

CALHOUN COUNTY PUBLIC SCHOOLS

Special Education Policy and Procedures Supplement For English Language Learners

TABLE OF CONTENTS

The purpose of this supplement is to provide assistance to IEP planning, evaluation and placement teams as they identify and assess students who are ELLs for possible eligibility for special education and related services.

PRE-REFERRAL INTERVENTION, REFERRAL FOR SUSPECTED DISABILITY, EVALUATION, AND ELIGIBILITY: THE PROCESS FOR ENGLISH LANGUAGE LEARNERS	3
BEGINNING THE SPECIAL EDUCATION PROCESS	6
COMPREHENSIVE EVALUATION OF ENGLISH LANGUAGE LEARNERS	7
DETERMINATION OF ELIGIBILITY FOR SPECIAL EDUCATION	10
DEVELOPMENT OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)	12
COMMUNICATING WITH LEP PARENTS	13
WORKING WITH INTERPRETERS AND TRANSLATORS	16
TRANSLATION SERVICES AND RESOURCES	17

PRE-REFERRAL INTERVENTION, REFERRAL FOR SUSPECTED DISABILITY, EVALUATION, AND ELIGIBILITY: THE PROCESS FOR ENGLISH LANGUAGE LEARNERS

Pre-Referral Intervention

Before considering a student who is an ELL for special education, teachers should consult with other professionals and document the strategies used. Techniques such as differentiating content, instruction, and student products are highly recommended before conducting a formal evaluation. Teachers should maintain a record of strategies and interventions used with the student. If students are unresponsive to strategies and interventions, these data will be valuable to the evaluation team. There is no predetermined length of time for interventions to show significant improvement. Interventions must be provided on a consistent schedule for an adequate length of time (e.g., 4-6 weeks) with an appropriate data collection to determine if the student is responsive to the strategy. The guidance in this section is intended to be used when it is difficult to distinguish between language barrier or disability. When an obvious disabling condition is present, teachers should consult with the special education administrator to avoid any unnecessary delay in making a referral for evaluation or providing appropriate services.

Consultation with an ESL professional is highly recommended. These professionals can provide information on differences between the student's first language and English language to include dialect, pronunciation, grammatical structures, and social constructs.

STEP 1: The teacher attempts a variety of strategies to resolve the student's difficulty. The teacher documents student's progress and behavior, contacts the parents, and uses interpreters as needed.

STEP 2: The teacher requests assistance from the student intervention team or from other resource personnel in the district office. The student intervention team reviews pertinent data about the student and gathers input from parents or family using an interpreter as needed. The student intervention team should include the student's ESL teacher or other personnel with expertise in the second language acquisition process.

STEP 3: The student intervention team develops an intervention plan, monitors the student's response to systematic, sustained, and targeted interventions, and schedules a follow-up meeting.

Through early collaboration, a systematic intervention plan and implementation schedule can be designed that offers the at-risk student alternative instructional assistance and support. The student intervention team for students who are ELLs should include an ESL teacher or someone with second language acquisition expertise as well as other staff members who work with the student or who have expertise to assist teachers in addressing their concerns about the student.

The student intervention team:

- supports classroom teachers on a day-to-day basis;
- serves as a peer problem solving group;
- is designed to provide prompt, accessible support to teachers;
- places the initiative for action in the hands of the classroom teacher(s);
- allows teachers to share knowledge and talent with each other; and
- determines the time frame of the interventions based on the student's progress.

District office personnel, ESL personnel, and special education staff members may also be available as resources. When no formalized in-school problem-solving committee exists, a team consisting of general education teachers, ESL teachers, counselors, and other personnel involved with the student can be created. This team may identify strategies and interventions, develop an implementation plan, and review the student's progress. The student's progress and response to recommended interventions must be carefully monitored and documented by all teachers and shared at follow-up meetings with the student intervention team.

STEP 4: The student intervention team reconvenes to review data, evaluate the effectiveness of the intervention plan, analyze the student's progress, and consult with school and district office resource personnel as needed.

