

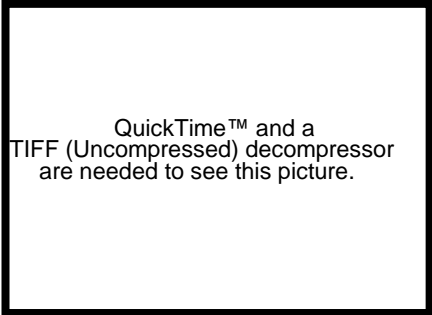


# Meeting the Needs of English Learners in Special Education



## Module 2 Programs, Services & Reclassification

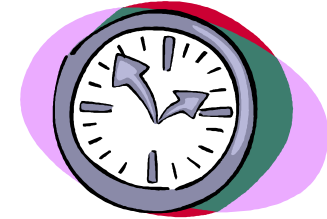
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# Presentation Topics



Section 1 - Programs and Services for English Learners in Special Education

Section 2 - Reclassification of English Learners in Special Education





# I. Programs & Services for EL Students in Special Education

Services and methodology required for English learners in California:

## English Language Development (ELD) Services

- Structured English Immersion (SEI) or
- English Language Mainstream (ELM)
- Alternative Program (requires parent waiver request)

## Methodology

- Specially Designed Academic Instruction in English (SDAIE)



# Programs & Services for EL Students in Special Education

## Placement Requirements for English Learners:

English learners are placed in the instructional setting which can best address their individual language acquisition needs and help them learn English.

(1) All pupils are placed in English-language programs unless a parental exception waiver has been granted for an alternative program.

E. C. 305, 306, 310, 311

(2) Based on LEA criteria of reasonable fluency, English learners are placed in structured English immersion (SEI) or in English-language mainstream (ELM) program settings. English learners who do not meet the LEA criteria for participation in an ELM are placed in an ELM program if the parent or guardian so requests.

E. C. 305, 306, 310, 311; 5 CCR 11301



# Programs & Services for EL Students in Special Education

Program Options	Required Content	Instructional Delivery
Structured English Immersion Program (SEI)	English Language Development (ELD) Academic Core Subjects	<ul style="list-style-type: none"> <li>•Classroom instruction is primarily in English</li> <li>•Primary language support (L1) is provided</li> <li>•Specifically designed instruction in English (SDAIE) during class</li> </ul>
English Language Mainstream (ELM) For students with “Reasonable Fluency”	For students with an IEP the IEP team determines the appropriate instructional setting for the student to receive ELD as well as the staff responsible (EL or SPED).	<ul style="list-style-type: none"> <li>•Classroom instruction is primarily in English</li> <li>•SDAIE provided daily (best practice 30+ minutes in small group or individual setting)</li> </ul>
Alternative Programs (Bilingual Programs)	The IEP team also determines the extent to which primary language support/instruction is needed.	<ul style="list-style-type: none"> <li>•Classroom instruction is in primary language (L1)</li> <li>•Academic instruction in English (SDAIE)</li> </ul>



# Programs & Services for EL Students in Special Education

## Program Requirements for English Learners in SPED:

English learners who receive special education services should be placed in the EL instructional setting their IEP team determines will most effectively help them meet the linguistically appropriate goals specified in their IEP.

Remember to specify EL services in the IEP

“For individuals whose native language is other than English, linguistically appropriate goals, objectives, programs, and services” shall be included in the IEP contents

E. C. 56345

*Note: This does not require placement in a specific classroom!*



# Programs & Services for EL Students in Special Education

An SEI or ELM setting can be provided for English Learners with an IEP in a variety of ways to include:

- (1) Targeted EL instructional groups held within the context of a classroom taught by a special educator
- (2) Instruction in a general education classroom during a portion of the day when English language development (ELD) instruction is provided by a general education teacher
- (3) In a collaborative model where special educators team with the general education teacher to provide EL services





# Programs & Services for EL Students in Special Education

Each English learner must receive a program of instruction in English language development (ELD) in order to develop proficiency in English as rapidly and effectively as possible.

(20 USC 1703[f], 6825[c][1][A]; EC 300, 305, 306, 310; 5 CCR 11302[a];  
Castanada v. Pickard [5<sup>th</sup> Cir. 1981] 648 F.2d 989, 1009–1011).

ELD instruction is defined as the direct, systematic, explicit development of vocabulary, grammar, comprehension and expression in both oral and written domains of English using curricula and instructional methods appropriate for second language learners.

ELD is a required component of every English learner's core curriculum, regardless of level. ELD must be individualized based on need. It is best practice to group students with other students at the same or similar fluency level for ELD.





# Programs & Services for EL Students in Special Education

ELD instruction should be based on the California ELD Standards.

The ELD standards are divided into four domains

- (1) Listening
- (2) Speaking
- (3) Reading
- (4) Writing

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The English language proficiency levels through which EL students progress are: *beginning, early intermediate, intermediate, early advanced and advanced*.



