

Frequently Asked Questions:

English Learners (ELs) with Individualized Education Program (IEPs)

Revised June 2019

1. What factors should be considered prior to referral for an evaluation for special education services?

LEAs must ensure that the language instruction educational program is appropriate in terms of planned instruction with a focus on English language acquisition and academic content development as addressed in State regulation, 22 PA Code §4.26.

As used here, the term *program* refers to:

- 1) planned English Language Development (ELD) instruction by a qualified ESL/Bilingual Education teacher,
- 2) adaptations/modifications in the delivery of content instruction and assessments by all teachers based on students' language proficiency levels and the Pennsylvania English Language Development Standards (PA ELDS) Framework for ELs as well as the Pennsylvania academic standards.

LEAs must ensure that their Language Instruction Educational Program (LIEP) is effective, educationally sound, and proven successful before referring the student for an evaluation for special education eligibility.

The following questions can elicit evidence of your program effectiveness:

- Is the LIEP instruction sufficient in quantity and quality?
- Is the LIEP effective and aligned to the proficiency levels of the student, and the PA English Language Development Standards?
- Is planned instruction in the content areas delivered according to the English language proficiency levels of the student and the PA English Language Development Standards, and appropriate linguistic-related scaffolds, supports and interventions provided by content teachers?
- Do content teachers have the resources, skills, and knowledge to address the needs of ELs in their classroom?
- Are content teachers trained in specific methodologies to provide ELs with meaningful access to the content?
- Is collaboration between the ESL and content teachers formally scheduled?
- Does the LEA provide adequate professional development and follow-up training in order to prepare ESL Program teachers and administrators to implement the LIEP effectively?
- Is instruction and home-school communication culturally responsive and in the family's preferred language and mode of communication?

2. Should the ESL teacher be a member of the IEP Team for an EL?

The ESL teacher may fulfill the IEP Team member requirement of having a person: (1) with knowledge about the general education curriculum (i.e., ESL program and instruction), (2) with the expertise to interpret the instructional implications of evaluation results, and (3) with knowledge regarding the student's ecology.

According to the IEP Team requirements, "At least one member should be an individual who can interpret the instructional implications of evaluation results" ELs receiving ESL instruction participate in the *ACCESS 2.0* annual State-mandated English language proficiency assessment. *ACCESS 2.0* data can inform instruction, support the development of IEP goals, and inform the process of English language acquisition as developmentally appropriate. ESL teacher input provides essential guidance to the IEP Team related to the process of second language acquisition, the student's ecology (first language literacy, cultural and educational background, time in the U.S., interrupted education, mobility, acculturation stages, socio-economic status, etc.), family communication, cultural responsiveness, and reduction of a language barrier. The ESL teacher can provide information regarding the student's strengths, needs and learning style, as well as the interpretations of the assessment results and present levels of performance.

3. Should an EL with a disability receive both ESL instruction and special education services? Who makes the decision regarding the instructional plan?

Yes. As addressed in *22 Pa. Code §4.26*, LIEP and special education programming are not mutually exclusive. Special education services do not replace English language development services or vice versa. ELs must be afforded all supports, resources, and programming for which they are eligible. In other words, ELs are eligible for special education services if they meet IEP eligibility criteria and, conversely, students with a disability are eligible for English language development programming if they are identified as an EL.

All ELs who are eligible for special education may continue to receive ELD instruction at their appropriate English language proficiency and developmental levels. A State-mandated English Language Proficiency assessment tool, *ACCESS 2.0* or *Alternate ACCESS for ELLs* is administered to ELs annually, and provides information regarding the progress of language acquisition in the domains of listening, speaking, reading and writing. Considering these data, the IEP Team may recommend to the ELD program how ELD instruction and Special Education services can be coordinated and delivered to meet the students' individual needs. Based on these individual needs, ELD instruction could range from full participation to consultative support. LEAs must address how ELD instruction will be provided for ELs with IEPs receiving services in other locations, such as an IU special education program.

4. Explain the ELD instructional delivery models for ELs with IEPs.

The delivery models may include full participation in daily ELD instruction, one-on-one ELD instruction, or consultative support. Consultative support includes providing the special education teachers with information/training on the *WIDA Performance Definitions*, *WIDA Can Do Descriptors* and the *PA English Language Development Standards*, as well as professional development opportunities on current ELD practices as it relates to the student's English language development needs. Consultative support should be documented by collecting evidence of scheduled meetings and outcomes related to the student's progress. Programs must collaborate to ensure that both the language needs and special education requirements of the student are met.

5. When evaluating (or reevaluating) ELs with IEPs, should the ESL teacher be a member of the Multidisciplinary Evaluation Team?

Yes. The ESL teacher should be a member of the evaluation (reevaluation) team for an EL. The assessment data, including classroom observations, progress monitoring, and the results of formative and summative assessments, (e.g. the State-mandated annual English language proficiency assessment *ACCESS 2.0*) should be discussed and be part of the evaluation. The expertise of an ESL teacher will be necessary to determine valid recommendations regarding evaluation/placement and ongoing ELD instruction for ELs.