STEP 5: The student intervention team modifies, expands, or continues implementing the intervention plan and establishes an adjusted time frame for a follow-up meeting.

The student intervention team reconvenes after the agreed upon interventions and strategies have been systematically implemented for the predetermined length of time. At this meeting, the team reviews recent samples of the student's work, teacher anecdotal records, and other relevant documentation in order to assess the progress achieved and to determine the next course of action. If team members decide that steps taken are producing satisfactory results, they may recommend further implementation, modification, or expansion of the intervention plan and establish the next review date. If the team determines that the student is making insufficient progress despite the interventions, the team, as a group, may request consideration for a DLA.

Pre-Referral Dual Language Assessment

STEP 6: If requested, the DLA is administered to determine proficiency in both English and the home language, to analyze the student's progress along the second language acquisition continuum, and to identify language(s) for future testing (if necessary). The DLA report is sent to the school's student intervention team. Upon receipt of the DLA report, the student intervention team reviews the information and determines if a referral for special education is warranted.

Components of a Dual Language Assessment

The DLA should consist of a variety of formal, standardized assessment instruments, interviews, and observations of the student. Tests may be administered in both English and the student's home language, either by a bilingual ESL teacher or other diagnostic specialist with the assistance of an interpreter. The final report is submitted to the school's team. Each DLA is tailored to the individual student according to his or her age, grade level, length of time in the United States or in English-speaking schools, and the concerns stated. The DLA explores academic areas, assesses language acquisition and proficiency, as well as higher-level thinking skills. The assessment can include evaluating the student's receptive and expressive vocabulary, oral communicative ability, reading comprehension, speaking skills, story retelling ability, and writing skills, among other domains. The length of the DLA varies depending on the literacy level of each individual student.

Formal assessment instruments should be used with extreme caution. Many test items do not translate into other languages, are not reflective of cultural expectations in other countries, and are selected because they are appropriate for native English speakers. If standardized test instruments are used, information collected should be viewed as qualitative and not quantitative. Performance-based assessments may include: story retelling; writing samples; behavioral observations; readiness tasks; and/or communication and consultation with school staff and/or family members.

Formal assessment instruments may include, but are not limited to the following:

- Woodcock-Munoz Language Survey
- Student Oral Language Observation Matrix (SOLOM)
- Expressive One-Word Picture Vocabulary Test (EOWPVT)
- Peabody Picture Vocabulary Test (PPVT)
- Minnesota Modified Student Oral Language Observation Matrix (MN SOLOM)
- Stanford Foreign Language Oral Skills Evaluation Matrix (FLOSEM)

Performance-based assessments may include:

- Behavioral observations
- Readiness tasks
- Story retelling
- Writing sample

BEGINNING THE SPECIAL EDUCATION PROCESS

Referral for Evaluation

Parents, teachers, staff members, or others who suspect that a student may have a disability and is in need of special education and related services may make a referral. Referrals should be addressed to the student intervention team, school administrator, or district office personnel.

Determination of Needed Evaluation Data

As part of an initial evaluation, a group that is comprised of the same individuals as an IEP team, and other qualified professionals, as appropriate, shall review existing evaluation data on the child. Existing data may include evaluations and information provided by the parent or parents of the child, current classroom-based, local, or state assessments, and classroom-based observations, and observations by teachers and related services providers. On the basis of that review and input from the child's parent or parents, the group will identify what additional data, if any, are needed to determine whether the child has a particular disability or disabilities. This process shall be considered the evaluation, if no additional data are needed. The data will also be used to determine the present levels of performance and educational needs of the child, whether the child needs special education and related services, and whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum. The group completing the review may conduct its review without a meeting. The local educational agency shall provide notice to ensure that the parent or parents have the opportunity to participate in the review. If there is a meeting, the local educational agency shall provide notice of the meeting early enough to ensure that the parent or parents will have an opportunity to participate. The notice must indicate the purpose, date, time, and location of the meeting and who will be in attendance. After receiving parental consent to evaluate the student, the local educational agency shall administer tests and other evaluation materials as may be needed to produce the data.

