## English Learners and the Special Education Process

### The English Learner (EL)

An EL is a student whose native and/or dominant language is a language other than English. Native language is: "In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment." (AAC 290-8-9-.00(13), p. 490)

When an EL struggles academically, it is critical that consistent language accommodations, instructional interventions, and strategies be implemented, closely monitored, documented, and analyzed. Response to Intervention (RtI) procedures should also be followed. If these measures are ineffective, the student may be referred for a special education evaluation. Delaying special education evaluations of ELs for a specified period of time based on their EL status is **NOT** permissible under the *Individuals with Disabilities Education Act* (IDEA) and Federal civil rights laws. If an EL is referred, all rules and regulations of the IDEA and the policies, procedures, and timelines in the *Alabama Administrative Code* (AAC) must be followed.

Professionals with qualifications and/or expertise in second language acquisition (e.g., EL staff, special education staff) **must** be included in all meetings regarding an EL.

All written communication and documentation, including notices of meetings, permissions, parent rights, surveys, Individualized Education Programs (IEPs), etc., **must** be provided in the parent's native language. Interpreters should be utilized as needed throughout the special education process in all meetings with the EL student and/or family.

### Environmental Language Survey, Interviews, and Observations

Children K-12 should have the Home Language Survey completed by their parent(s) as part of the registration process, which will provide information regarding language(s) spoken in the home. Additional surveys or questionnaires should include information on current primary language of communication, as well as a communication history. Parent input is of vital importance in the completion of the survey. It is imperative to glean developmental information and current functional levels from the parent(s). For example, the IEP Team needs information about how the child performs in comparison to siblings or other children his age within the familial culture, the amount of time a child has attended school, the language of formal instruction in previous schools, and whether the child struggled in previous schools/settings.

The Local Education Agency (LEA) evaluator may select the instruments to be completed, but examples of thorough parent questionnaires are the Alberta Language and Development Questionnaire (ALDeQ) and the Alberta Language Environment Questionnaire (ALEQ). The ALDeQ consists of questions for parents concerning the early and current development of an EL child's first language. Its purpose is to reveal whether there may be evidence of delay or difficulties in the first language. The ALEQ consists of questions about family demographics, language use in the home, and other aspects of an EL's language environment to provide information on a child's exposure to English. This information may inform the IEP Team in determining in which language(s) to assess the child. Both the ALDeQ and the ALEQ may be accessed online at: https://www.ualberta.ca/linguistics/media-library/chesl/documents/aldeq.pdf.

Parent/family interviews are critical in the assessment of ELs. Both structured and unstructured observations are also valuable to compare the EL with similar cultural and/or linguistic peers. Interviews should be conducted in the interviewee's native language.

**Language of Assessment**

It takes most ELs two years to acquire Basic Interpersonal Communication Skills (BICS). BICS includes context-embedded conversational language. However, an EL requires five to seven years, even under ideal conditions, to acquire Cognitive Academic Language Proficiency (CALP). CALP is the language of academics, where context clues are reduced. Many ELs may appear to be fluent in English during conversation (BICS), when they have not fully developed CALP. Even if an EL is able to have a conversation in English, his academic English skills may not be developed enough to appropriately respond in English, as the language level of the questions on an assessment may be above his CALP level (Artiles & Ortiz, 2002). Lack of CALP development may cause an EL to score artificially low on cognitive and/or language tests that utilize academic language in test items.

The WIDA Assessing Comprehension and Communication in English State-to-State for English Language Learners (WIDA ACCESS) test (https://wida.wisc.edu/) or comparable measure should be administered to determine English proficiency. Proficiency testing data should be no more than 6 months old (Ortiz et al., 1985). If the student scores in the proficient range, then evaluate in English if this is determined to be appropriate by the IEP Team during the referral process. If the student does NOT score in the proficient range, then testing **must** be completed in the dominant language. Testing in both the native language and English is always an option, and may be valuable in providing additional data. Assessments should always be "provided and administered in the child's native 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**" (34 C.F.R. §300.304(c)(1)(ii))

**Preschool EL Students**

The WIDA ACCESS test, specifically, is designed for use for students from kindergarten through twelfth grade. For a preschool-age EL with a suspected disability, the home language survey and interviews will guide the IEP Team's decision regarding in which language(s) to assess. As above with school-age ELs, assessments should always be administered in the language most likely to result in the most accurate information about what the student knows and can do.

