



Navigating the Intervention and Evaluation Process for ELs with Potential Disabilities: A Resource Guide for Local Education Agencies



DIVISION OF ELEMENTARY & SECONDARY EDUCATION



Transforming Arkansas to Lead the Nation in Student-Focused Education

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Common Acronyms

ALD:	Achievement Level Descriptors
BICS:	Basic Interpersonal Communication Skills
CALP:	Cognitive Academic Language Proficiency
CLD:	Culturally and Linguistically Diverse
EL:	English Learner
ELD:	English Language Development
ELP:	English Language Proficiency
ESOL:	English for Speakers of Other Languages
FAPE:	Free Appropriate Public Education
FEL:	Former English Learner
FEP:	Fully English Proficient
FERPA:	Family Educational Rights and Privacy Act
IDEA:	Individuals with Disabilities Education Act
IEP:	Individualized Education Program
L1:	First Language (native language)
L2:	Second Language
LEA:	Local Educational Agency
LEP:	Limited English Proficient
LPAC:	Language Proficiency Assessment Committee
MTSS:	Multi-Tiered System of Supports
OCR:	Office for Civil Rights
PBIS:	Positive Behavior Interventions and Supports
PLAAFP:	Present Level of Academic Achievement and Functional Performance
RTI:	Response to Intervention
RtII:	Response to Instruction and Intervention

Eligibility Categories in Arkansas

AU:	Autism
DB:	Deaf-Blindness
HI:	Hearing Impairment (includes deafness)
ED:	Emotional Disturbance
ID:	Intellectual Disability
MD:	Multiple Disabilities
OI:	Orthopedic Impairment
OHI:	Other Health Impairment
SLD:	Specific Learning Disability
SI:	Speech or Language Impairment
TBI:	Traumatic Brain Injury
VI:	Visual Impairment

This publication was designed and written to provide the most current and accurate information in regard to English Learners with disabilities known to date in Arkansas. The information provided by DESE in this guide is for general informational purposes only. The inclusion of or reference to specific materials should not be construed as an endorsement or promotion of such materials. No representation or warranty of any kind, express or implied, regarding the accuracy, adequacy, validity, reliability, availability or completeness of any information is made. DESE shall have no liability for any loss or damage of any kind incurred as a result of the use of this guide or reliance on any information provided. This guide does not contain or constitute legal advice nor should it substitute for legal advice. Before using or taking any actions based upon such information, you are encouraged to consult with a licensed attorney or other expert for assistance.

Acknowledgments

Identifying, assessing and providing services to English Learners (ELs) with disabilities is a challenging yet rewarding task. The Individuals with Disabilities Education Improvement Act (IDEA 2004) emphasizes the need for State Education Agencies (SEAs) and Local Education Agencies (LEAs) to appropriately identify students for special education services. This guide serves to provide procedures, tools, and resources for districts to access when providing intervention support to EL students and when referring ELs for special education services. We would like to acknowledge the many professionals who have made this work possible. This meaningful work would not be possible without their dedication to these unique learners, and we would like to acknowledge the many collaborators who have made it possible.

“Only when special education, general education, and English language development staff collaborate closely can you meet the needs of ELs with disabilities and effectively support them in the educational environment” (Butterfield & Read, 2016, p. xiv).

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Arkansas was selected to participate in the “Establishing Models of Effective Collaboration to Address Issues Pertaining to ELs with Disabilities” research project with the Council of Chief State School Officers (CCSSO) in 2019. Specifically, the project had the objective of building LEA capacity around appropriate identification of ELs with disabilities. We would like to acknowledge the support we received from the research team, including Fen Chou (CCSSO), Dr. Soyoun Park (UT Austin), and Dr. Pete Goldschmidt (CSU Northridge), in supporting DESE using a collaborative model resulting in the both the creation and dissemination of this document.

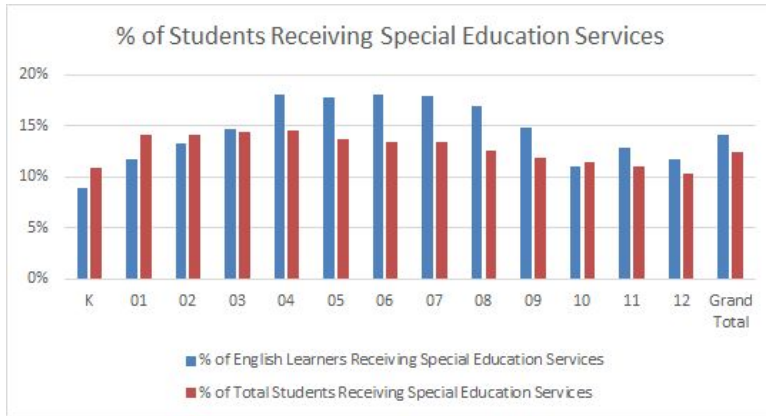
In addition to the individuals listed above, we consulted multiple states’ and larger districts’ published works on English Learners with Disabilities, many of whom are included in the references section of this document. We wanted to especially acknowledge utilizing the guidance document from the Idaho Department of Education (2018) as we structured this document. Finally, a special thanks to Lakeside School District for permission to utilize the picture on the cover of this document.

Together we are transforming Arkansas to lead the nation in student-focused education.

Introduction

An Arkansas Task Force composed of special education teachers, ESOL teachers, LEA supervisors, ESOL Coordinators, speech-language pathologists, school psychology specialists, and state level special education and ESOL staff met to address the challenge of identifying English Learners who may be potential students with disabilities. Cycle 2 data in 2018-19 demonstrates that 12.4% of the total student population is receiving special education services while 14.2% of English Learners are receiving special education services in Arkansas (Chart 1). English Learners in the early elementary grades are identified at lower rates than the total student population, while English Learners in Grades 4-9 are being identified at much higher rates than the total student population.

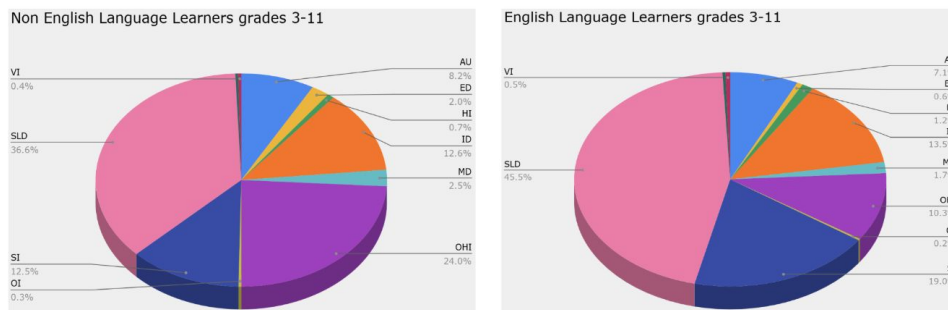
Chart 1: Percent of Students Receiving Special Education Services in Arkansas



SOURCE: Division of Elementary and Secondary Education, Cycle 2, 2018-2019

The Arkansas Task Force also examined the discrepancies between English Learners (ELs) receiving special education services and non-English Learners receiving special education services in the state of Arkansas in terms of their eligibility categories (Chart 2). It was noted that English Learners are identified with a Specific Learning Disability or a Speech Impairment at higher rates than their non-EL peers who receive special education services.

Chart 2: Special Education Categories: Non English Language Learners vs English Language Learners



SOURCE: Division of Elementary and Secondary Education, 2016-2017

The need for guidance and a sample process for determining when to refer EL students for a special education evaluation was agreed upon. This resource guide is a response to that need. Our hope is that this resource guide results in a higher quality of special education referrals and identification practices for culturally and linguistically diverse (CLD) students while guiding teachers to look at the whole student and his/her circumstances, strengths, and weaknesses when considering a referral for special education services.

This resource guide is intended to outline best practices for Arkansas school districts when considering a special education evaluation for students identified as English Learners (EL). "ELs are students whose native language is a language other than English and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny them the ability to successfully achieve in classrooms where the language of instruction is English" (Elementary and Secondary Education Act, Sec. 9101(25)).

This guide does not comprise an exhaustive list of steps and procedures; rather it provides a framework **to help ensure**:

- EL students are not **over identified** for special education services or make up a **disproportionate representation** of students with disabilities. A student cannot be identified as an individual with a disability if the "determinant factor" is limited English proficiency and if the student does not otherwise meet the definition of a "child with a disability" under the IDEA (*Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15)).
- EL students are not **under identified** for special education services. School districts cannot deny the processes and procedures entitled to them under federal law, due to their EL status (*Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15)).
- EL students (like all other students who may have a disability and need services under IDEA) are located, identified, and evaluated for special education services in a **timely manner**. A student suspected of having a disability must not be denied an evaluation, and if eligible, be denied access to special education until he/she becomes proficient in English (34 CFR 300.301(c)(1)(i); *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15)).
- EL students are evaluated using **appropriate tools and measures**. School districts must consider a student's English language proficiency in determining appropriate assessments and other evaluation materials to be used when conducting a comprehensive special education evaluation (*Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15)).

