

Pre Referral Strategies for English Learners & Assessment LAUSD 2017-18



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DISPROPORTIONALITY OF ELS IN SPED



Disproportionality occurs when some students “are inappropriately referred, diagnosed, classified and placed for special education”

Stephanie Graham-Rivas, Author of *Culturally Proficient Inquiry*
Presentation at State SELPA Organization Meeting 12-1-11

WHAT THE RESEARCH SAYS....

➤ Research demonstrates that English language learners with the *least amount of language support* are most likely to be referred to special education

➤ ELLs receiving all of their instruction in English were almost *3X as likely to be in special education as those receiving some native language support*

Artiles & Ortiz 2002

EL STATISTICS IN CALIFORNIA

CALIFORNIA LANGUAGE CENSUS EL DATA

- > **1.4 million English Learners** (ELs) in California
- > 2,664,921 students speak a language other than English in their home (ELs, FEP, and RFEP)
- > 73% are enrolled in elementary grades (K-6)
- > 27% are enrolled in secondary grades (7-12)
- > 83.5% speak Spanish; 2.2% Vietnamese; 1.5% Mandarin; 1.3% Filipino; 1.3% Arabic; 1.2% Cantonese

Fall 2015 CDE Census Data

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EL STATISTICS CONTINUED

Census Bureau data from the Public Policy Institute Center (PPIC) dated 11-29-16 indicates **English learners are historically the fastest growing subgroup of children in the public school population**, with an increase of about 51% between 1997/98 and 2008/09. During that same time frame the general population increased by 7.2%. *In 2015* Limited English Proficient (LEP) students (**ELS**) **represent about 22.1% of students in California** and about 9% of students nationwide.

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EL STATISTICS IN SPED

- 2012-2013 data indicates that approximately **195,000 students were identified as English Learners with disabilities in California**
- Further, it was reported in 2014-2015 that some **31 percent of students with special needs in California are EL**, substantially higher than the **22 percent in the K-12 population** (taken from the CDE Casemis data 2014-2015)

Why is this a problem?

Statewide Task Force on Special Education Report, March 2015
CASEMIS 2014-2015

ELS WHO EXPERIENCE ACADEMIC DIFFICULTIES

- 1) Those with **deficiencies in their teaching** or learning environment; lack of effective ELD instruction and support
- 1) Those experiencing academic difficulties **not related to a learning disability**; interrupted schooling, limited formal education, medical problems, low attendance, high transiency, etc.
- 1) True **ELs with disabilities** and in need of Special Education

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DISPROPORTIONALITY OF ELS IN SPED

There are four challenges that contribute to disproportionate patterns in the identification of learning disabilities among students who are ELs:

- 1. Lack of professionals' knowledge of second language development and disabilities and cultural considerations
- 2. Poor instructional practices
- 3. Weak intervention strategies, and
- 4. Inappropriate assessment tools (Sanchez et EL., 2010).

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CULTURAL CONSIDERATIONS FOR ELS

- 1) Level of concept development of student in native language – the more concept development in native language means you will more readily develop it in English (**new concept**)
- 1) Native language linguistic structure – tonal language versus non tonal
- 1) High-context culture (Primarily Asian, Native Americans, Latin & African Americans) versus low-context culture (Primarily Anglo-American)

Hall, 1976 & Chan 1995 9

PREVENTION OF OVER IDENTIFICATION OF ELS IN SPECIAL EDUCATION

Step 1: School Environment

Provide appropriate core curriculum and instruction and provide **intensive English language development (ELD) instruction** with fidelity daily



Step 2: Pre referral intervention or RTI

Determine if **pre referral interventions** have been implemented and documented over time

Step 3: Referral to Special Education

Conduct a **best practice comprehensive assessment**, to include native language assessment, cross-battery and alternative assessment to rule out language difference versus disability

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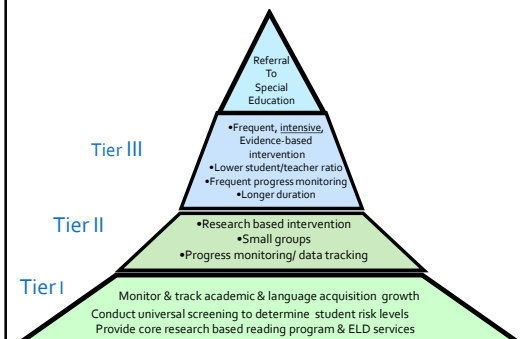
COMPONENTS OF RtI for ELs

