

## SPECIAL EDUCATION REFERRAL FOR ELLS (rev 9/14)

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.

### 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.

The screener for gifted is looking for the 85<sup>th</sup> 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- 3<sup>rd</sup> Edition (TONI-4) 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 Harrison Observation Form 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 365-5363 or EB, Alina Sampson, 443-4229) 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 Harrison Observation Form 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 Raychell Richard, Director of the Gifted and Talented Program, 365-5367 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 4<sup>th</sup> 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 {Fountas and Pinnell 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:

- 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 based on universal screening
- Begin a portfolio of student work including dates, level of involvement and duration of strategies used. 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.

## *Tier II*

Students who need additional assistance are provided more intensive support through Tier II interventions. More intensive support includes additional instructional time and/or behavior support.

- 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.
- 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 Karina Castillo, 349-7829 or the Executive Director of English Language Learners.
- The interventions will be conducted for as long as necessary. 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 appropriate level of functioning is reached.
- If the child does not make progress the SPOE can request for BVAT test. When A/BIT meets the parent should be invited to the meeting, if a trained bilingual interpreter is needed the SPOE should request one. All A/BIT members and the parents must be in agreement to administer the BVAT assessment.
- The A/BIT chairperson will contact Brenda Melara and Maria Valbuena, to determine dominant language for the purpose of:
  - Determining appropriate language of instruction
- The Bilingual Verbal Ability Test (BVAT) screener will:
  - Conduct the dominant language screening
  - Evaluate the portfolio
  - Assist the team in selecting culturally linguistically appropriate interventions.
- The student will receive interventions as appropriate. If after that period, the interventions have proven unsuccessful, the team may consider moving student to Tier III. If the child is responding, the team may determine to extend Tier II interventions.

### ***Tier III***

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

- The bilingual educational diagnostician will:
  - Interview the student
  - Interview the parent

The student will receive interventions as appropriate. 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. If needed, a trained bilingual interpreter must be provided by the school for LEP parents. 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 dominant language is a language other than English, the test will be conducted by Maria Valbuena. IEPs can be interpreted (orally) for parents, not translated (written translation). When an initial evaluation is completed and there is the need to staff with parent that is Limited English Proficient (LEP) Brenda Melara or Osi Ferreira must be contacted for interpretation services. When Individual Educational Program (IEP) is created and needs to be staffed with a parent that is Limited English Proficient (LEP) Brenda Melara or Osi Ferreira must be contacted for interpretation services.

### ***Significant or Obvious Disorders***

If an ELL appears to have a **significant** or **serious** concern (physical, medical, mental, and/or dangerous emotional) he/she should be referred immediately with required relevant medical/educational documentation, and intervention results to the A/BIT at his or her school for further determination of needed services. Please note that documentation of interventions continues to be required for mental, emotional, and most ADHD type disorders.

### ***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 or country, the child will be screened for language assessment at the Testing and Registration Center. After the Language Proficiency screening (WIDA), the relevant reports will be forwarded to the Special Education Office (349-7937 Attn: Jim Cowie). 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 may attend a school with or without an ESL Program depending on their special education needs. The child may receive instruction in the special education classroom, regular classroom, ESL classes, and/or support from a regular or bilingual paraprofessional. The Executive Director of English Language Learners will provide input to the IEP Team to determine the appropriate specialized ESL services to be provided.

Please note that all interactions with parents of ELLs students will likely require interpretive services. Although parents of ELLs may appear speak English fluently, oftentimes their comprehension of educational terminology will be limited.

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*. This information will be available on the ELAD website..

For further information:

Jim Cowie, Coordinator of Pupil Appraisal Services, 349-7937

Dr. Deidra Louis, Director of Pupil Appraisal, 349-7913

Terri Joia, Executive Director of Special Programs, 349-5359

Karina Castillo, Executive Director of English Language Learners, 349-7829