**Interpreters**

Information that interpreters provide is vital in assessing an EL. Interpreters not only ensure that directions, questions, and answers are understood, but also help to convey respect for the EL's culture and its impact on his academic performance (Blatchley, 2010). The use of family and friends as interpreters is not encouraged, as their knowledge of the family may color their interpretation and may constitute a breach of confidentiality (Blatchley, 2010). When selecting an interpreter, the LEA should ensure that the interpreter's language proficiency in both English and the EL's dominant language is adequate to provide interpretation of complex questions and information (Artiles & Ortiz, 2002). Work with the interpreter

ahead of time to ensure that any vocabulary specific to special education that might be used is explained and understood.

When using an interpreter during a meeting or interview, LEA personnel should always be present. English-speaking professionals should consider the following when using an interpreter (adapted from Roseberry-McKibbin, 2008):

1. Speak in short units. Avoid the use of idioms, slang, and professional jargon.
2. Define any terms and acronyms (i.e., IEP) with which families and interpreters may not be familiar.
3. Encourage the interpreter to use direct translation rather than paraphrasing what the family says.
4. When speaking, address and look at the family instead of the interpreter.
5. Allow the family an opportunity to ask questions.

Most interpreters are not trained in special education assessment. If an interpreter is to assist in the administration of an assessment, he or she should meet with the evaluator in advance to review testing procedures, restrictions, reinforcement schedule, specific test questions for clarification, as well as expectations for correct responses. It is the LEA's responsibility to ensure that the assessment is administered appropriately. The interpreter's responsibility is to translate the wording of the assessment. The interpreter must not provide cues and should consult with the evaluator during testing if questions arise. Interpreters should be informed of Family Education Rights and Privacy Act (FERPA) and confidentiality considerations.

When using an interpreter during assessment, the LEA evaluator should be present for all testing. The evaluator should observe the interpreter to ensure that cues are not given, administration instructions are adhered to, and the interpreter and student are interacting appropriately (Langdon, et al., 2008). The evaluator should observe and record the EL's testing behaviors (perseveration, distractibility, etc.), use of nonverbal communication, and communication patterns (response delays, hesitations, use of gestures instead of words, word repetition, using very short answers, perseveration on an item/topic, confusion, articulation errors, etc.) (Langdon et al., 2008; Roseberry-McKibbin, 2008). After the evaluation, the interpreter and evaluator should discuss the session, including student responses, language samples, and appropriateness of grammar, syntax, and phonology (Langdon et al., 2008).

**Assessment Materials**

> "Materials and procedures used to assess a child with limited English proficiency must be selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills." (AAC 290-8-9.02(1)(r), p. 501)

All assessments contain some level of cultural and/or linguistic loading, reflecting the culture of the test authors. To reduce bias and the possibility of over-identification of ELs, **ALL** correct responses in one

or both languages should be accepted during assessment (other than proficiency assessment), but any deviation from standard responses should be documented on the test protocol (Paradis, 2005).

No single assessment should be used to determine eligibility of any student, including an EL. The evaluator should use a variety of sources to appropriately determine eligibility: standardized assessments, interviews and/or rating scales completed with family and teachers, structured and unstructured observations, criterion-referenced and curriculum-based formative assessments, baseline performance data, work samples, response to intervention data, progress monitoring, comparison to performance of peers with similar demographics, etc.

LEAs and evaluators should expect evaluations for ELs to take longer and be more complex than those of students who are not considered ELs. However, LEAs must adhere to all timelines, procedures, and policies for special education outlined in the AAC.

**Standardized Scores and Documentation of Assessments**

If an assessment is not conducted under standard conditions (for example, if an interpreter was used, responses were given in a language other than English, etc.), a description of the extent from which it varies from standard administration conditions must be included in the evaluation report. In the case of an EL, caution should be used in relying upon standard scores and/or grade level equivalencies as the sole basis for eligibility for special education services. Consider that standardized assessments generally do not factor results from ELs or the use of interpreters into their standardization sample. Even assessments available in Spanish, for example, are developed for monolingual Spanish speakers with little or no English exposure. Further, some test items may not be readily translated into another language without changing the nature of the question and/or the target response. Consider that test formats and procedures also differ with cultures and may be unfamiliar and/or confusing to the EL.