The following sections of this resource document outline integral practices to guide Arkansas school districts when addressing the needs of EL students, including *problem solving* and *special education evaluation*. These practices can assist school teams in gathering sufficient converging evidence that allows for the determination that an EL student's educational difficulties are not due solely to issues related to cultural and linguistic diversity, but rather to a true disability.

Part I: Prerequisite Knowledge

A. Understanding Language Acquisition

Language acquisition is a complex process and unique to each student. There is a great deal of natural variation in the language process. The process of language acquisition is dependent on both the cultural and linguistic environments to which students have been exposed. Some English Learners arrive as newborns or before formal schooling age from another country. Other English Learners arrive during their school age years, some with and some without formal schooling in their home/native language. Other ELs are born in the United States to families who speak a language other than English at home. It is important to acknowledge that EL backgrounds vary, and consequently a variety of linguistic proficiencies in native languages and English are represented within the broad group.

ELs by definition are speakers of a language other than English who are in the process of acquiring English proficiency. A common misconception is thinking that bilingualism means equal proficiency in both languages. However, ELs' linguistic proficiencies are the **sum** of their proficiencies in their different languages. ELs vary in how proficient they are in their home/native language (L1) as well as in English. Many ELs enter schooling as emergent bilinguals in both languages, meaning they are not fully proficient in their home/native language or English. They are considered "simultaneous" bilinguals or dual language learners. Some ELs enter schooling as monolingual in their home/native language and are acquiring English as an additional language. They are considered "sequential" bilinguals. The language acquisition process is very different for simultaneous and sequential bilinguals.

An EL's level of educational success is very much a negotiation between what they bring to their schooling and what schools offer them. Some educators may interpret students' lack of English as a deficit in learning potential. Instead we urge educators to see the students' cultural and linguistic diversity as an asset. English Learners have a similar learning potential to their monolingual peers.

Many English Learners achieve oral fluency in everyday language, yet when it comes to measures of academic success and academic tasks, they lag behind their peers. "Achieving full proficiency in English includes far more than mere fluency in conversational (everyday use of) language. It means students must know English well enough to be fully competitive in academic uses of English with their age equivalent speaking peers" (Hakuta, 2000).

Students learn language at different rates of speed, depending on motivation, amount of exposure to the language, and cognitive abilities. Often the behaviors associated with learning and struggling to understand a second language mimic the behaviors of those with learning disabilities.

Cummins (1984) suggests that it takes an individual an average of 2 to 3 years to acquire what is referred to as social language. This is known as Basic Interpersonal Communication Skills (BICS) - the language that individuals need to be able to interact with others on a personal level or on everyday topics. It takes an average of 5 to 7 years (or more) for an individual to acquire language skills needed for academic success known as Cognitive Academic Language Proficiency (CALP). CALP is the language of teachers, textbooks, and tests. Many times BICS and CALP are not considered when a student is referred for a special education evaluation. The teacher may think that because the student is communicating with others on the playground (social language) but not experiencing academic success, the student may have a learning disability and is then referred for testing. EL students cannot realistically be expected to be performing just as well as non-EL students until they have acquired CALP. It is important to do a thorough assessment so that it can be determined whether underlying language issues exist or if the student simply lack English proficiency.

Language acquisition is measured through a language proficiency assessment. The assessment measures the four domains of language: listening, speaking, reading, and writing. Most ELs tend to become proficient in listening and speaking first, but take more time to develop proficiency in reading and writing. Educators' confusions about the amount of time to acquire proficiency in all four domains tend to contribute to a deficit view of the learning potential of ELs.

B. Achievement Level Descriptors for ELs

Achievement Level Descriptors (ALDs) that correspond to each of the performance levels have been developed for each of the four language domains at each programmatic grade level as assessed by ELPA21. These ALDs describe what a student can do in relation to skills measured by and demonstrated on ELPA21. The ALDs are intended to be used by educators in personalizing instruction and interventions to meet the individual needs of the learner.

Kindergarten	1st	2nd - 3rd
4th - 5th	6th - 8th	9th - 12th

C. Language Acquisition vs. Possible Disability

Certain learning behaviors associated with acquiring a second language can mirror behaviors of a possible disability which may encompass varying disabilities. It is important for educators to analyze the manifested behavior and current English language proficiency assessments before jumping to the conclusion that it is a possible disability. In the tool below (found in the U. S. Department of Education English Learner Toolkit and adapted from Butterfield, 2014), L1 refers to the student's home/native language(s) other than English and L2 refers to the student's additional language. For practical purposes in Arkansas, L2 on this chart refers to English.

Listening/Oral Comprehension		
Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Student does not respond to verbal directions	Student lacks understanding of vocabulary in L2 but demonstrates understanding in L1	Student consistently demonstrates confusion when given verbal directions in L1 and L2; may be due to processing deficit or low cognition
Student needs frequent repetition of oral directions and input	Student is able to understand verbal directions in L1 but not L2	Student often forgets directions or needs further explanation in L1 and L2 (at home and school); may be due to an auditory memory difficulty or low cognition
Student delays responses to questions	Student may be translating question in mind before responding in L2; gradual improvements seen over time	Student consistently takes a longer time period to respond in L1 & L2 and it does not change over time; may be due to a processing speed deficit

Speaking/Oral Fluency		
Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Student lacks verbal fluency (pauses, hesitates, omits words)	Student lacks vocabulary, sentence structure, and/or self-confidence	Student's speech is incomprehensible in L1 and L2; may be due to hearing or speech impairment
Student is unable to orally retell a story	Student does not comprehend story due to a lack of understanding and background knowledge in L2	Student has difficulty retelling a story or event in L1 and L2, may have memory or sequencing deficits
Student does not orally respond to questions, or does not speak much	Lacks expressive language skills in L2; it may be the silent period in 2nd language acquisition	Student speaks little in L1 or L2; may have a hearing impairment or processing deficit

Reading/Phonological Awareness		
Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Student does not remember letter sounds from one day to the next	Student will initially demonstrate difficulty remembering letter sounds in L2 since they differ from the letter sounds in L1, but with repeated practice over time will make progress	Student does not remember letter sounds after initial and follow-up instruction (even if they are common between L1/L2); may be due to a visual/auditory memory deficit or low cognition or other language based disability
Student is unable to blend letter sounds in order to decode words in reading	Letter sound errors may be related to L1 (for example, L1 may not have long and short vowel sounds); with direct instruction, student will make progress over time	Student makes letter substitutions when decoding not related to L1; student cannot remember vowel sounds; student may be able to decode sounds in isolation but is unable to blend the sounds to decode whole word; may be due to a processing or memory deficit
Student is unable to decode words correctly	Sound not in L1, so unable to pronounce word once decoded	Student consistently confuses letters/words that look alike; makes letter reversals, substitutions, etc. that are not related to L1; may be processing or memory deficit

Reading/Comprehension and Vocabulary		
Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Student does not understand passage read, although may be able to read w/ fluency and accuracy	Student lacks understanding and background knowledge of topic in L2; is unable to use contextual clues to assist with meaning; improvement seen over time as L2 proficiency increases	Student does not remember or comprehend what was read in L1 or L2 (only applicable if student has received instruction in L1); this does not improve over time; may be due to a memory or processing deficit
Student does not understand key words/phrases; poor	Student lacks understanding of vocabulary and meaning in	Student's difficulty with comprehension and vocabulary is

comprehension	English	seen in L1 and L2
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Writing		
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Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Errors made with punctuation/capitalization	Error patterns seen are consistent with the punctuation and capitalization rules for L1; student's work tends to improve with appropriate instruction in L2	Student consistently or inconsistently makes capitalization and punctuation errors even after instruction; may be due to deficits in organization, memory, or processing
Student has difficulty writing grammatically correct sentences	Student's syntax is reflective of writing patterns in L1; typical error patterns seen in 2nd language learners (verb tense, use of adverbs or adjective); improves over time	Student makes more random errors such as word omissions, missing punctuation; grammar errors are not correct in L1 or L2; may be due to a processing or memory deficit
Student has difficulty generating a paragraph or writing essays but is able to express his or her ideas orally	Student is not yet proficient in writing L2 even though they may have developed verbal skills; student makes progress over time and error patterns are similar to other English Learners	Student seems to have difficulty paying attention or remembering previously learned information; the student may seem to have motor difficulties and avoids writing; student may have attention or memory deficits

