

SPECIAL EDUCATION REFERRAL FOR ELLS (rev 12/09)

According to the U. S. Department of Education, Office of English Language Acquisition (OELA) the following three guidelines are given to state and local districts to ensure compliance with Section 504, Title VI, and IDEA:

- Districts may not assign students to special education programs on the basis of criteria that essentially measures and evaluates English language skills. Districts may not refuse to provide alternative language services and special education to students who need both.
- When reviewing, a district's special education referral and evaluation procedures (whether or not) they are in compliance with legal requirements, OCR generally recommends that district staff consider the effect of the language development and proficiency of language-minority students.
- If a student is not proficient in the language skills required to complete an evaluative instrument, the results will not be valid. If district staff relies primarily on invalid data, without considering other sources of information about the student, the district will be in violation of civil rights laws.

Students considered limited English proficient or having cultural diversity issues may not be determined to be a student with a disability based only on these two factors. It is the responsibility of the district to assure the ELL is genuinely disabled before offering the parent the option of special education for their child. Likewise, a child may not be denied special education services if he/she possesses the characteristics that would otherwise qualify him for these services.

Language dominance assessed

Gifted Education

When a student demonstrates/exhibits above average academic achievement, the teacher should contact the gifted teacher at that school. The referring teacher should review the student's cumulative records, with a focus upon results of Interval Assessment, report cards, and standardized assessments (iLEAP and/or LEAP). School level screening may then be needed. Contact with the Gifted/Talented coordinator may be made if no gifted teacher is available. Note that language differences in ELLs may be skewed due to language differences.

The screener for gifted is looking for the 85th percentile or above on an academic measurement and $127 + SEM$ of 3 or $13C$ on a cognitive measure for consideration for evaluation, recognizing that cultural issues may affect the results. **A non-verbal test (Test of Non-Verbal Intelligence- 3rd Edition (TONI-3) SEM=5) should be used for a student of obvious culturally or linguistically diverse background, such as an English language learner.**

If the student scores within the prescribed range on the screening test, the student may be referred to the A/BIT or IEP Team. If the student does not score within the range but the

classroom teacher believes that the student may be in need of services, the teacher will complete the attached U-STARS screening with the appropriate number of statements in each area checked as observed.

ELLs/ LEP students, (as coded in the Federal Programs tab on Infinite Campus- call to confirm- WB, Gina Arellano 365-5560 or EB, Alina Sampson, 443-1432) the ESOL teacher will request that the *MultiCultural Family Interview* be conducted by the ESOL staff in the native language of the family to determine the need for bilingual\nonverbal assessment to reduce the effect that the child's culture will have on standardized test results.

All of this information (including screening protocols) is provided to the A|BIT or IEP Team along with the requisite JP Forms 1-4 and JP-22 to parents. The A|BIT or IEP Team will carefully review all available information prior to making a decision about recommending an evaluation, recognizing that when any of the information required is not available, a decision cannot be made. It is highly recommended that when cultural or disproportionality issues may exist, weight is given to the U-STARS screening as a deciding factor. If an ELL is evaluated as gifted, he/she may receive both ESL and gifted and talented services.

Talented

A child should not be denied talented education when a language difference would invalidate test results. Results from talented tests may demonstrate lowered measures of ability and incorrect conclusions may be drawn. Screening instruments for assessing talented abilities should be used in conjunction with interpreters and bilingual dictionaries. School based bilingual paraprofessionals should be used at the school site. If there is not a talented teacher at the school, call Pat Blanchard, Instructional Program Consultant, 349-7834 to refer the child.

Evaluations for students suspected of being talented in the areas of visual arts, music or theater will be held on multiple dates during the school year. The required school-based screening conducted by the referring teacher must be completed according to the timelines below. Copies of the new screening instruments are available in the school. These timelines will facilitate processing through the Academic/Behavioral Intervention or IEP Teams and Pupil Appraisal. The referral packet (JP1-4) will then be submitted through the appropriate Special Education Area Office to the Coordinator of Pupil Appraisal Services/Behavior Management for scheduling during the designated evaluation dates.

Since state-approved examiners from outside the school system must be hired to conduct these evaluations, teachers should impress on parents of referred children the importance of being punctual and participating in the evaluation process, including signing of appropriate consent forms. Please note that students 4th grade and above in theater and all students in music must be prepared for evaluation with a theater soliloquy as provided

by the theater teacher for theater students or two copies each of sheet music for two selections to be played during the music audition for music students.

Speech Services

If an ELL is suspected of an articulation disorder, the child will not be denied or offered services based on solely his/her English language proficiency. If the child is unable to articulate the sound in the native language, then the child is also unable to articulate the sound in the second language; a speech evaluation is in order. Contact the speech language pathologist at the school. The speech language pathologist may conduct further interviews with the ESL teacher to clarify relevant educational/cultural concerns.

Concerns regarding language, voice and fluency

Learning Difference

If after a reasonable period of time, the teacher suspects a learning difference (not giftedness), the Three Tiered Approach, as used for the district, should be followed by the ESL teacher. Federal law (*Individuals with Disabilities Education Improvement Act*) requires a Three-Tiered or Response to Intervention procedure. The three tiers each represent a more intensive level of intervention and require more individualized staff time.