**Nonverbal Procedures and Assessments:**

The use of nonverbal measures of cognitive ability may yield less biased results for ELs, but nonverbal instruments still may contain culturally loaded tasks. The evaluator should be aware that, while nonverbal assessments reduce language demands, they still require the student to possess prerequisite receptive language and nonverbal communication skills. While they provide one piece of information regarding the abilities of an EL, nonverbal assessments present an incomplete picture of a student's learning skills when used in isolation. For example, these measures "cannot predict how students will perform in classes where success depends on the ability to use language for both social and academic purposes" (Artiles & Ortiz, 2002).

**Social-Emotional and/or Behavior**

Acculturation is the extent to which an EL's family has modified/merged their native culture with the dominant culture. The IEP Team should consider acculturation level when the referral is for emotional/behavioral concerns. Students struggling to adjust to a new culture and environment may present symptoms that can imitate those of various disability categories, such as behavior problems, in the classroom (Blatchley, 2010). Factors for the IEP Team to consider include parent/family data and any

discrepancies in behaviors across settings, which might reflect cultural stressors at school that may not be present at home.

**Adaptive Functioning**

Evaluators should also be sensitive to cultural differences when examining adaptive skills. Some test items may not be culturally relevant or appropriate for an EL. For example, a young Asian male student may not button his clothing or tie his shoes because cultural norms may dictate that his mother is expected to do this (Blatchley, 2010). Parent interview questions pertaining to any differences in a student's functioning when compared to same age and background peers is critical to ascertain the student's level of adaptive skills.

**Determining eligibility**

The IEP Team or eligibility committee must determine whether the disability is not due to a "lack of appropriate instruction in reading including the essential components of reading instruction (as defined in section 1208(3) of the ESEA); (ii) Lack of appropriate instruction in math; or (iii) Limited English proficiency" (34 C.F.R. §300.306 (b)(1)). To accomplish this, someone knowledgeable about second language acquisition must be a part of the referral, eligibility, and IEP Team and/or eligibility committee for all ELs. The information gathered from various sources and assessments will aid the team in making the eligibility determination. If the student is determined to be proficient as determined by the WIDA ACCESS or comparable measure, and is assessed in English, then the disability should manifest in English. If the student is assessed in the native language due to a lack of proficiency in English as determined by the WIDA ACCESS or comparable measure, then the disability must be present in the native language. If the student has been assessed in both English and the native language, assessment data should be compared. "In order for a limited English proficient student to be deemed eligible, the eligibility team must determine that the communication disorder exists in the child's native language and is not the result of learning English as a second language." (AAC 290-8-9.04(1)(e), p.523) One <u>cannot</u> have a disability in one language but not in another.

**Special Education v. EL Services**

For ELs determined eligible for special education services, the IEP must include the following: "In the case of a child with limited English proficiency, consideration of the language needs of the child as those needs relate to the child's IEP." (AAC 290-8-9.05(6)(j), p.528) The IEP Team must consider the language needs of the student as those needs relate to the child's IEP when developing, reviewing, and/or revising IEPs (34 C.F.R. §300.346 (a)(2)(ii)). "The teaching of English as a second language or general American dialect is not the responsibility of special education." (AAC 290-8-9.04(1)(e), p.523) Students may receive **<u>both</u>** special education and English language services concurrently if the IEP Team determines that both services are appropriate and necessary for the student to access the general education curriculum. A continuum of placement and service options that support both exceptionality-related and languagerelated needs should be considered. **<u>ALL</u>** ELs with IEPs must have an EL plan documented on the profile page of the IEP.

**REFERENCES**

*Alabama Administrative Code (AAC) Chapter 290.8.9, Special Education Services*.

Artiles, A. & Ortiz, A., Eds. (2002). *English Language Learners with Special Education Needs*. Washington, D.C.: Center for Applied Linguistics.

Blatchley, L. & Lau, M. (2010). Culturally Competent Assessment of English Language Learners for Special Education Services, *Communiqué* Handout, National Association of School Psychologists. Retrieved December 17, 2014 from http://www.nasponline.org.