Spelling		
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Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Student misspells words	Student will "borrow" sounds from L1; progress seen over time as L2 proficiency increases	Student makes errors such as writing the correct beginning sound of words and then random letters or correct beginning and ending sounds only; may be due to a visual memory or processing deficit
Student spells words incorrectly; letters are sequenced incorrectly	Writing of words is reflective of L2 fluency level or cultural thought	Student makes letter sequencing errors such as letter reversals

	patterns; words may align to letter sounds or patterns of L1(sight words may be spelled phonetically, based on L1)	that are not consistent with L1 spelling patterns or not consistent with age-appropriate letter reversals; may be due to a processing deficit
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Mathematics

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Student manifests difficulty learning math facts and/or math operations	Student lacks comprehension or oral instruction in L2; student shows marked improvement with visual input or instructions in L1	Student has difficulty memorizing math facts from one day to the next and requires manipulatives or devices to complete math problems; may have visual memory or processing deficits
Student has difficulty completing multiple-step math computations	Student lacks comprehension of oral instruction in L2; student shows marked improvement with visual input or instructions in L1	Student forgets the steps required to complete problems from one day to the next, even with visual input; student reverses or forgets steps; may be due to a processing or memory deficit
Student is unable to complete word problems	Student does not understand mathematical terms in L2 due to English reading proficiency; student shows marked improvement in L1 or with visuals	Student does not understand how to process the problem or identify key terms in L1 or L2; may be a processing deficit/reading disability

Handwriting

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Student is unable to copy words correctly	Student demonstrates lack of experience with writing the L2/English alphabet	Student demonstrates difficulty copying visual material to include shapes, letters, etc.; may be due to a visual/motor or visual memory deficit

Behavior		
Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Disability
Student appears inattentive and/or easily distracted	Student does not understand instructions in L2 due to level of proficiency	Student is inattentive across environments even when language is comprehended; may have attention deficits
Student appears unmotivated and/or angry; may manifest internalizing or externalizing behavior	Student does not understand instruction due to limited L2 and does not feel successful; student has anger or low self-esteem related to 2nd language acquisition	Student does not understand instruction in L1 or L2 and across contexts; may be frustrated due to a possible learning disability
Student does not turn in homework	Student may not understand directions or how to complete the homework due to lack of L2 proficiency; student may not have access to homework support at home	Student seems unable to complete homework consistently even when offered time and assistance with homework during school; may be due to a memory or processing deficit

D. Roles & Responsibilities of Key Stakeholders

Student Services Teams should be utilized to guide instruction and interventions for ELs who are experiencing ongoing academic and/or behavioral difficulties. It is the collaboration and its inherent sharing of responsibilities that give the process the strength it requires to support students with diverse backgrounds and needs. This collaborative approach is designed to result in supports that are more child-centered, effective, and comprehensive.

The Student Services Team will perform many functions:

- Exchange information on a regular basis
- Coordinate plans, strategies, and interventions
- Support each other in the face of potentially difficult problems
- Help share responsibility and accountability
- Pool resources and expertise
- Minimize duplication of effort
- Ensure more authentic assessment

E. Interpretation of Data

“Educators working with ELs need to make sure that screening and progress monitoring works as intended by comparing the performance of an EL to a ‘true peer.’ Comparing a struggling student’s performance to that of a peer is a practice that educators have traditionally used in identifying students who need additional instructional interventions or who are eligible for a special education evaluation. Making these types of comparisons establishes local norms for comparison and assists teachers with instructional planning. However, for peer comparisons to be effective for ELs, it is important that the comparisons be made to ‘true peers’ who share as many characteristics as possible (e.g. language, culture, language proficiency, age, grade, time in U. S. schools, etc.). If a struggling student’s ‘true peers’ are also struggling, educators should examine the accessibility and appropriateness of the instruction for ELs. If the struggling student’s performance is atypical, this suggests a possible need for additional intervention. In each case where questions are raised about ELs and the potential need for more intensive services, EL educators should be a part of the discussion to ensure that screening and progress-monitoring data are interpreted appropriately” (*Minnesota Department of Education*).

F. ELs & Special Education

Local Education Agencies (LEAs) are required to follow due process for the education of ELs with disabilities. Among the requirements are identification, evaluation, and eligibility determination for ELs suspected of having a disability. Special education programs and services must be provided to eligible students in accordance with the Individuals with Disabilities Education Act (IDEA) (P.L. 108-446).

Uncertainty often exists regarding the referral of ELs for Special Education Services. ELs are eligible to receive Special Education Services on the same basis as all other students. Care should be used to ensure that limited-English proficiency is not the basis of a referral. Note that ELs with disabilities should be provided English language development services as determined appropriate by the Language Proficiency and Assessment Committee (LPAC) and the IEP Team, and this information should be included as part of the Individualized Education Program (IEP). Eligible EL students must receive **both** special education and English language development services concurrently as per identified needs.

All students with disabilities are guaranteed the right to:

- A Free Appropriate Public Education (FAPE).
- An Individualized Education Program (IEP) outlining special education and related services to provide access to the general curriculum and to meet their unique needs.
- Access to dispute resolution processes.
- An educational experience provided in the Least Restrictive Environment (LRE).
- Have tests administered in a way that is not culturally discriminatory.

Part II: Problem Solving Process

As with any student experiencing educational difficulties, school teams should first employ a problem solving approach when addressing the needs of English Learners. Unique to EL students, presented difficulties should be analyzed in the context of their English language development (34 CFR 300.324(a)(2)(ii)).

Different problem solving models are available for school teams to utilize when addressing student need. Examples include Multi-Tiered System of Supports (MTSS), Response to Intervention (RTI), and Positive Behavior Interventions and Supports (PBIS) (McInerney & Elledge, 2013). Defining specific procedures involved in implementing a particular problem solving model is beyond the scope of this document. Please refer to other sources for additional guidance in this area. There are resources on the [RTI Arkansas webpage](#) that can assist districts with implementing a multi-component, general education model, designed to identify students who may be at risk for learning or behavior challenges, offer support, and monitor progress.

Pre-Intervention: As part of the problem solving process, school teams should first gather information that may include, but is not limited to, a comprehensive review of the student's current level of performance and the student's access to effective academic and language instruction. School teams should refer to the following guidelines to ensure consideration of language proficiency while engaging in the problem solving process.

A. Process

1. Determine the student's native/dominant language and cultural background:

- Review the student's home language survey to determine his/her native language, and whether the student comes from an environment where a language other than English is dominant ([Dear Colleague Letter](#), 115 LRP524 (OCR/DOJ 1/7/15)).
- Consider whether the student is truly bilingual and assess for both native language proficiency and English proficiency to the extent feasible.
- Obtain additional information through multiple methods (language background questionnaire, observation, interviews), multiple sources (parents/caregivers, teachers, and/or student), and multiple settings (school, home, community, etc.) ([Dear Colleague Letter](#), 115 LRP524 (OCR/DOJ 1/7/15)).
- Ask questions such as: What language does the student feel most comfortable speaking? Does the student tend to seek out relationships with people of the same cultural background? Does the student observe any cultural traditions? Does the student have access to homework support at home? What is the structure of the home environment? Do parents notice similar difficulties in

primary language? What was the student's experience in previous school, U.S. or international?

2. Determine the student's progress in attaining English language proficiency:

- Review historical language proficiency assessment scores (e.g., ELPA21 Screener, ELPA21 Summative assessment, and ELDA). This assessment provides insight on social instructional language and academic language (i.e., Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language Proficiency (CALP)).

3. Determine whether there are deficiencies in the teaching/learning environment:

- Determine if the student has received **effective** instruction in the core curriculum and uses evidence-based curricula (34 CFR 300.306(b)(1)(i)).
- Consider whether the student has received **appropriate** and **effective** English language development instruction delivered with **fidelity** and with **sufficient** time to acquire English and uses evidence-based curricula.

4. Determine if the following factors have any impact on an EL student's learning. If so, has the school team addressed the student's needs appropriately?

- Cultural acclimation (i.e., "culture shock") (Collier, 2010)
- Cultural knowledge and norms
- Poverty/Low socio-economic status (SES)
- Mobility
- Trauma/psychological factors
- Social/emotional/behavioral difficulties
- Educational background (e.g., Students with Interrupted Formal Education (SIFE), previous education in U.S. and/or home country, educational gaps, sufficient education, prior academic experience)
- Language loss
- "Silent Period" (stage of second language acquisition)

5. Consider the influence of language differences vs. Disability on learning behaviors (refer to the "[Language Differences vs. Possible Disabilities](#)" table in section c of part I of this document).

6. Analyze the student's English language development growth to determine whether it is significantly lower as compared with comparable peers (e.g., Students from the same culture and linguistic background, gender, age, previous schooling, etc.).