6. Should assessment data related to second language acquisition be part of the special education evaluation report?

In the absence of standardized assessments that are culturally and linguistically appropriate for and normed on ELs, the Multidisciplinary Evaluation Team must consider multiple data sources (e.g., years in the United States, years of instruction in English, *WIDA Screener* results). Data related to the second language acquisition process should indicate how the student is performing in listening, speaking, reading, and writing skills, and how they compare to other ELs with similar profiles, as well as how they progress in relation to what is developmentally appropriate for their English language proficiency levels, per the *WIDA Performance Definitions*. Realizing that no single test will accurately represent the abilities of the student, given the language and cultural barriers, the expertise of an ESL teacher will be necessary to determine valid recommendations regarding evaluation/placement and ongoing ELD instruction for ELs.

7. Who determines the need for and amount of ELD instruction an EL with an IEP receives?

All ELs who are eligible for special education have the right to receive ELD instruction at their appropriate proficiency and developmental levels. The *ACCESS 2.0* or *Alternate ACCESS for ELLs* is administered to ELs annually. Criteria from that assessment can be used to reclassify students from the LIEP. In terms of students with significant disabilities, the IEP Team with the ESL teacher should discuss whether the student is receiving a Free, Appropriate, Public Education (FAPE) in the LIEP, keeping in mind the student's needs and the appropriate placement to meet those needs. Data from multiple assessments such as, *ACCESS 2.0/Alternate ACCESS for ELLs*, *WIDA Screener/W-APT*, will assist in determining the level of ELD instruction, from daily instruction to consultative services.

8. What criteria are used when determining specific assessments for an EL?

The student's English language proficiency level and years of instruction in English and other languages should be considered in determining the language of assessment. When selecting specific assessments for the evaluation of an EL, the Multidisciplinary Evaluation Team must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Furthermore, each team must ensure that—

(1) Assessments and other evaluation materials used to assess a student:

- are selected and administered so as not to be discriminatory on a racial or cultural basis;
- are provided and administered in the student's native language or other mode of communication and in the 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 so provide or administer;
- are used for the purposes for which the assessments or measures are valid and reliable;
- are administered by trained and knowledgeable personnel; and
- are administered in accordance with any instructions provided by the producer of the assessments.

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need, and not merely those that are designed to provide a single general intelligence quotient.

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(4) The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

9. What criteria are used for reclassifying students from the ELD program? How does the criteria relate to students with significant cognitive disabilities who may have only acquired limited language skills?

Once ELs attain English proficiency as defined in the state reclassification procedure, they must be reclassified as former ELs. The academic progress of former ELs must be actively monitored by district personnel for a period of two (2) years after reclassification. Former ELs must be reported to the state as such for a period of four years after reclassification.

[State Required Reclassification, Monitoring, and Redesignation of ELs Criteria and Procedures](#)

- <https://www.education.pa.gov/Documents/Teachers-Administrators/Curriculum/ESL/Reclassification%20Monitoring%20and%20Redesignation%20of%20ELs.pdf>

10. Should LEAs contract bilingual psychologists to do IQ testing for ELs?

Yes and No.

Yes: A bilingual psychologist will help the Multidisciplinary Evaluation Team determine if the student's academic gaps are related to the process of second language acquisition or the presence of a possible disability. The psychologist must be a trained psychologist in the assessment of ELs at all levels of English language proficiency versus a psychologist who *happens* to be bilingual.

LEAs must ensure that a student's special education evaluation is provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information about what the student knows and can do, unless it is clearly not feasible to do so. Assessing whether a student has a disability in his or her native language or other mode of communication can help educators ascertain whether a need stems from lack of ELP and/or a student's disability-related educational needs.
(*English Learner Tool Kit for SEAs and LEAs*, Chapter 6, p.2)

No: A current practice is to hire a bilingual psychologist to implement an IQ test in the student's native language. The problem arises when the results are used as the only criteria to make identification and placement decisions without having a complete profile of the student, such as:

- Has the student received any instruction in the native language?
- What is the student's dominant language?
- How many years of instruction has the student had in English?
- How is the student progressing in ELD instruction? How is the student progressing in comparison to other ELs (true-peers); not compared to native speakers of English?
- Was a translator/interpreter used during assessment? If yes, was the test designed for the use of a translator/interpreter?
- Did the student arrive in the US with interrupted education or no formal education in his/her native country?
- Was the student born in the US?
- Was the student mobile or transnational? What amount of time was he/she in school (in and outside of US)?
- What is the level of acculturation?
- Has the assessor acknowledged the impact of cultural and linguistic diversity on assessment performance, such as increased processing time, cultural bias, gaps in vocabulary and prior knowledge, false cognates, etc.?

Additionally, many factors impact the performance of ELs, including the effectiveness of both planned instruction in ELD and in the content areas. Is there evidence that the school is providing:

- ELD instruction that is sufficient in quantity and quality;
- the language instruction educational program that is effective and aligned to the English language proficiency level of the student and the PA English Language Development Standards;
- planned instruction in the content areas that is delivered according to the English language proficiency level of the student, the PA English Language Development Standards, and the PA Core Standards;
- professional development opportunities for content teachers with ELs in their classrooms; opportunities for collaboration between the content teachers and ESL teachers;
- culturally responsive instruction and home/school communication?

11. Is there ELs and ELs with IEPs related training and professional development opportunities available to LEAs?

Yes. Resources, webinars, and training materials can be found on the following website: www.pattan.net and at your local intermediate unit.