Comprehensive Evaluation of English Language Learners

If a referral for special education is made, all pertinent information should be made available to the appropriate school staff. The student's ESL teacher or other personnel with expertise in the second language acquisition process should be included in any meeting. Once a student is referred to the administrator of special education, strict timelines must be followed. If the decision is to evaluate, the school division has 60 days from the receipt of the parent consent for evaluation to complete the eligibility process. Parents must be notified and invited to participate in the process (informed parental consent must be provided for evaluations) and interpreters should be made available, as needed depending on the recommendations within the DLA report regarding the child's native language the evaluation of the student may be administered in one of three ways:

1. Entirely in the Ell's home language, ideally with a bilingual staff member or with the assistance of a trained interpreter,
2. In both the home language and English (If specified in the Dual Language Assessment report, bilingual testing may require the concurrent presentation of test items and directions in both languages.), or
3. In English only.

Assessment protocols and tests used in schools are typically designed for native English speakers. To reduce the possibility of identifying a student who is an Ell as a child with a disability or determining a student does not have a disability when in reality they do, all correct responses in one or both languages should be accepted. This practice may also reduce the language and cultural bias inherent in many tests. In addition, all assessment results should be used as qualitative measures and interpreted with extreme caution. Because of the cultural and linguistic differences between the child's primary language and English, standardized test scores must be only one part of a multifaceted evaluation.

The data that is used to determine eligibility decisions should ~~also be derived from performance~~ based assessment in the classroom, observations, and information gathered from parents and other professionals. The student's performance must be compared to that of other students who are Ells of the same cultural group who speak the same dialect and who have had similar exposure to and opportunities to use English. Tests marketed for speakers of languages other than English must be interpreted with extreme caution because they may not be standardized on students who are Ells living in the United States. Tests standardized on children living in other countries or on monolingual English-speaking students will be linguistically and culturally biased and yield invalid scores. Eligibility committees should rely on performance-based assessment, observations, careful interpretation of test scores, and the collaborative expertise of ESL teachers, classroom teachers, and test administrators. Observations by appropriate specialists (psychologists, speech-language pathologists, special education teachers, etc.) are strongly recommended.

Since students who are Ells cannot be denied access to special education and related services due to the lack of appropriate test instruments and procedures, a continued and expanded commitment to exploring interventions and dynamic evaluation strategies is essential. Only by pursuing multidimensional and dynamic forms of assessment and by seeking interdisciplinary input and informed dialogue between educators can the difficult task of intervention, evaluation, eligibility,

and appropriate placement for students who are ELLs be improved. Assessments should be completed in the language(s) recommended in the dual language assessment report.

An evaluation for special education eligibility must ensure that tests, assessments, and other evaluation components are selected and administered so as to be neither culturally nor racially discriminatory. Tests, assessments, and other evaluation components are provided and administered in language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer.

Materials and procedures used during the assessment are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills. Reports must indicate if the assessment was administered in a language other than English or if an interpreter was used.

The evaluation process must gather comprehensive information, including functional, developmental, and academic information about the student and may not use any single measure or assessment as the sole criterion for determining whether the student is a child with a disability. Prior to the eligibility meeting, the evaluation components should be assembled and made available to the parents by the assigned staff members

The evaluation components may include the following:

- Psychological assessment;
- Sociocultural assessment;
- Parent involvement;
- Educational assessment;
- Hearing screening;
- Vision screening;
- Teacher narrative (general education and ESL);
- Classroom observation (general education and ESL);
- Anecdotal records, including entry language assessment results and student portfolio records;
- Adaptive behavior;
- Speech language assessment;
- Audiological assessment; and
- Other areas as identified by the committee, (e.g., occupational therapy, physical therapy, medical information, etc.).