B. Data Gathering Tools

1. **Cumulative Record Review:** Use this tool to review a student's prior records to get a historical overview of the student's schooling and performance to date.
2. **English Learner Classroom Observation Protocol:** Use this tool to determine whether there are deficiencies in the teaching-learning environment as discussed in Step 3 of this section. If deficiencies are identified (several areas are not observed), work collaboratively to provide effective and appropriate instruction for the EL.
3. **Interview Protocols:** Use these tools to gather information to identify areas of strengths and weaknesses in regards to a student's language development and use from a variety of perspectives.
 - [English Learner Student Questionnaire/Interview](#)
 - [Parent/Guardian Questionnaire/Interview](#)
 - [English Learner Teacher Questionnaire/Interview](#)

Part III: Intervention & Progress Monitoring

Once sufficient information has been gathered to address the preceding considerations in Part II, a response to intervention approach should be implemented to address the specific areas of concern. Some approaches include Response to Intervention (RTI), Response to Instruction and Intervention (RtII) Multi-Tiered System of Supports (MTSS), and Positive Behavior Interventions and Supports (PBIS).

"RTI and RtII models usually have three or four tiers. At each stage, or tier, the team assists the classroom teacher with differentiation of instruction and monitoring of student progress as part of the problem solving process" (Collier, 2011, p. 13). By engaging in a systematic process for identifying ELs with a disability, providing data-driven interventions, considering extrinsic factors related to culturally and linguistically diverse students, and building a collaborative relationship between general educators, ESOL educators, special educators and families, ELs with disabilities can be more appropriately identified.

It is important to note that English Language Development services are NOT part of RTI. They are required core instruction for English Learners until they are exited from English Learner status. The staff member responsible for ensuring Tier 1 access to English Language Development within the total curriculum will depend on a school's demographics and personnel. Likewise, those English Learners needing Tier 2 support for not making sufficient progress with Tier 1 English Language Development will be served by staff best trained to do so. In other words, all English Learners must have access to English Language Development instruction and support as part of core instruction, and not just in upper levels of RTI.

In Tier I, “Teachers need to know if their interventions are effective and how to adjust instruction for students who do not seem to be responding” (Klinger & Edwards, 2006, p. 113). When ELs “have not reached expected benchmarks or have not made adequate progress when taught using appropriate, culturally responsive methods implemented with fidelity, a second tier of intervention is warranted” (Klinger & Edwards, 2006, p. 114). During Tier II, ELs who “have not reached expected benchmarks or have not made adequate progress when taught using appropriate, culturally responsive methods implemented with fidelity” should be observed regularly and the Student Services Team should work to identify specific instructional objectives that can be developed and monitored. If the team suspects the EL student has a disability, then they should refer to the [Initial Referral and Decision Making Process flow-chart](#). As noted on the flow-chart, there are special exceptions that might warrant a more immediate referral to the special education or 504 team for students who have more obvious disabilities that limit their access to the general education curricula.

A. Effective Intervention Approach

1. Implement a high-quality, evidence-based intervention:

- With fidelity
- Long enough to determine the effect of the intervention
- While monitoring student progress towards an appropriate goal, and
- Adjusting the intervention if progress is not sufficient to meet the identified goal

2. Analyze progress monitoring data to determine the EL student’s rate of improvement over time in relation to comparable peers. If the student is not responding similar to his/her peers, the school team may consider whether modifications to the intervention are necessary or whether a special education referral is warranted.

3. Consider additional indicators that may support the need for a special education evaluation (if applicable):

- Limited communication or evidence of low skills in the home as compared to siblings and/or same-age peers, especially when these differences are noticed by parents
- Developmental delays or other conditions (e.g., hearing, vision, social/emotional)

4. Engage in a process of analyzing data to determine if a referral for special education is appropriate. If data support a suspected disability, school teams must initiate the referral process without further delay.

B. Tools

Tiered instruction guiding questions tools:

Use these tools to evaluate the tiers of instruction being provided to the EL student in question. Use answers to inform appropriate next steps in the intervention process.

1. [Tier I Guiding Questions](#)
2. [Tier II Guiding Questions](#)
3. [Tier III Guiding Questions](#)

Part IV: Referral & Special Education Evaluation

Once it has been determined there are sufficient data to analyze, a school team can make a decision whether to proceed with a formal special education referral or whether the interventions have resolved the EL student's educational difficulties. Once a referral is made, the referral team would determine if an evaluation should be completed.

:

- The school team may decide a referral is warranted if the student is not demonstrating positive response to the intervention, or if the level and intensity of the intervention or interventions necessary for the student to succeed is not sustainable within the general education program (34 CFR 300.301(b)).
- The school team may decide a referral is not warranted if the student is demonstrating considerable improvement after interventions have been implemented and/or if it has been determined that social, cultural, linguistic, or socioeconomic issues are the primary factors contributing to the student's educational difficulties.

School teams should note that the US Department of Education emphasizes that a problem solving model, such as RTI/RTII/MTSS/PBIS (or other intervention method), is only one component of the special education identification process. The problem solving process does not replace the need for a comprehensive evaluation. "A public agency must use a variety of data gathering tools and strategies even if an RTI process is used" (71 Fed. Reg. 46648). Additional federal guidance warns that a process such as RTI cannot be used to delay or deny a special education evaluation for a student suspected of being a student with disabilities.

School teams should refer to the following guidelines when deciding to proceed with a special education evaluation for EL students:

A. Guidelines

1. Parental involvement:

- As would be done with any other student suspected of having a disability, invite parents of the EL to participate in the evaluation process.
- Provide parents with a free interpreter and/or translation services during meetings in their primary language (34 CFR 300.322(e)).

- In order to ensure parents have meaningful access, provide all information to the parents in a language they can understand, including the [Procedural Safeguards Notice](#) to the extent practicable. If written translations are not practicable parents must be offered free oral interpretation of the written information ([Dear Colleague Letter](#), 115 LRP 524 (OCR/DOJ 1/7/15); Letter to Boswell, 49 IDELR 196 (OSEP 9/4/07)).

2. Select appropriate instruments and strategies:

- Tailor an evaluation plan to the specific cultural, linguistic, and developmental characteristics of the student (34 CFR 300.304(b)(1)-(3)).
- Utilize multiple sources of data to assess all areas of concern. Options include formal and informal methods, such as standardized/non-standardized assessments, nonverbal measures, observations of student, parent and teacher interviews, progress monitoring and peer comparison data, performance samples, etc. No single procedure can be used as a sole basis for making decisions about eligibility (34 CFR 300.304(b)(1)-(3)).
- Ensure assessment materials that are selected and administered are not culturally, linguistically, or racially discriminatory (34 CFR 300.304(c)(1)(i)).
- Examine test items for cultural bias/appropriateness (34 CFR 300.304(c)(1)(i)).
- If the modifications negatively impact the validity of the score, the results cannot be used as a primary source for eligibility determination, but rather may be used as descriptive information.

3. Administer selected measures:

- Provide and administer special education evaluations in the child’s native language or other form 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 provide or administer (34 CFR 300.304(c)(1)(ii)).
- Ensure assessments are administered and interpreted by trained professionals who possess knowledge and skills related to cultural and linguistic variables, including knowing how to differentiate between language needs and a disability (refer to the [“Language Acquisition vs. Possible Disabilities”](#) table in Section I and to the [“Language Difference vs. Possible Disability”](#) table in the Appendix).

4. Interpret evaluation results:

- Evaluate the extent to which cultural and linguistic differences may have affected the validity of scores obtained from standardized tests (Flanigan, Ortiz, and Alfonso, 2013).
- Determine whether the learning difficulties manifested over time are similar across multiple settings and contexts (home, school, community). (Butterfield & Read, 2011)
- Determine whether the learning difficulties are evident in both English and the student’s native language (L1) if applicable.
- Summarize data from a variety of sources to establish a preponderance of evidence that supports or negates the presence of a disability, the adverse effect of a disability on performance, and the need for specially designed instruction.

- Ensure the determinant factor for eligibility is not, among other things, limited English proficiency (34 CFR 300.309(a)(3)(vi)).

B. Tools

Tools to support the referral and special education process

- [Initial Referral & Decision-Making Process](#)--process chart outlining a process to use
 - [English Learner Extrinsic Factors](#) --a form to gather information about extrinsic factors potentially affecting the performance of the English Learner
 - [English Learner Intervention Summary](#)-a form to document interventions used with the student and the effect of those interventions
- [Language Difference vs. Possible Disability](#)--considerations to keep in mind when determining whether certain patterns are due to language difference or a possible disability
- [Potential Evaluation Tools to Consider for English Learners](#)

Part V: Guidelines for Use of Interpreters

School districts must provide language assistance to parents who are considered limited English proficient (LEP) effectively with appropriate, competent staff – or appropriate and competent outside resources. It is not sufficient for the staff merely to be bilingual. For example, some bilingual staff and community volunteers may be able to communicate directly with LEP parents in a different language, but not be competent to interpret in and out of English (e.g., consecutive or simultaneous interpreting), or to translate documents. School districts should ensure that interpreters and translators have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue. In addition, school districts should ensure that interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.

Please keep in mind that interpreters are utilized in situations involving spoken communication while translators are utilized for written communications. Not all interpreters are able to translate documents and not all translators are effective interpreters.