Carías, S. & Cornish, N. (2008). Not speaking their language? Providing appropriate services to bilingual students. PowerPoint presentation at the Annual Convention of the American SpeechLanguage-Hearing Association, Chicago, IL.

Individuals with Disabilities Education Act (IDEA), as amended in 2004, PL 108-446, 108th Congress, 20 *United States Code (USC)* 1400 et seq.

Individuals with Disabilities Education Act (IDEA) 34 C.F.R. §300 (2006).

Langdon, H., Castilleja, N., & Rhein, D. (2008). Collaborating with interpreters/translators in assessing language disorders in ELL students. PowerPoint presentation at the Annual Convention of the American Speech-Language-Hearing Association, Chicago, IL.

Ortiz, A., García, S., Holtzman, Jr., W., Polyzoi, E., Snell, Jr., W., Wilkinson, C., & Willig, A. (1985). *Characteristics of limited English proficient Hispanic students in programs of the learning disabled: Implications for policy, practice, and research.* Austin: University of Texas, Handicapped Minority Research Institute on Language Proficiency.

Paradis, J. (2005). Grammatical morphology in children learning English as a second language: Implications of similarities with specific language impairment. *Language, Speech and Hearing in the Schools*, 36, 172-187.

Roseberry-McKibbin, C. (2008). *Multicultural students with special language needs: Practical strategies for assessment and intervention, 3rd Edition*. Oceanside, CA: Academic Communication Associates, Inc.

Roseberry-McKibbin, C., & Brice, A. (2000). "Acquiring English as a Second Language: What's 'Normal,' What's Not." *The ASHA Leader,* 15(12), 4-7.

**Characteristics of Second Language Acquisition**

(Adapted from Roseberry-McKibbin, 2008)

**Interference:** A process in which a communicative behaviors from the first language learned (L1) is erroneously transferred into the second language learned (L2). This may occur in all areas: syntax, morphology, semantics, phonology, and pragmatics. An example of this is the French "une boule rouge." It translates directly to: "a ball red." When ELs produce errors such as these in English, educators must consider the possibility of interference from the L1. As the EL students' complexity of utterance increases, the number of errors may increase proportionately

**Silent Period:** A common second-language acquisition phenomenon, some ELs may go through a period when they are focusing on listening and comprehension, speaking very little. The silent period may last for as little as a few weeks to as long as a few months. Generally, the younger the child, the longer the silent period may last. The silent period may be accompanied by increased distractibility and social isolation as the student struggles with understanding, and may be misdiagnosed as a language delay or disorder.

**Language Loss:** It is common for ELs to lose proficiency in L1 as proficiency in L2 increases. In the United States, ELs often experience gradual replacement of L1 with English. This can be detrimental to ELs, especially if their families speak only the L1, and may cause them to appear to be low-functioning in both languages.

**Code-switching:** This is a normal phenomenon for bilingual speakers in which they alternate between two or more languages within a single word, phrase, or sentence. For example, a German speaker might say "I'm hungrig. I want zu essen." ("I'm hungry. I want to eat."). Code switching may occur frequently in situations in which an EL lacks proficiency in one language or is expected to speak solely in the weaker language.

**Basic Interpersonal Communication Skills (BICS):** BICS includes: language used for everyday functions, basic vocabulary, context-embedded language, conversational language, social routines, and functional language. Ideally, BICS are acquired in around two years.

**Cognitive Academic Language Proficiency (CALP):** CALP includes language for academic information: advanced vocabulary, abstract concepts, figurative language (e.g., idioms, metaphors, etc.), classroom questions/answers, academic literacy skills, formal writing, and testing. In an ideal situation, an EL needs five to seven years to acquire CALP. CALP usually begins to emerge around 5$^{th}$ grade for monolingual students, but often not until high school for ELs.

