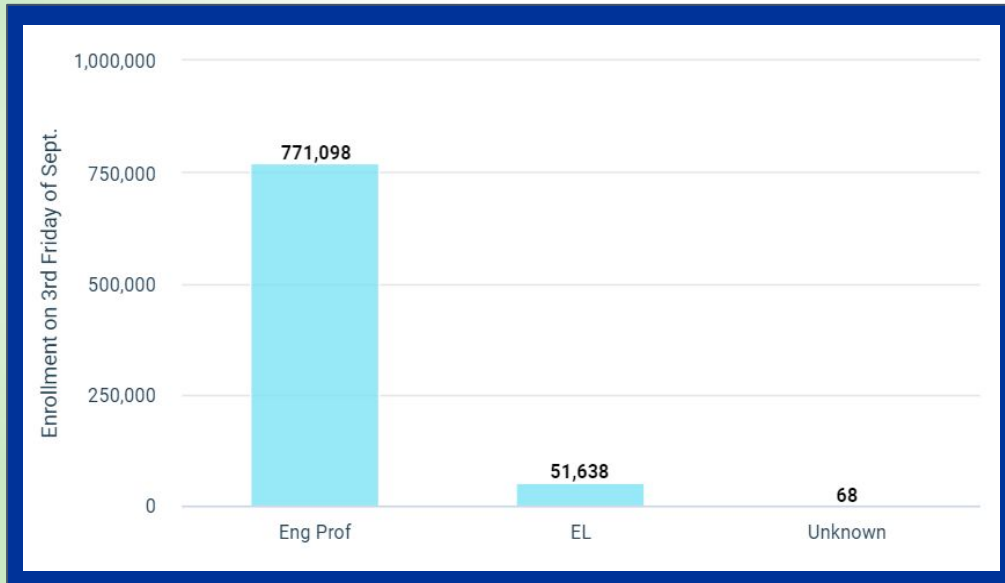
How ELs Are Identified

- Home language survey
- English language proficiency (ELP) screener
- EL determination based on screener score
- Annual ELP assessment for identified students



Wisconsin EL Landscape

2022-2023



Enrolled student population as report via WISEdash Public Portal. Retrieved May 30, 2023

51,638 students, represents 6.7 % of enrolled students (SY21-22: 49,812)

Total School Population: 771,098

Nearly 80% of ELs identify Spanish as their first language.

Top Languages:

- Spanish
- Hmong
- Arabic
- Chinese
- Somali

English Learners with Disabilities

- Approximately 1 in 7 of EL students nationwide identified as having a disability in 2018-19 school year (according to [new federal data](#))
- Slightly higher than the 14% of all students receiving IDEA services
- Percentage of ELs with disabilities varies greatly between states.
- Approximately 17.7% in WI



Rights of English Learners w Disabilities

English Learners

- **Elementary and Secondary Education Act, as amended by ESSA**
 - Title III, Title I
- **Equal Education Opportunities Act**
- **Civil Rights Act of 1964**
 - Title VI
 - Landmark court cases
- **Dear Colleague letters, fact sheets**

Students with disabilities

- **Individuals with Disabilities Education Act (IDEA)**
- **Section 504 of the Rehabilitation Act of 1973**

What is Child Find?

Per IDEA, local education agencies (LEAs) must ensure that all resident students who may need special education and related services are identified, located, and evaluated

[34 CFR § 300.111\(a\)\(i\).](#)



How Does a Student Receive Special Education?

- Referral
- Special Education Evaluation
 - Does the student have a disability?
 - Does the student require special education?
- If the answer to the above two questions is yes, an Individualized Education Program (IEP) would be developed for the student



Assessing ELs when Conducting a Comprehensive Special Education Evaluation

There is no single method to distinguish between English learners (ELs) who are acquiring new language skills, and those who have a disability. IEP teams are required to determine whether a student's difficulties in academic and functional skills are the result of secondary language acquisition, a disability, a combination of these two factors, or other ecological factors.

[Assessing English Learners when Conducting a Comprehensive Special Education Evaluation](#)

Considerations & Recommendations

Emerging English Proficiency

- Exclusionary factor that is addressed **AFTER** all new and existing assessment data and other information have been analyzed **BEFORE** the IEP team makes its eligibility decision.
- An IEP team may not find a student to be a “child with a disability” if any of the exclusionary factors listed in state or federal legislation are the determinant reason for the decision that the student meets special education eligibility criteria. [34 CFR § 300.306\(b\); Wis. Stat. § 115.782\(3\)\(a\).](#)
- It is not uncommon for an IEP team to assess, consider and discuss one or more exclusionary factors **AND** determine that a student has a disability and need for special education.