- **Core curriculum** implemented with fidelity (**including English language development ELD**)
- **Universal screening** of academics (**Compare ELs to like peers**)
- **High quality, evidence-based intervention** that is multi-tiered based on individual need
- **Progress Monitoring** of English development and academic performance over time; data driven



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SAMPLE MULTI-TIERED INTERVENTION



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WHAT IS "INTENSIVE" INTERVENTION

- **#1 factor found to impact successful RtI outcomes was EXPERIENCE OF TEACHER**

Tilly & Van Der Heyden; LRP 2011

- **Intensive Defined by:**

- Frequency of intervention -Daily
- Duration (60-90 minutes)
- Adult to pupil ratio – 1:3 or 4

Vaughn, et. al., 2010 "Why Intensive Interventions are Necessary For Students With Severe Reading Difficulties"

PRE REFERRAL TO SPED CHECKLIST

- ✓ Has the student received intensive interventions using appropriate materials and strategies designed for ELs, and have they been implemented with fidelity over time and demonstrated little or no progress?
- ✓ Does the team have data regarding the rate of learning over time to support that the difficulties (academic, social-emotional, or in speech & language) are most likely due to a disability versus a language difference? If answers to the questions above are "YES," a referral to special education may be appropriate.

PRE REFERRAL TO SPED CHECKLIST

- ✓ Has the team consulted with the parent regarding learning patterns and language use in the home?
- ✓ Are the error patterns seen in L1 similar to the patterns seen in L2 (if student has sufficient primary language skills)?
- ✓ Are the learning difficulties and/or language acquisition patterns manifested over time similar in different settings and in different contexts?

“RULE OUT” REQUIREMENTS IN SPED

- “A pupil shall be referred for special education services only after the **resources of the regular education** program have been considered, and when appropriate, utilized.” E. C. 56303
- The normal process of 2nd language acquisition, as well as **manifestations of dialect and sociolinguistic variance** shall not be diagnosed as a handicapping condition. CCR, Title 5 3023(b)
- A child may not be determined to be eligible for SPED...if the determinant factor for eligibility determination is...1) lack of instruction in reading or math, or 2) **limited English proficiency**.... CFR 300.534

DISTINGUISHING A LANGUAGE DIFFERENCE FROM A DISABILITY

Professionals assessing English learners **should not only evaluate English interpersonal communication** skills, but should also utilize formal or informal assessments that measure the literacy-related aspects of language.

For example, assessors should **analyze the EL student's ability to understand teacher-talk** (e.g., tests of dictation or story retelling) and whether she/he can handle the language found in texts (e.g., close procedures or comprehension checks which measure inferential skills).

DISTINGUISHING A LANGUAGE DIFFERENCE FROM A DISABILITY

Frequently, students at greatest risk of being misdiagnosed as disabled are those who have received EL instruction long enough to acquire basic interpersonal communication skills which takes approximately 1 to 2 years, but who need more time to **develop academic language proficiency which takes approximately 5-7 years**

Garcia & Ortiz, 2004

DISTINGUISHING A LANGUAGE DIFFERENCE FROM A DISABILITY

Steps to engage in to distinguish language difference from a disability:

- Determine native language and review linguistic patterns of native language (tonal versus non tonal, etc.; phonetic versus non phonetic, etc.)
- Collect a language comparison sample (oral and written if student has written native language skills) and compare patterns of errors
- Analyze error patterns from comparison sample and classroom work samples to those of students with learning disabilities versus patterns of errors associated with the native language – orally and in writing

See Distinguishing a Language Difference from Disability Chart by J. Butterfield

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Assessment of ELs to Determine Eligibility for Special Education

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BEST PRACTICE ASSESSMENT OF ELS

IEP teams, to include persons that have 2nd language acquisition expertise must collaborate to determine the form of the assessment most likely to yield accurate information on what the child knows and can do academically when making determinations about how and when to assess in the primary language.