Components of the diagnostic report should include the following:

- Analysis of the effect of linguistic and cultural factors on the educational history and learning
- Whether diagnostic instruments or procedures were altered for the student
- Documentation of the use of translation or interpretation in the administration of diagnostic instruments or procedures, and the effect on the validity and reliability of the results
- Evaluation of the validity and reliability of test results, considering the effect of differences in criteria related to language proficiency and culture, between the student tested and the reference population of each test

When conducting a reevaluation, the IEP reevaluation committee should include an ESL teacher or representative. If the committee determines assessments are needed, a referral for consideration of a DLA may be made prior to initiating the reevaluation.

Determination of Eligibility for Special Education

To determine whether a student who is an ELL is eligible for special education, consideration of his or her English language development should be given through interdisciplinary collaboration. Federal and state regulations governing special education programs require that "students must not be determined eligible for special education and related services if the determinant factor is limited English proficiency or lack of instruction in reading or math." Input from the ESL teacher or other personnel with expertise in the second language acquisition process at the eligibility meeting is necessary in order to place the student's progress along the second language acquisition continuum. This interdisciplinary collaboration will help determine the extent or need for both ESL and special education services.

A written copy of the evaluation report must be made available to parents prior to the eligibility meeting. The eligibility committee must convene to determine whether or not a child is eligible for special education and related services within 60 days after the receipt of the consent for evaluation has been received. If needed, an interpreter should be included in the eligibility meeting.

Upon completing the administration of tests and other evaluation materials or after determining that additional data are not needed, a group of qualified professionals and the parent or parents or the child must determine whether the child is, or continues to be, a child with a disability. The group must include, but not be limited to, local educational representative, a general education teacher,, a special education teacher, school psychologist or someone that can interpret the results of the data, and the parent or parents. Additionally, an ESL teacher or other personnel with expertise in the second language acquisition should attend the eligibility meeting.

If determining whether a child suspected of having a specific learning disability is eligible for special education and related services, the group shall include the child's regular teacher. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of that age or for a child less than school age, an individual qualified to teach a child of that age. At least one person qualified to conduct diagnostic examinations of children, such as a school psychologist or ~~speech~~ language pathologist, a teacher of specific learning disabilities, and a representative of the local educational agency.

A student with a disability must be reevaluated no later than the third anniversary of the date the child was last found eligible for special education and related services, unless the parent and the LEA agree otherwise.

Eligible Decision

If the student is found eligible for special education and related services, the Individualized Education Program (IEP) is developed. The IEP team will determine the student's present level of educational performance, goals, and services. The student may receive both ESL and special

education services based on student's academic and language needs. Provision of ESL services should be noted on the present level of educational performance page of the IEP. The IEP team should include the student's ESL teacher, a dual language assessment teacher, or other personnel with expertise in the second language acquisition process.

Not Eligible Decision

If the student is found not eligible for special education and related services, the eligibility committee must provide information relevant to instruction for the child and any other recommendations to the child's teachers and any team convened to assist the student. School staff must determine additional appropriate support and/or alternative programs to assist the student. Results of the evaluation should be shared with the student's teachers following the procedures that protect confidentiality of the child.

If the student who is an ELL is found not eligible for special education services, the student intervention team should continue to provide support to both the student and his or her teachers as needed. Such ongoing cooperation will ensure that ineligibility for special education does not result in an end to appropriate interventions or monitoring. If concerns persist despite support interventions and/or participation in alternative programs implemented to help the student, the school may consider reevaluating the student at a later date.

Development of the Individualized Education Program (IEP)

If the student is found eligible for special education, the IEP team with the appropriate composition (as per special education regulations) must meet within 30 calendar days of the eligibility determination. An ESL representative should be a member of the IEP team for any ELL. If an interpreter is needed, one should be made available.

The student may begin receiving special education and related services after the parent provides consent to implement the proposed IEP. Written consent must be obtained before any special education services can begin. To the extent possible, all parents of ELLs should receive oral and written notification of IEP meetings in both the home language and English.

The student's IEP team must meet at least annually to review and revise the IEP; however, the team may reconvene more frequently at the request of any team member, including the parent. Information regarding the student's ESL services should be included in the special factors section or present level of academic achievement and functional performance and considered when determining goals, accommodations and modifications, and services that are included in the IEP.