Intervention Model for English Language Learners

Tier I

In Tier I, all students receive high quality and appropriate instruction, behavioral support as well as regular classroom monitoring (universal screening {DIBELS and/ or AIMSWEB- K-5, and School-Wide Positive Behavior Support (SWPBS)}). All students are provided additional appropriate support (differentiated instruction*) in the general education/ ESL instructional setting. In addition, during Tier I, the teacher identifies students at risk. For students identified as at risk, the teacher will:

- Complete the *Acculturation Screening Form*, using the information to plan for appropriate instruction.
- Consult with the ESL strategist and special program strategists to obtain additional ideas for instructional strategies and support.
- Contact the parent as soon as possible to inform the parent of concerns and find out what the parent is doing and recommend to the parent ways to support the child at home. Continue to involve the parent in the progress the student is making throughout the process.
- Establish current levels of performance (a baseline) for reading, writing, or math (DIBELS/ academic work/SSBD and/or AIMSWEB- K-5). **Can a teacher do this part??**
- Begin a portfolio of student work including dates, level of involvement and duration of strategies used and *Acculturation Screening Form*. Include any pertinent information which can be used to gauge the progress of the student.

For English language learners, cultural, linguistic, socioeconomic and experiential background factors should be considered when choosing instructional strategies.

- Continue monitoring student achievement for nine weeks.
- If the student responds to interventions, continue to implement interventions; do not refer the child to Tier II.

Tier II

Students who do not make progress in Tier I are provided more intensive support through intensive intervention in Tier II. More intensive support includes additional instructional time.

- If after nine weeks, the student does not show significant gains, the teacher will contact the school principal or A/BIT designee and request that the A/BIT review the student's portfolio/data and begin Tier II of the RTI process.
- A/BIT will consult with the teacher(s) and advise the teacher of specific interventions to be implemented. Once interventions are chosen, **all** teachers involved in the education of the student should implement the interventions. The ESL teacher will participate and attend any meetings concerning ESL students who are involved in Tier II.
- Tier II interventions are SUPPLEMENTAL or in addition to the general/ESL curriculum.
- The intervention and data collection system must be structured and progress monitored weekly.
- The teacher will contact the parent again to inform them of the decision to place the child in Tier II.
- If a referral to A/BIT has been made and the teacher has not been contacted by A/BIT after two weeks of the initial request of Tier II, the teacher should contact Kathleen Bernard-Nixon, 349-7719 or the ESL Coordinator.
- The interventions will be conducted for nine weeks. The ESL teacher will continue to build the portfolio of student work including interventions and data. The ESL teacher will meet with the child's general education teachers confirming that interventions are implemented in the general education classroom.
- If the student responds to interventions, the teacher will continue to implement them until the end of the nine weeks. If the student has made sufficient academic gains, the team may decide to cycle him back to Tier I with close observation of the students' continued progress.
- If the child does not make progress the team may decide to place the child in Tier III.

Tier III

Tier III interventions are more intensive and may be delivered in a small group or individually.

- The A/BIT chairperson will contact Brenda Melara or Hue Le, Bilingual Special Education Paraprofessional, at the onset of Tier III.
- The bilingual educational diagnostician will:
 - Interview the student
 - Interview the parent
 - Interview the teacher
 - Conduct the dominant language screening
 - Evaluate the portfolio
 - Assist the team in selecting culturally linguistically appropriate interventions.

The student will receive interventions for nine weeks. If after that period, the interventions have proven unsuccessful, the team may consider starting the evaluation process. If the child is responding, the team may determine to extend the Tier III interventions.

If it is determined the child will be evaluated, the evaluation team will meet with the parent and request permission for evaluation. The evaluation team will determine what testing is appropriate for the child based on the results of the Dominant Language Assessment and information collected during the RTI process.

Evaluation Process

If the child's dominant language is Spanish, Brenda Melara will conduct the academic assessment. If the dominant language is a language other than English or Spanish, the test will be conducted by the school assigned evaluation team with the assistance of a bilingual special education paraprofessional, or for low incidence languages, an interpreter will be secured from Pupil Appraisal (Jim Cowie). For those children who have not established a dominant language an interpreter will be provided to assist in the assessment process. If the dominant language is English, the school assigned evaluation team will conduct the evaluation.

Significant or Obvious Disorders

If an ELL appears to have a **significant** concern (physical, medical, mental, and/or dangerous emotional) he/she should be referred immediately with required documentation (JP1-4), relevant medical documentation, and intervention results to the A/BIT at his or her school for further determination of needed services. Please note that documentation of intervention continues to be required for mental, emotional, and most ADHD type disorders. In this case, the three-tiered approach is not necessarily used.

New Students whose Evaluations are Outside of JPPSS

When an ELL registers in the district and the child has an IEP/evaluation from another district, the child will be screened for language assessment at the Testing and Registration Center. After screening, the relevant reports will be forwarded to either the Eastbank Special Education Office (736-1776 Attn: Vic Castillo) or the Westbank Special Education Office (349-8614 attn: Jim Cowie). If the relevant IEP/Evaluation is written in a language other than English, the information may be forwarded to Jim Cowie at 349-8614, Coordinator of Pupil Appraisal Services/Behavior Management where the evaluation will be reviewed. The Special Education Department will place the child at the appropriate school and notify the ESL/Special Education Federal Programs Coordinator of the child and placement. Special Education ELLs attend either a school with an ESL Center or one without one depending on their special education placement. The child may receive instruction in the special education classroom, regular classroom, ESL classes, and/or support from a regular or bilingual paraprofessional. The ESL/Special Education Federal Programs Coordinator (349-7719) will determine the kind of specialized language services to be provided.

For further information regarding the policy of ELLs and special education services see the *Louisiana Guidelines for Identification & Instruction of English Language Learners with Disabilities* and the *Jefferson Parish Guidebook for the Identification & Instruction of English Language Learners*. The latter is posted on the JPPSS, ELAD website.

For further information:

Jim Cowie, Pupil Appraisal, 349-7937

Kathleen Bernard-Nixon, English Language Acquisition Department, 349-7719