The use of trained interpreters is an invaluable resource to school teams when assessing English Learners. However, the law does not specifically define the parameters of using interpreters in evaluating EL students. The following general guidelines should be considered by school teams to work successfully with interpreters (Butterfield & Read, 2011).

- Rely on trained interpreters, rather than enlisting a cultural peer or a relative as an interpreter. When possible, choose interpreters who have prior experience as school interpreters.

- Remember that most interpreters are not professionally trained in assessments and may not have familiarity with or an understanding of the technical terms associated with the process.
- Review confidentiality requirements with the interpreter.
- Ensure that the interpreter has knowledge and understanding of the family's cultural and linguistic background.
- Avoid portraying the interpreter as the family's representative or advocate.
- Remind the interpreter to relay only information provided by the team and parents, not editorialize or give opinion. Encourage direct interpretation of all questions and answers.
- When asking questions or relaying evaluation, speak directly to the parent, rather than the interpreter. Speak in short, simple sentences; avoid idioms, metaphors, or colloquialisms; and use specific terms.
- Consult the [Office of Special Education Programs \(OSEP\) glossary of English/ Spanish education terms](#) that would be beneficial for Spanish-language interpreters to reference.

The Arkansas Bilingual Interpreters Credential in Education (ABICE) is a new training program designed to effectively prepare interpreters for their role. Pilot training was conducted in 2018-19 with future training cohorts being planned. Further information about this training program may be obtained by contacting "Welcome the Children" Project Director, Brenda Reynolds, at bkreynol@uark.edu.

Part VI: Developing the IEP

Once a referral and comprehensive evaluation for special education have been completed, it is time to develop an appropriate IEP if it is determined the student has a disability. It is important to follow the Arkansas Special Education Process Guide or the Arkansas Special Education and Related Services Procedural Requirements and Program Standards throughout this process. When an EL is receiving dual services for special education and ESOL, the IEP and LPAC teams should design plans that are complementary and support the student's linguistic and cultural needs. In addition, these services are delivered in tandem with neither service receiving priority over the other. IEP teams may consider "[A Checklist for IEP Teams: Considering Limited English Proficiency: Developing the IEP](#)" document found in the Appendix section.

Appendix

The forms provided in this appendix are samples which may be useful in the identification process of English Learners with potential disabilities.

- A. [Cumulative Record Review](#)
- B. [English Learner Classroom Observation Checklist](#)
- C. [English Learner Student Questionnaire/Interview](#)
- D. [Parent/Guardian Questionnaire/Interview](#)
- E. [English Learner Teacher Questionnaire/Interview](#)
- F. [Initial Referral & Decision Making Process](#)
- G. [Tier I Guiding Questions](#)
- H. [Tier II Guiding Questions](#)
- I. [Tier III Guiding Questions](#)
- J. [English Learner Extrinsic Factors](#)
- K. [English Learner Intervention Summary](#)
- L. [Language Difference vs. Potential Disability](#)
- M. [Potential Evaluation Tools to Consider for English Learners](#)
- N. [A Checklist for IEP Teams: Considering Limited English Proficiency Developing the IEP](#)

Cumulative Record Review

STUDENT _____ ID _____ TEACHER _____

GRADE ____ DATE ____/____/____ HOME LANGUAGE(S) _____

ENGLISH LEARNER: YES _____ NO _____

English Language Proficiency Scores			
Listening	Speaking	Reading	Writing

PERSON FILLING OUT FORM _____ POSITION _____

Check the cumulative file for each of the following components:	If you are concerned or in need of more information, please contact:
IEP Exists <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Education Designee/Administrator/Parent
Evidence of Rtl Data <input type="checkbox"/> Yes <input type="checkbox"/> No	School Counselor/Administrator/Parent
Hearing/Vision/Health Concerns <input type="checkbox"/> Yes <input type="checkbox"/> No	Nurse/Parent
Attendance/Tardiness Concerns <input type="checkbox"/> Yes <input type="checkbox"/> No	Attendance Clerk/School Counselor/Parent
Fine/Gross Motor Concerns <input type="checkbox"/> Yes <input type="checkbox"/> No	Occupational Therapist/Adapted P.E. Teacher/Parent
Speech/Language Concerns <input type="checkbox"/> Yes <input type="checkbox"/> No	Speech-Language Pathologist/Parent
ELD Instruction/Supplemental Support <input type="checkbox"/> Yes _____ years/months <input type="checkbox"/> No	ESOL (ESL) Teacher/Administrator/Parent
Participation in Counseling <input type="checkbox"/> Yes <input type="checkbox"/> No	School Counselor/Administrator/School Psychology Specialist/Examiner/Parent
Behavior Concerns <input type="checkbox"/> Yes <input type="checkbox"/> No	Previous Teacher/School Counselor/Parent Administrator/School Psychologist

Testing History Reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No	Administrator/Previous Teacher
Report Cards Reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No	Administrator/Previous Teacher
Retained <input type="checkbox"/> Yes (___ grade) <input type="checkbox"/> No	Administrator
Student Strengths:	
Description of Concern(s):	
Note(s):	

Adapted from San Diego Unified School District (2012)

English Learner Classroom Observation Checklist

Environment	Observed	Comments
Schedule visible	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Risk taking, safe	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Models of student work displayed	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Relevant, engaging, & useful visuals	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Experiential lessons evident (visual, auditory, kinesthetic)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Student centered & culturally relevant	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Instruction		
Clearly defined objectives	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Flexible grouping used (pairs, cooperative groups)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Builds on background knowledge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Meaningful & contextualized activities	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Explicit instruction/Comprehensible input given	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Vocabulary development is scaffolded	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Models expected language use	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Give opportunities to practice modeled language	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Visual prompts provided	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Classroom supports used (manipulatives, realia)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Check for understanding	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Extra wait time allowed for processing	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Alternative ways to respond used/accepted	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Students		
Engaged in active listening	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Involved in structured/unstructured talk	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Active participants in learning		
Receive positive & specific feedback		

San Diego Unified School District (2012)

English Learner Student Questionnaire/Interview

Name of Student: _____ Date: _____

Interviewed by: _____ L1: _____

Question	English	L1	Both
I first learned to speak in:			
I feel more comfortable speaking:			
If I had to tell what I did over the weekend, would it be easier in:			
If someone told me a story, would it be easier for me to understand in:			
At home, with my parents, I speak _____ most of the time:			
At home, with my brothers and sister, I speak _____ most of the time:			
In the neighborhood, with my friends, I speak _____ most of the time:			
At school, in the classroom with my teacher, I mostly speak _____:			
At school, in the <i>classroom</i> with my friends, I mostly speak _____:			
At school, on the <i>playground</i> with my friends, I mostly speak _____:			
When I watch TV, I like to watch TV shows in:			
I think to myself (for example: count) in:			
Do you miss things the teacher says because you do not understand what was said?			
Does the teacher speak too fast for you to understand the assignment/directions?			

Adapted from San Diego Unified School District (2012)

Parent/Guardian Questionnaire/Interview

Name of Student: _____ **Date:** _____

Name of Parent/Guardian: _____

Question	Response
Which language did your child first learn to speak?	
Was your child's language development in his/her first language similar to that of his or her siblings?	
Describe any difficulties, if any, your child experiences with language.	
What is the primary language used by adults in the home?	
What language do you use most often to speak to your child?	
What language does your child use most when speaking to adults in the home?	
What language does your child use most when speaking to his/her siblings?	
Does your child understand when you speak to him/her in the L1?	

Adapted from San Diego Unified School District (2012)

English Learner Teacher Questionnaire/Interview

Name of Student: _____ **Date:** _____

Name of Teacher: _____

Question	Response
What language does the student speak most in the classroom with the teacher?	
What language does the student speak most in the classroom with peers?	
What language does the student speak most on the playground?	
What language does the student appear to speak more proficiently, if known?	
What language does the student appear to understand more easily, if known?	
How often does the student use L1 (primary language) when communicating in English?	
Does the student appear reluctant or hesitant to use English as a mode of communication?	
How well does the student socially communicate basic needs and wants, and carry on basic interpersonal conversations?	
In English, does the student speak in single words, phrases, or complete sentences?	
Does the student learn nonverbal concepts (e.g., math) more easily than verbal concepts?	
What type of language supports in the student's L1 are provided in class (e.g. dictionary, etc.)?	
Does the student receive English language development? If so, describe by whom, how much, and what it looks like.	
Is primary language support provided? If so, describe by whom, how much, and what it looks like.	

Adapted from San Diego Unified School District (2012)

Initial Referral & Decision Making Process

English Learner **is** experiencing academic and/or behavioral difficulties as determined by performance data across settings, strengths and weaknesses, and comparison to peers (where possible, from similar backgrounds).