Time Spent Learning English

- May develop adequate English to interact socially within 1-3 years
- Not unusual to take 5-7 years to develop academic language proficiency
- Special education evaluation cannot be delayed until a student is fully English proficient
- When conducting an evaluation, language should be considered as a possible factor impacting student achievement



IEP Team Members

- **Involve parents, guardians, family members to learn about student's language use history**
 - **First language(s)**
 - **Language(s) spoken in the home**
 - **Preschool experience and language(s) used by student**
- **Include educator(s) with foundational knowledge in first and second language instruction and second language acquisition**
 - **Speech and language pathologist**
 - **ESL/bilingual teacher**
 - **World language teacher**

Instruction

Consider effectiveness and fidelity of services and supports provided to student

- Quality, duration, frequency, timeliness
- Attentiveness of content instruction to language development standards
- Access to teachers trained in English as a Second Language (ESL) strategies



Assessment

Ensure assessments and other evaluation materials are:

- Selected and administered so as not to be racially or culturally discriminatory
- Provided and administered in the language and form most likely to yield accurate information about what the child knows/can do academically, developmentally, and functionally, unless it is clearly not feasible to do so (34 CFR § 300.304(c)(1); Wis. Stat. § 115.782(2)(a)3)



Like Peers

- Monitor student progress in comparison to ELs with similar backgrounds and English language proficiency (ELP) levels (i.e., like peers)
- Way to differentiate between language acquisition and effects of a disability
- May need to disaggregate student data to make such comparisons



Monitoring Student Progress

- **Consider:**
 - **Whether student demonstrates better progress in academic areas/courses with lower language demands**
 - **Student's historical progress when receiving instruction in home language vs instruction in English**
 - **Whether rates of progress increase over time as student becomes more proficient in English**
- **Conduct additional observations in multiple educational settings**

Analyzing and Summarizing Team Discussion

- What does that data say about the student?
- What are the student's strengths?
- What are the student's needs?
- Is there evidence that might point to a disability?
- Could the observed behaviors or concerns be attributed to a non-disability related cause, such as EL status, or schooling background?
- Is the student receiving universal instruction and interventions that are appropriate for ELs?
- Is there evidence that other factors or impairments may be impacting academic progress?
- Based on this information, what are the next steps in addressing the student's needs?

Guiding Questions

Take a few minutes to review the “Guiding Questions” found on page 4 of the document [Assessing English Learners when Conducting Comprehensive Special Education Evaluations](#)

What are some questions that resonate with you?

What questions would you like to bring to the next IEP meeting you attend?





GAME TIME!

A NEXT LEVEL CHALLENGE

Myth or Fact

		Myth	Fact
1.	English is one of the most difficult languages to learn.		
2.	Adults are better at learning other languages than children.		
3.	If a district implements universal instructional practices for English learners, and the students aren't making progress, they know for certain that something else is going on.		
4.	Districts should wait two years before having English Learners referred for special education, so the child has an opportunity to learn at least some language before being evaluated.		
5.	ELs who have an IEP in place, no longer need to be assessed for English Language proficiency because they are no longer ELs and will be served by special education.		
6.	It is not beneficial for an EL with a disability to learn another language.		

Myth or Fact

		Myth	Fact
1	English is one of the most difficult language to learn	Myth	

There are many factors that determine whether or not learning a second language is a challenge, including: age, environment, attitude, language distance, cognitive abilities, etc.

Many languages have aspects that are challenging. No one single language can be considered “the most difficult” and the relative difficulty depends on the individual doing the learning.

Myth or Fact

		Myth	Fact
1.	English is one of the most difficult languages to learn.		
2.	Adults are better at learning other languages than children.		
3.	If a district implements universal instructional practices for English learners, and the students aren't making progress, they know for certain that something else is going on.		
4.	Districts should wait two years before having English Learners referred for special education, so the child has an opportunity to learn at least some language before being evaluated.		
5.	ELs who have an IEP in place, no longer need to be assessed for English Language proficiency because they are no longer ELs and will be served by special education.		
6.	It is not beneficial for an EL with a disability to learn another language.		

Myth or Fact

		Myth	Fact
2	Adults are better at learning other languages than children.		

Generally adolescents and adults are better at learning other languages than children, even though the opposite might seem to be the case. Children's communication is typically social. However, adults engage in more highly-developed, complex conversations and must be able to navigate those demands.

Another factor that contributes to the myth that children are better at learning a new language is that children can typically hear and reproduce the sounds of another language more accurately. Adults may be more likely to develop accents, which makes it appear that they are not as fluent.

Myth or Fact

		Myth	Fact
1.	English is one of the most difficult languages to learn.		
2.	Adults are better at learning other languages than children.		
3.	If a district implements universal instructional practices for English learners, and the students aren't making progress, they know for certain that something else is going on.		
4.	Districts should wait two years before having English Learners referred for special education, so the child has an opportunity to learn at least some language before being evaluated.		
5.	ELs who have an IEP in place, no longer need to be assessed for English Language proficiency because they are no longer ELs and will be served by special education.		
6.	It is not beneficial for an EL with a disability to learn another language.		