34 CFR § 300.504; EC 56320; 71 Fed. Reg. 46,642 (2006)

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BEST PRACTICE ASSESSMENT OF ELS

It is important for assessors of ELS to determine the following prior to assessment:

- Last grade completed in native language, if any – level of concept development in first language
- Amount of time passed since the EL has received native language instruction
- Subjects taught in the native language, and
- Levels of academic achievement in the native language when first entering the United States.

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BEST PRACTICE ASSESSMENT OF ELS

Engage in the following procedures when assessing ELS:

➤ An assessor fluent in both languages should assess to determine the student's relevant strengths and weaknesses in their native language and English to guide the assessment team regarding types of assessment to be performed by using like instruments in native language and English when available. This helps to provide a more comprehensive view of what the student knows and can do (Artiles & Ortiz, 2002).

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BEST PRACTICE ASSESSMENT OF ELS

Engage in the following procedures when assessing ELS Continued:

- All assessors should assess in the language of preference when possible (note: some level of native language assessment is a legal mandate).
- If primary language assessments are not available, use non-verbal measures with other information gathering to inform decisions.
- Assessors should be trained in second language acquisition and assessment.
- The decisions made regarding language modality to assess in should be clearly documented in the assessment reports.

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BEST PRACTICE ASSESSMENT OF ELS

Assessment Procedures should include:

- Structured interviews of staff and parents
- Ecological assessment
- Assess in intellectual, social and academic areas
- Include curriculum / criterion - based measures to determine patterns of strengths and weaknesses (PSW)

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BEST PRACTICE ASSESSMENT OF ELS

Strategies may include (note that all strategies that violate standardized norms must be noted in the assessment report:

- Provide instructions in native language and English
- Rephrase confusing instructions – use visuals
- Allow student extra time to respond and note this in the assessment report if it is a timed measure
- Ask student if he or she knows the answer in their native language – if he or she does note this in the report or score both answers

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BEST PRACTICE ASSESSMENT OF ELS

First Best Option – It is best practice to engage in the follow steps “if feasible”:

- First administer cross cultural, non-discriminatory assessments that aligned to referral concerns in a standardized manner in English. If analysis of the data indicates the student is performing the average or above average range there is likely no disability; however, assess the student in their native language in relative or suspected areas of weakness to confirm scores using fully bilingual assessors. If student does not perform in the average or above average range in English then engage in native language assessment in all areas of concern.

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BEST PRACTICE ASSESSMENT OF ELS

First Best Option steps Continued

- Engage in structured interviews with parents and staff
- Engage in observation of student in varied environments
- Collect data from curriculum based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers

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BEST PRACTICE ASSESSMENT OF ELS

Second Best Option - If it is "not feasible" to engage in the above best practice assessment options for ELs above since there is no assessor available in the native language engage in the following:

- Engage in structured interviews with parents and staff using an interpreter if necessary
- Engage in observation of student in varied environments

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BEST PRACTICE ASSESSMENT OF ELS

Second Best Option Continued:

- Collect data from curriculum based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers
- Using a trained interpreter, administer the native language assessments under the supervision a licensed assessor and document the limitations in assessment report of the student

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BEST PRACTICE ASSESSMENT OF ELS

Third Option - If it is "not feasible" to engage in either of the two above options for assessing ELs for determining eligibility for special education since there is no bilingual assessor available and there are no standardized assessment tools available in the native language engage in the following:

- Engage in structured interviews with parents and staff using an interpreter if necessary
- Engage in observation of student in varied environments

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BEST PRACTICE ASSESSMENT OF ELS

Third Option Continued:

▪Collect data from curriculum based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers

▪Use an interpreter who speaks the native language to provide an oral translation of assessments normed and written in English – document limitations in assessment report and do not report standardized test scores but document the patterns of strengths and weaknesses seen.

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BEST PRACTICE ASSESSMENT OF ELS

Fourth Option Worse Case Scenario:

The worst case scenario is when none of the above options is "feasible":

- Engage in structured interviews with parents and staff using an interpreter if necessary
- Engage in observation of student in varied environments
- Collect data from curriculum based and criterion-based assessment measures to validate potential areas of concern and strengths as compared to like peers

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Fourth Option Worse Case Scenario Continued:

- Assess in English, to include non-verbal areas of cognition. If student shows low cognition or there are patterns of weakness attempt to validate with non-standardized data collection
- (Ortiz, et al., 2005; Butterfield & Read, 2011)