Is there evidence of a history of *severe* medical and/or developmental problems (e.g orthopedic, hearing, communication, social, visual impairment, intellectual disability, traumatic brain injury, etc.) that adversely impacts the child?

Have the English Learner’s physical and psychological factors been ruled out as primary contributors to the difficulties?	No	→	Provide intervention in areas such as vision, nutrition, hearing, sleep, trauma or injury, illness, living conditions, safety, belonging, and self-esteem. (Complete Section A of the <i>EL Extrinsic Factors Form</i>).
---	----	---	---

↓ Yes ↓

Have the English Learner’s personal and cultural factors been ruled out as primary contributors to the difficulties?	No	→	Provide intervention in areas such as socioeconomic status (e.g.,utilize community resources), parental involvement & education, mobility, attendance, experience, cultural norms and dynamics, and acculturation process. (Complete Section B of the <i>EL Extrinsic Factors Form</i>).
--	----	---	---

↓ Yes ↓

Has the English Learner’s language development been ruled out as a primary contributor to the difficulty?	No	→	Provide intervention in areas such as proficiency in all languages (social and academic) and English Language Development (ELD) instruction (Complete Section C of the <i>EL Extrinsic Factors Form</i>).
---	----	---	--

↓ Yes ↓

Has the English Learner’s previous and current learning environment been ruled out as a primary contributor to the difficulties?	No	→	<p>Teacher/School: collaboration, professional development, teaching/management style, expectations, qualifications, behavioral supports (school-wide, classroom, individual), cultural responsiveness, and family involvement.</p> <p>Curriculum/Instruction: based on Content & ELD standards, focused on ELD, explicit literacy and academic language development, strategic use of primary language, interactive and direct instruction, and the use of assessment data to improve student achievement (Complete Section D of the <i>EL Extrinsic Factors Form</i>).</p>
--	----	---	--

↓ Yes ↓

Has a team met more than once over a reasonable period of time in order to: <ul style="list-style-type: none"> ● identify and systematically address concerns? ● collect data for student progress? ● re-evaluate the effectiveness of the intervention plan? 	No	→	Gather information from multiple contexts, tools, and perspectives (including parent/guardian), implement effective strategies, and monitor student progress over a sufficient period of time (e.g., 9-12 weeks). (Review the English Learner Intervention Summary).
--	----	---	---

↓ Yes ↓

Is there a consistent pattern of limited progress?	No	→	Growth pattern may be improving, inconsistent, or not yet evident. Continue, modify or expand intervention, adjust time frame, and monitor progress.
--	----	---	--

↓ Yes ↓

Consider moving forward with a referral for special education.

San Diego Unified School District (2012)

Tier I Guiding Questions

“At the first tier for culturally and linguistically diverse learners, the focus is on building a foundation for learning, and differentiation occurs within the core curriculum...”
(Collier, 2011, p. 12).

Student Name:	Date:
Tier I Questions	Answer
What evidence-based instruction is in place for the target student and consideration given to his/her cultural, linguistic, socioeconomic, and experiential background?	
How is instruction targeted to the student’s level of English proficiency?	
Is the concern examined within context (i.e., first language support, acculturation)?	
Is language proficiency monitored regularly?	
Has the <i>ecology</i> of the classroom and school been assessed (i.e., immigration patterns, culture, socioeconomic status, educational history)?	
Have specific Tier 1 interventions that are culturally, linguistically, and experientially appropriate been developed?	
Are assessments technically sound, valid, and used appropriately with ELs?	

Tier II Guiding Questions

<p>“At the second tier, there is usually more focus and intensity of implementation (e.g., small groups or pairing of the target student with peers for short specific instruction) and more progress monitoring of target culturally and linguistically diverse (CLD) students in comparison with their CLD peers” (Collier, 2012, p. 13).</p>	
Student Name:	Date:
Tier II Questions	Answer
Does the child’s learning rate appear to be lower than that of an average learning “true peer”?	
Is evidence-based instruction in place for the target student and consideration given to his/her cultural, linguistic, socioeconomic, and experiential background?	
Who will provide the Tier II interventions? Classroom teacher? ESOL teacher? Other?	
How will the classroom teacher or interventionist & ESOL teacher collaborate?	
What assessments can we use to measure both language and academic progress?	
Despite possible language barriers, how can we best communicate to parents about their children’s progress in Tier II?	
If additional assessments are used, are the instruments technically sound, valid, and used appropriately for the EL?	

Tier III Guiding Questions

<p>“At the third tier, the team assists with strategic intensive intervention and monitoring over a fixed period of time, typically six to eight weeks and no longer than twelve. There is an intensive focus at this level for CLD students to comprehensively document the degree to which the students’ language and culture are contributing to their learning or behavior problems” (Collier, 2011, p. 13).</p>	
Student Name:	Date:
Tier III Questions	Answer
<p>Does the student differ from “true peers” in the following ways:</p> <ul style="list-style-type: none"> ● Level of performance? ● Learning rate of progress? 	
<p>What are the child’s functional, social, developmental, academic, linguistic, and cultural needs?</p>	
<p>If additional assessments are used, are the instruments technically sound, valid, and used appropriately with the EL?</p>	
<p>Are test results interpreted in a manner that considers a student’s language proficiency in L1 and L2 and his/her level of acculturation?</p>	
<p>Do assessments include information in the student’s first/native language and English?</p>	

English Learner Extrinsic Factors

Student:	ID#:	Date:
School:	Teacher:	Grade:
Home Language:	Years in U.S. School:	

English Learners (ELs) frequently have a wider variety of extrinsic factors impacting their lives and consequently their participation and progress in the U.S. educational system. Factors that are specific to ELs are the differences they experience in their environment, such as culture, language, and exposure to academics. These differences must be examined at an individual level, given specific family, regional, and other intra- and inter-cultural influences. Although only a small percentage of students have an intrinsic disability, a vast majority of English Learners struggle while learning in a second language. Therefore, it's imperative to investigate extrinsic factors.

Staff is to complete information in all sections. Include parent/guardian participation via attendance at pre-referral meetings, phone conversations, home visits and/or conferences, using an interpreter when necessary. Use Response to Intervention to begin to rule out extrinsic factors as primary contributors to academic, behavioral and/or English language development concerns. Document interventions and their outcomes on the *English Learner Intervention Summary*.

SECTION A: Physical and Psychological Factors that May Impact Learning

Yes No Investigating

- Does the student have access to healthcare?
- Do hearing and vision checks reveal results within normal limits?
- Does the student have a history of ear infections, allergies, or ear tubes?
- Are the student's basic nutritional needs being met?
- Does the student have a history of ear infections, allergies, or ear tubes?
- Might the student have an untreated medical condition causing pain (as a result of dental cavities, exposure to chemicals, quality of water, etc.)?
- Does the family living arrangement impact the student's learning?
- Has the student experienced traumatic events, such as warfare, natural disasters, terrorist incidents, extreme poverty, events in refugee camps, serious accidents, or personal assaults/abuse?

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there a physical condition or affective barrier (anxiety, apathy, stress) that impacts the student's learning? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | In the school environment, is the student impacted by his/her cultural diversity, difference of status, linguistic differences, relocation or resettlement, and social or cultural isolation (consider self-esteem and sense of belonging)? |

Strengths revealed:

Areas identified for intervention:

SECTION B: Personal and Cultural Factors that May Impact Learning

Yes No Investigating

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the student changed schools frequently? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the student endured separation from family members (e.g., parent(s) living abroad, immigration, military deployment, divorce)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are there economic circumstances affecting achievement in school (consider economic barriers, changes from home country socioeconomic status)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have traditional hierarchical roles shifted within the family (e.g., student taking on more responsibility with childcare, interpreting, etc.)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are gender and/or birth order expectations of the home impacting learning? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Do language barriers exist within the family (e.g., student no longer speaks home language proficiently enough to speak with parents and extended family)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is family support available to the student (e.g., academic support, homework routines)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the student's family had access to community support systems? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the family a member of community that shares its language and culture? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the team examined what motivates and interests the student? |

Strengths revealed:

Areas identified for intervention:

SECTION C: Language Development Factors that May Impact Learning

Yes No Investigating

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the student changed schools frequently? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there evidence that the student has received systematic English Learner Development (ELD) instruction? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there evidence that the student has received speech/language therapy in any language? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the teacher use explicit oral and written language models in every lesson? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are the oral and written language models at and slightly above the student's language level? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the student been shown how language works to express ideas, intentions, and information? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are there opportunities for the student to interact and talk in at least 3 lessons a day? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are a variety of communicative interactions used in the classroom (e.g., partner talk, small group, large group, teacher directed, student directed) every day? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If grammar and vocabulary errors affect meaning, does the student receive positive and explicit feedback? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is sufficient wait-time given to the student before responses are expected? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there a match between student's instructional language level and classroom demands? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there listening and speaking data from all languages? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have available data related to the student's language development (ELPA21 screener, ELPA21 summative, curriculum-based assessments, ELD standard goals, etc) been collected and reviewed? |