Myth or Fact

		Myth	Fact
3	If a district implements universal instructional practices for English learners and students aren't making progress, they know for certain that something else is going on.		

Districts should have a framework in place for identifying ELs with disabilities that is based on equitable multilevel systems of support that includes the collaboration between members of a multidisciplinary team. Parents and caregivers should be centered as an integral part of that team and as experts on their child. The effectiveness of Tier 1 instruction and Tier 1 language programming should also be taken into consideration. Interventions should be done with integrity and should include language support for the student to prevent inappropriate special education referral.

Myth or Fact

		Myth	Fact
1.	English is one of the most difficult languages to learn.		
2.	Adults are better at learning other languages than children.		
3.	If a district implements universal instructional practices for English learners, and the students aren't making progress, they know for certain that something else is going on.		
4.	Districts should wait two years before having English Learners referred for Special Education, so the child has an opportunity to learn at least some language before being evaluated.		
5.	ELs who have an IEP in place, no longer need to be assessed for English Language proficiency because they are no longer ELs and will be served by special education.		
6.	It is not beneficial for an EL with a disability to learn another language.		

Myth or Fact

		Myth	Fact
4	Districts should wait two years before having English Learners referred for special education, so the child has an opportunity to learn at least some language before being evaluated.		

Districts must identify English Learners with a disability without delay. "Child find" is the affirmative, ongoing obligation of states and local districts to identify, locate, and evaluate all children with disabilities residing within the jurisdiction who are in need of special education and related services. 34 CFR 300.111 (a)(1)(i). Even infants and toddlers can be evaluated.

Myth or Fact

		Myth	Fact
1.	English is one of the most difficult languages to learn.		
2.	Adults are better at learning other languages than children.		
3.	If a district implements universal instructional practices for English learners, and the students aren't making progress, they know for certain that something else is going on.		
4.	Districts should wait two years before having English Learners referred for special education, so the child has an opportunity to learn at least some language before being evaluated.		
5.	ELs who have an IEP in place no longer need to be assessed for English language proficiency because they are no longer ELs and will be served by special education.		
6.	It is not beneficial for an EL with a disability to learn another language.		

Myth or Fact

		Myth	Fact
5	ELs who have special needs, and have an IEP in place, no longer need to be assessed for English Language proficiency because they are no longer ELs and will be served by special education.		

Schools must provide EL students with disabilities with both the language assistance and disability-related services they are entitled to under federal law. Should parents decline disability-related services under IDEA and Section 504, the district remains obligated to provide appropriate language assistance services to ELs. If parents opt out of specific EL programs and services, but have consented to the provision of disability-related services, the LEA remains obligated to provide such services as required in the IEP or Section 504 plan, and to conduct ELP monitoring and/or provide language assistance as appropriate. As an identified English Learner the district is responsible for ensuring language growth even if a parent opted out of programming and services.



Myth or Fact

		Myth	Fact
1.	English is one of the most difficult languages to learn.		
2.	Adults are better at learning other languages than children.		
3.	If a district implements universal instructional practices for English learners, and the students aren't making progress, they know for certain that something else is going on.		
4.	Districts should wait two years before having English Learners referred for special education, so the child has an opportunity to learn at least some language before being evaluated.		
5.	ELs who have an IEP in place, no longer need to be assessed for English Language proficiency because they are no longer ELs and will be served by special education.		
6.	It is not beneficial for an EL with a disability to learn another language.		

Myth or Fact

		Myth	Fact
6	It is not beneficial for an EL with a disability to learn another language.		

Bilingual education has advantages for students with and without disabilities, including promoting (a) metalinguistic awareness, (b) cognition, (c) social achievement; and (d) cross cultural awareness and understanding. In addition, the use of a student's primary language facilitates participation in instructional and learning activities, which leads to the acquisition of academic content.

Q & A



Resources

- [Assessing English Learners When Conducting Comprehensive Special Education Evaluations](#) (DPI)
- [Addressing Bias in a Comprehensive Special Education Evaluation](#) (DPI)
- [Chapter 6: Tools and Resources for Addressing English Learners With Disabilities](#) (USDE)
- [Comprehensive Special Education Evaluation](#) (DPI)
- [English Learner Policy Handbook, Chapter 11: English Learners with Disabilities](#) (DPI)
- [Meeting the needs of English learners with and without disabilities: Brief 2, Evidence-based Tier 2 intervention practices for English learners](#) (U.S. Office of Special Education Programs)
- [Special Education and Multilingual Learners](#) (DPI)
- [Special Education in Plain Language](#) (DPI)
- [Speech and Language Assessment - Linguistically Culturally Diverse: Spanish Speaking](#) (DPI)