Communicating with LEP Parents

Meeting Notices and other IEP Notices and Documents

- a. Limited English proficient (LEP) parents must be given information that is necessary to their participation in the special education process in a language they can understand.
- b. Written translations will be provided within a reasonable time. Generally, a written translation can be provided within 2-3 weeks of the request, depending on the length of the document. In urgent situations, a quicker turnaround is possible. Whenever a document is translated, an English and translated copy should be kept in the student's file.
- c. If a written document is interpreted (rather than translated), the interpreter must sign and date the document before a copy is given to the parents. ("Interpreted into [language] by [name of interpreter] on [date].")
- d. See following table for specific guidelines for translation and interpretation of special education documents.

Requesting and Using an Interpreter

- a. The person facilitating the meeting is responsible for ensuring that an interpreter is available at all meetings with LEP parents.
- b. Schedule phone translation through CTS Language Link at 1-866-477-5343 using code 1809 when prompted. Services should be documented on the provided forms located in the school's front office or on the district intranet. Schools may use other building resources for interpretation as long as those individuals have completed annual district interpreter training and met language standards. In person interpreters can be scheduled through Communicar Language Services at 1-803-400-1178.
 - (b) The person facilitating the meeting must review terminology expected to be used with the interpreter before the meeting. See resources at the end of this document (Working with Interpreters/translators.
 - (c) Parents may decline school interpretation services and may bring someone to interpret for them. Meeting minutes should state if parents decline school-offered interpreter services or if they bring their own or a community-based interpreter to the meeting. (If parents decline the school's offer of an interpreter, staff may offer having an interpreter present or on stand-by in the event it becomes necessary given the technical nature of special education meetings.)

Special Education Documents for LEP Parents

Type of Document	For Most Common Languages (other than English)	For other languages
Notice of Procedural Safeguards	Use translated booklet (available from special education records clerks).	Use meeting minutes to review key information verbally with the parent, using an interpreter. Document in meeting minutes.
Notice of Team Meeting	Use translated form. Information on form may be entered in English since it is limited to names, places, dates. Best practice is to have an interpreter contact parent by phone to confirm parent understands information and to be sure the date/time works for the parent. Document phone call by interpreter on meeting notice form. Send English and translated form to parent.	Use English form and enter information in English. Have interpreter contact parent by phone to confirm parent understands information and to be sure the date/time works for the parent. Document phone call by interpreter on meeting notice form. Send English form to parent.
Notice/Consent for Evaluation; Notice/Consent for Initial Placement; Prior Written Notice	Enter information in English on English form. <u>If form is shared with parent at meeting</u> , have interpreter interpret form verbally and document on English form (name of interpreter/date/ language). Provide copy of English form with interpreter documentation and translated blank form to parent. If form is provided to parent <u>after a meeting</u> , enter information in English on English form, have contents translated in writing onto translated form, and send English and translated form to parent (or use interpreter to interpret form to parent by phone, document interpretation on form, and send English form to parent).	Enter information in English on English form. <u>If form is shared with parent at meeting</u> , have interpreter interpret form verbally and document on English form (name of interpreter/date/ language). Provide copy of English form with interpreter documentation and translated blank form to parent. If form is provided to parent <u>after a meeting</u> , enter information in English on English form, have form and contents translated in writing and send English and translated form to parent (or have interpreter interpret form and document interpretation on notice and send to parent).

IEPs, evaluation reports and other special education documents	Have interpreter interpret documents orally at meeting and document in meeting minutes. Provide copy of English documents to parents with copy of meeting minutes. Contact Special Education Program Administrator to respond to requests for written translations.	Have interpreter interpret documents orally and document in meeting minutes. Provide copy of English documents to parents with copy of meeting minutes. Contact Special Education Program Administrator to respond to requests for written translations.
Notice of Transfer of Special Education Rights (at 18)	Use translated form. Enter names in English.	Use interpreter to orally interpret document to parent. Document on notice and send to parent. OR get written translation of form.