Strengths revealed:

Areas identified for intervention:

SECTION D: Previous and Current Learning Environment Factors that May Impact Learning

Yes No Investigating

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Were there similar concerns in any previous school environment? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Did the student receive instruction in English during his/her previous school experience? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Was the student ever formally instructed in his/her primary language? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have the previous and current instructional programs (i.e., Sheltered Instruction, Structured English Immersion) matched the student's English language proficiency level? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the student moved between different types of instructional programs (e.g., Bilingual, Structured English Immersion)? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have there been any limited educational opportunities related to attendance, tardies, gaps in instruction, and time in school, district, or country? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has instruction been differentiated for the student's learning style and level of language acquisition every day? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have work samples been used to compare the student to peers from similar backgrounds? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has performance across content areas been considered? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have a variety of methods (classroom performance, district and state data) been used to investigate academic performance in all languages? |

Strengths revealed:

Areas identified for intervention:

English Learner Intervention Summary

Student:	ID#:	Grade:
School:	Teacher:	Date:
Area of Concern	Intervention	Outcomes/Dates
Extrinsic Factors (Refer to EL Extrinsic Factors Form).		
Academic Concerns in Comparison to Peers		
Behavior Concerns that Impact Achievement		

Effective Practices for ELs:

- Explicit teaching of the features of English along with ample, meaningful opportunities to use it.
- Systematic, carefully designed ELD instruction.
- Dedicated ELD instructional time.
- Explicit teaching of the principle components of literacy including phonics, phonemic awareness, reading fluency, vocabulary comprehension, and writing.
- Increased opportunities to develop academic English vocabulary and comprehension.
- Emphasizing academic English language skills in all subject areas.
- Direct instruction that provides explicit teaching of skills or knowledge including modeling, corrective feedback, and guided practice.

San Diego Unified School District (2012)

Language Difference vs. Potential Disability

Consideration	Possible Data Source	Supports Possible Disability	Does NOT support Potential Disability
Has the EL been provided with instruction to foster access to and progress in the classroom academic content?	Interview Protocols Classroom Observations	The student's primary language is English. Student has a history of difficulty learning the primary language (speaking, listening, reading, or writing) compared to siblings or peers, even before English was introduced.	Student has no history of difficulty learning his primary language (compared to siblings or peers).
What has the EL's response been to both English language instruction and classroom academic instruction?	Parent Interview Protocol Oral Language Sample(s) Written Language Sample(s)	Student participated in schooling in primary language and struggled, even before English was introduced. CALP in the primary language has not been established as a result of difficulties with schooling in the primary language.	Student participated in schooling in primary language and did not struggle. CALP is established in the primary language. CALP in the primary language has not been established because the student did not participate in schooling in the primary language.
What is the EL's schooling history? Has any education taken place in the primary language? How formal and consistent has this schooling been?	Parent Interview Protocol	Student participated in schooling in primary language, and struggled even before English was Introduced. Although schooling was consistent in the primary language, CALP in the primary language has not been established as a result of learning difficulties in the primary language.	Student participated in schooling in primary language and did not struggle. CALP is established in the primary language. CALP in the primary language has not been established because the student did not participate in schooling in the primary language, or because schooling was inconsistent.
What is the EL's level of English proficiency (consider speaking, listening, reading and	ELPA21 Results Oral Language Sample(s) Written Language	Student's English proficiency is judged to be Proficient (level 5).	Student's English proficiency falls in levels 1-4, and appears to the

writing)?	Sample(s) Classroom Observations	Student's English proficiency falls in levels 1-4, however English proficiency is not the primary cause of inadequate achievement. Student is showing negative growth or plateauing of proficiency levels over time on the ELPA.	primary cause of inadequate achievement. Student is showing positive growth in proficiency levels over time on the ELPA.
What has been the extent of primary language "language loss" experienced while learning English as a second language?	Parent Interview	"Language loss" is occurring at an unexpected rate.	"Language loss" is occurring at an expected rate (i.e., as English learning increases and exposure to primary language remains constant or decreases, the student's proficiency with the primary language may decrease temporarily).
Has the EL been provided with instruction to foster English language learning?	Teacher Interview Classroom Observations	Student has not been provided with instruction to foster English language learning; however student has a history of difficulty learning his primary language (speaking, listening, reading, writing) compared to siblings or peers, even before English was introduced. Student has been provided with instruction to foster English language learning; however the student has a history of difficulty learning his primary language (speaking, listening, reading, writing) compared to siblings or peers, even before English was introduced.	Student has not been provided with instruction to foster English language learning, however there is no history of difficulty learning the primary language. Student has been provided with instruction to foster English language learning, and appears to be learning well.
Has the EL been provided	Teacher Interview	Student has not been	Student has not been

<p>with instruction to foster access to and progress in the classroom academic content?</p>	<p>Classroom Observations</p>	<p>provided with instruction to foster progress in classroom academic content; however student has a history of difficulty learning his primary language (speaking, listening, reading, or writing) compared to siblings or peers even before English was introduced.</p> <p>Student has been provided with instruction to foster progress in classroom academic content; however, the student has a history of difficulty learning his primary language (speaking, listening, reading, or writing) compared to siblings or peers, even before English was introduced.</p>	<p>provided with instruction to foster progress in classroom academic content; however there is no history of difficulty learning the primary language.</p> <p>Student has been provided with instruction to foster progress in classroom academic content, and appears to be learning well.</p>
<p>What has the EL's response been to both English language instruction and classroom academic instruction?</p>	<p>Oral Language Sample(s) Written Language Sample(s) Classroom Observation(s) State Assessment Results and ELPA21 Results District-wide Assessment Results Progress Monitoring Data</p>	<p>Student has been provided with instruction to foster English language learning and progress in classroom academic content, and his rate of response is below what is expected for students with similar language-learning and schooling backgrounds.</p> <p>For reading, student is making less than 6 months of growth in decoding per grade-level with no acceleration of skills occurring as the student gains English proficiency.</p>	<p>Student has been provided with instruction to foster English language learning and progress in classroom academic content, and his rate of response is expected for students with similar language-learning and schooling backgrounds.</p> <p>For reading, student is making gains of at least 6 -18 months growth in decoding per grade-level, with acceleration of skills occurring as the student gains English proficiency.</p>
<p>How does the EL respond when provided with effective instruction, implemented with treatment integrity, for a sufficient length of time?</p>	<p>ELPA21 Results Classroom Observation(s)</p>	<p>Student is demonstrating negative growth or plateauing with English Language Proficiency Standards.</p>	<p>Student is demonstrating positive growth with English Language Proficiency Standards.</p>

<p>Is the EL's response to English instruction and classroom academic instruction similar to or different from the response of the majority of the ELs with similar language learning and schooling backgrounds?</p>	<p>Oral Language Sample(s) Written Language Sample(s) Classroom Observation(s) State Assessment Results ELPA21 Results District-wide Assessment Results Progress Monitoring Data</p>	<p>Student's response to adequate instruction is very different from the response of other ELs with similar language-learning and schooling backgrounds.</p> <p>Inadequate achievement is not a result of difficulty accessing or learning the English language.</p>	<p>Student's response to adequate instruction is very similar to the response of other ELs with similar language-learning and schooling backgrounds.</p> <p>The primary reason for academic delays is related to acquiring English.</p>
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Potential Evaluation Tools to Consider for English Learners

Disclaimer: Links were current as of Spring 2019 and will be updated periodically.

I. POTENTIAL LANGUAGE ASSESSMENT TOOLS

Test Name & Publisher	Age/Grade	Description
Peabody Picture Vocabulary Test 3rd Ed. (PPVT) Pearson Assessment	Ages 2.5-40	Receptive verbal and non verbal language assessment
Dos Amigos Academic Therapy Publications	Ages 6-12	Verbal language & dominance assessment
Test de Vocabulario en Imagenes Peabody (TVIP) Western Psychological Services (WPS)	Ages 2.6-17.11	A measure of Spanish vocabulary based on the PPVT
The Bilingual Verbal Ability Test (BVAT) Riverside Publishing	Ages 5-adult	Verbal ability measure in 17 languages
Expressive One-Word Picture Vocabulary Test-R (EOWPVT-R-SBE) Spanish- Bilingual Edition Riverside Publishing	Ages 2-18+	Expressive vocabulary assessment in Spanish
Receptive One-Word Picture Vocabulary Test-R (ROWPVT-R-SBE) Spanish Bilingual Edition Riverside Publishing	Ages 2-18+	Receptive vocabulary assessment in Spanish
Clinical Evaluation of Language Fundamentals (CELF IV) Pearson Assessment	Ages 5 -21	Receptive & expressive language assessment in Spanish and English
Test of Auditory Processing 3 (TAPS 3) Academic Therapy Publications	Ages 5.0 to 18.11	Assessment of auditory processing skills in Spanish and English
Goldman-Fristoe La Meda (articulation) Pearson Assessment	Ages 2-90	Assessment of articulation in Spanish and English
Woodcock-Munoz Language Survey (WMLS- R) Riverside Publishing	Ages 2-90	Language proficiency assessment in English, Spanish, & other languages