**Stages of Second Language Acquisition**

(Adapted from Carías, 2008)

| Stage 1: Silent/Receptive or Pre-production | Stage 2: Early production | Stage 3: Speech emergence | Stage 4: Intermediate fluency | Stage 5: Advanced Fluency |
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| A silent period may occur during this stage. The EL is listening and trying to understand, but may not be comfortable speaking. Some students will repeat; not producing novel language, but imitating. They may be able to copy words, and respond to pictures and other visuals. They may understand, duplicate, and produce gestures and movements to show comprehension. Students may display increased distractibility and a degree of social isolation during this stage. | The EL's receptive and expressive vocabulary is still limited, but is increasing. Comprehension continues to be limited. During this stage, ELs can usually speak in one- to two-word phrases. They may use short language chunks and rote phrases (especially for familiar routines) that have been memorized, although these may not always be used correctly. Participation in activities, especially in oneon-one and small groups is emerging at this stage. | The EL now is able to communicate in simple phrases and sentences. He can ask simple questions (may not be grammatically correct), such as "Can I go to bathroom?" As sentence length increases, errors may increase proportionately. ELs may also begin to initiate short conversations with classmates. They may understand simple stories with the support of pictures. | ELs are now beginning to use more complex sentences in speaking and writing; and are more willing to share opinions and thoughts. They may ask questions for clarification. At this stage, ELs will be able to comprehend more complex concepts. Now students will begin to use strategies from their native language to learn content in English. Some complex errors will still be apparent, especially in literacy skills, writing, and prosody. | It takes students 5-7 years to achieve cognitive academic language proficiency (CALP) in a second language. Students at this stage will have near-native fluency. Most ELs at this stage have been exited from ESL and other support programs. At the beginning of this stage, however, they may experience continued difficulty, especially in high level academic language and literacy. |

**FAQs**

1. **Does an EL need to be in school for a certain amount of time before he can be referred/evaluated for special education services?** No. Any student may be referred and evaluated at any time if there are concerns and it is determined to be appropriate. During the special education eligibility process, the IEP Team is directed to consider the amount of formal education the student has received in its decision regarding eligibility.

2. **Does an EL need to reach a certain level of English proficiency on the WIDA ACCESS or comparable measure before he can be referred for special education evaluation?** No. If concerns are present and the team determines that referral/evaluation are necessary, the student may be evaluated at any time. If the student is not proficient in English, evaluation should proceed in the dominant language.
3. **Can ELs with little or no previous formal education in their home countries be referred for special education evaluation?** Yes. The IEP team and/or eligibility committee must determine that the student's disability is not the result of a lack of appropriate education in order to determine him eligible for special education services. Consider that some countries offer no special education services, so a student with special needs may have been excluded from attending school.
4. **Can an EL kindergartener or preschooler be referred for special education evaluation?** Yes. If concerns are present, the kindergarten EL should proceed through RtI and/or special education processes just as any other student. If the child is in preschool, no RtI is required. If the child is too young for the WIDA ACCESS or comparable measure to be administered to determine English proficiency, the IEP Team or eligibility committee should rely upon thorough data from parents and the home language survey to determine the language in which assessment should be conducted to give the most accurate information on what the child knows and can do.
5. **Should an EL's parents be discouraged from speaking their native language at home?** No. Research suggests that children need exposure to rich language environments. Parents should be encouraged to speak in the language that is most comfortable for them to create a language rich environment in the home. If a parent does not speak English, then attempts to do so to communicate with the child would be very limited in scope and would possibly not provide a rich English language model. In addition, a child who does not speak his family's language will be isolated from them linguistically, socially, and culturally.
6. **How can evaluators ensure that assessment results are a true reflection of the student's performance, not limited English language proficiency?** There is no simple way to do this. Evaluators should use multiple measures to accurately determine an EL's level of functioning. To the degree possible, assessment data should be compared with level of functioning in the classroom and/or home environments, as well as the student's response to interventions that have been introduced. In all cases, evaluators should cautiously interpret test data and standard scores, reporting any nonstandard administration of assessments on the eligibility report.
7. **Can a student receive both special education services and EL services at the same time?** Yes. Once a child is determined eligible for special education services, the IEP Team must consider his specific functional, language, and academic needs and select the appropriate services to meet those needs.
8. **What is the procedure to be used if the native language of the EL is one for which a translator is not readily available?** The LEA must exhaust every possible resource for securing the services of a fluent translator, including, but not limited to, contact with universities, hospitals, military bases, community based groups, churches, or other LEAs. Attempts at obtaining a translator should be documented and maintained in LEA files. While LEAs are discouraged from using immediate family members or close family friends as a translator, community members who are fluent in the native language and English may be used. If no translator is available, commercial sources are available that provide services such as telephone translation or online video conferencing.