Idea Proficiency Test (IPT II) Ballard & Tighe Publishers	Grades 7-12	English oral language proficiency assessment of students who are native speakers of other languages
Contextual Probes of Articulation Competence – Spanish (CPAC-S) Super Duper Publications	Ages 3-8.11	Test of phonology and articulation skills in Spanish
Dos Amigos Academic Therapy Publications	Grades 6-12	Verbal language & language dominance assessment

II. POTENTIAL BILINGUAL COGNITIVE ASSESSMENT TOOLS

Test Name & Publisher	Age/Grade	Description
The Bilingual Verbal Ability Test (BVAT) Riverside Publishing	Ages 5-adult	Verbal ability assessment in 17 languages
K-ABC (English & Spanish) Pearson Assessment	Ages 3-18	Cognitive & achievement assessment
Bateria' III Woodcock-Munoz - Riverside Publishing Riverside Publishing	Ages 2-90	Cognitive & achievement assessment in Spanish
WISC IV – Spanish Pearson Assessment	Ages 6-16.11	Cognitive / intellectual ability assessment
Southern California Ordinal Scales of Cognition (SCOSC) Foreworks Publisher (for the California Department of Education)	Ages Unspecified	Developmental language assessment – oral and gestural (for exceptional learners)
Cognitive Assessment System CAS Riverside Publishing	Ages 5-17.11	Cognitive ability assessment and predictor of achievement – appropriate for culturally diverse children

III. POTENTIAL NON-VERBAL COGNITIVE ASSESSMENT TOOLS

Test Name & Publisher	Age/Grade	Description
The Universal Nonverbal Intelligence Test (Unit) Riverside Publishing	Ages 5-17+	Non-verbal ability test
Bender Visual Motor Gestalt Test Pearson Assessment	Ages 3-adult	Visual-motor integration test
Naglieri Nonverbal Abilities Test (NNAT) Pearson Assessment	Ages 5-18	Non-verbal ability test
Test of Non-verbal Intelligence (CTONI) Pearson Assessment	Ages 6-89	Non-verbal ability test
Leiter Western Psychological Services (WPS)	Ages 2-20	Totally non verbal measure of non-verbal ability (for both examiner and student)
Test of Visual Perceptual Skills (TPVS) III Western Psychological Services (WPS)	Ages 4-18	Perceptual skills assessment separate from motor skills
DAYC – 2	0-5 years	Measures Social, Cognitive, Adaptive, and Communication Functioning http://www4.parinc.com/Product/Product.aspx?ProductID=DAYC-2

IV. POTENTIAL BILINGUAL SOCIAL-EMOTIONAL RELATED ASSESSMENTS

Test Name & Publisher	Age/Grade	Description
Behavior Assessment System for Children (BASC-2) Spanish Pearson Assessment	Ages 2-2.11	Comprehensive rating scales and forms to assess behavior and emotionality
Vineland Adaptive Behavior Scales II – Spanish Pearson Assessment	Ages 3-18.11	Assessment of personal adaptive and social skills

Acculturation Rating Scale for Mexican Americans II (ARSMA-II) Israel Cuellar, Ph. D.	Ages 11-18+	Multi-factorial assessment of cultural orientation
Social Skills Input System (SSIS) - Spanish Pearson Assessment	Ages 3-18	Social skills and behavior assessment
Connors-3 Spanish (CPT- 3; CBRS, CDI-2, and EC) Pearson Assessment	Ages 6-17	Assessment of attention deficit (ADD) and behavior

V. POTENTIAL ACADEMIC BILINGUAL ASSESSMENT TOOLS

Test Name & Publisher	Age/Grade	Description
Bateria III Woodcock-Muñoz Riverside Publishing	Ages 2-90+	Cognitive, achievement, and oral language in Spanish
Brigance Assessment of Basic Skills – R Spanish Edition Curriculum Associates	Grades PreK-9	Assesses 26 criterion referenced academic skills areas in Spanish to include reading, writing, and math
Kaufman Assessment Battery for Children (K-ABC) Pearson Assessment	Ages 3-18	Cognitive, achievement, and oral language in Spanish
Dibels (IDEL) in Spanish University of Oregon	Grades K-6	Measures reading skills in Spanish
Boehm Test of Basic Concepts Revised (BTBC-R) Spanish Edition The Psychological Corporation	Grades K-2	Assesses basic conceptual development in Spanish
Bracken Basic Concept Scale – 3 Revised Spanish Edition Pearson Assessment	Ages 3.0-6.11	Basic concept acquisition and receptive language assessment
Apranda 3: La prueba de logros en español, Segunda edición Pearson Assessment	Grades K-12	Standardized assessment of achievement I Spanish

VI. POTENTIAL SPEECH & LANGUAGE ASSESSMENT TOOLS

Test Name	Publisher	Age/ Grade	Description
Peabody Picture Vocabulary Test (PPVT - 4)	Pearson Assessment	2.5 - 90	Receptive language verbal/non-verbal skills
Dos Amigos	Academic Therapy Publications	6 -12	Verbal language & language dominance
Test de Vocabulario en Imagenes Peabody (TVIP)	Western Psychological Services (WPS)	2.6 – 17-11	Vocabulary of Spanish-speaking and bilingual students
The Bilingual Verbal Ability Test (BVAT)	Riverside Publishing	5 - adult	Verbal ability in 17 languages
Woodcock-Munoz Language Survey	Riverside Publishing	2 - 90	Language proficiency in English, Spanish & other languages
Clinical Evaluation of Language Fund (CELF IV)	Pearson Assessment	5 - 21	Receptive & expressive language in Spanish
Contextual Probes of Articulation Competence - Spanish (CPAC-S)	SuperDuper Publications	Pre K - adult	Test of phonological / articulation skills in Spanish
Expressive One Word Picture Vocabulary Test (EOWPVT-SBE) Spanish- Bilingual Edition	Academic Therapy Publications	4 - 12	Expressive vocabularies of individuals bilingual in Spanish
Receptive One word Picture Vocabulary Test (ROWPVT-SBE) Spanish-Bilingual Version	Academic Therapy Publications	4-12	Receptive vocabularies of individuals bilingual in Spanish

Test of Auditory Processing (TAPS 3) English & Spanish	Academic Therapy Publications	5.0 – 18.11	Auditory processing skills; reviewed by Spanish-bilingual testing professionals.
Idea Proficiency Test (IPT – II)	Ballard & Tighe Publishers	Grades 7-12	English oral language proficiency of students who are native speakers of other languages
Speech PreSchool Language Schools (PLS – 5) Spanish & English	Pearson Assessment	Birth – 7:11	Total language, auditory comprehension, expressive communication, standard scores, growth scores, percentile ranks, language age equivalents
Bilingual English Spanish Assessment (BESA)	http://www.ar-clinicalpubl.com/	Ages 4 –6.11	Assessment of language development (phonology, morphosyntax, semantics) in Spanish-English bilingual children
Systematic Analysis of Language Transcripts (SALT)	http://www.saltsoftware.com	All ages and grades	Analysis of language samples compared to a norm in Spanish and English

Compiled by Butterfield, J. (2014).

A Checklist for IEP Teams: Considering Limited English Proficiency--Developing the IEP

In developing an IEP for a student with limited English proficiency, the IEP team must consider the student's level of English language proficiency, this includes both second language conversational skills as well as academic language proficiency. Therefore, the IEP team must consider the student's level of ELP in listening, speaking, reading and writing, to support and strengthen implementation of the IEP goals. The IEP team may find it helpful to ask the following framing questions:

Framing Question	Yes	No
Has the dominant language in the home been considered?		
Has the child's primary language of communication been considered?		
Have the cultural values and beliefs of the parents been considered in planning for the child's education?		
Does the instructional plan incorporate a variety of instructional strategies?		
Is there a member of the IEP team who has expertise regarding the student and understands how language develops as well as strategies that can be used when educating a student with English as a second language?		
Does the IEP team have access to assessment data that is accurate and unbiased?		
Does the assessment information use a variety of methods and environments?		
Does the PLAAFP Present Levels' statement in the IEP address both how the student uses his or her native language and how the student uses English?		
Is there collaboration between general and special education as well as ESOL education?		
Is an interpreter for the parents and the student present at the IEP meeting?		
Are the IEP team members trained in how to use an interpreter?		
Is the evaluation process that will be used carefully defined in the native language and in English during the reviews and reevaluations?		
Are the behaviors that are being measured carefully defined in the native language and in English during the review and reevaluations?		

Adapted from San Diego Unified School District (2012)

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