# Services for EL Students in Special Education

## Provide Primary Language Support

The IEP team should address how primary language support will be provided to help student access the core curriculum:

- Parent
- Teacher (general or special education)
- Instructional Assistant
- Volunteer
- Peer or Cross-age Coach
- Primary Language Materials



# QUESTIONS



- (1) Is it possible to have both SEI and ELM programs within the same classroom? Yes, as long as students receive instruction appropriate to their proficiency level.
- (2) If a student is EL and in special education, are they required by law to have an ELD class? No, a student does not have to be placed in an “ELD class”; however, the student must receive appropriate EL instruction and services. How those services will be provided should be addressed in the IEP. They may be provided in a special education or regular education setting as long as they are appropriate to the student’s level of EL needs, are provided by qualified staff, and will help the student progress towards their linguistically appropriate goals and objectives.



## II. Reclassification of EL Students in Special Education

### Reclassification

Defined as the process by which students who have been identified as English learners (**EL**) are reclassified as fluent English Proficient (**RFEP**) when they have demonstrated that they are able to compete effectively with English-speaking peers in mainstream classes.

E. C. 313(d)



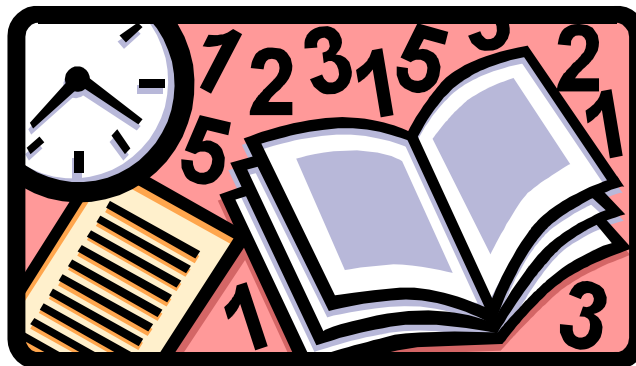


# Reclassification of EL Students in Special Education

## Reclassification Criteria:

The reclassification procedures developed by the California Board of Education (CBE) requires districts to utilize multiple criteria in determining whether to reclassify a pupil as proficient in English.

E. C. 313(d); California State Board Adopted Guidelines 2009-2010





# Reclassification of EL Students in Special Education

**The following four reclassification criteria must be used:**

1. Assessment of language proficiency using an objective assessment instrument, including, but not limited to, the CELDT pursuant to Section 60810
2. Teacher evaluation, including, but not limited to, a review of the pupil's curriculum mastery
3. Parental opinion and consultation
4. Comparison of pupil's performance in basic skills (CST) against an empirically established range of performance in basic skills for English proficient pupils the same age, that demonstrates whether the pupil is sufficiently proficient in English to participate in a curriculum designed for pupils of the same age whose native language is English E. C. 313(d)<sup>14</sup>





# Considerations for Reclassification of EL Students in Special Education

## Criteria 1: Assessment of language proficiency using an objective assessment instrument

\*CELDT is used as the primary criterion for the “objective assessment”. Students should be considered for reclassification whose overall proficiency level is early advanced or higher and:

- Listening is intermediate/higher
- Speaking is intermediate/higher
- Reading is intermediate/higher
- Writing is intermediate/higher

Note: Those students whose overall proficiency level is in the upper end of the intermediate level also may be considered for reclassification if additional measures determine the likelihood that a student is proficient in English.

\*Alternate assessment to CELDT may be designated by the IEP Team  
CBE State Board Adopted CELDT Guidelines Document 2009-2010



# Reclassification of EL Students in Special Education

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## Criteria 2: Teacher Evaluation

Sample Teacher Criteria:

- Use student's academic performance (in class).
- Possibly have teacher complete a checklist such as the SOLOM
- Progress towards IEP linguistically appropriate goals
- Note that incurred deficits in motivation and academic success \*unrelated to English language proficiency do not preclude a student from reclassification

(CDE State Board Adopted CELDT Guidelines 2009-2010)

\*A disability may be a factor that contributes to low academic achievement and is unrelated to “English language proficiency.”





# Reclassification of EL Students in Special Education

## Criteria 3: Parent Opinion and Consultation

- Provide notice to parents or guardians of their rights and encourage them to participate in the reclassification process
- Provide an opportunity for a face-to-face meeting with parents or guardians.

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# Reclassification of EL Students in Special Education

## Criteria 4 : Comparison of Performance in basic skills

1. “Performance in basic skills” means the score and/or performance level resulting from a recent administration of the California English–Language Arts Standards Test (CST in English–language arts).





# Reclassification of EL Students in Special Education

## Basic skills criteria 4 cont'd.

- (1) CST score in English/language arts (ELA) at least beginning of basic level to midpoint of basic - each district may select cut point.
- (2) Pupils with scores above the cut point selected by the school district should be considered for reclassification.
- (3) For pupils scoring below the cut point, school districts should attempt to determine whether \*factors other than English language proficiency are responsible for low performance on the CST in English–language arts and whether it is reasonable to reclassify the student.



# Reclassification of EL Students in Special Education

## Basic skills criteria 4 cont'd.

- (4) For grade twelve, the eleventh grade CST ELA should be used
  
- (5) For grades 1 and 2, school districts should base a decision to reclassify on CELDT results, teacher evaluation, parent consultation, and other locally available assessments. It is not recommended that Kindergarten students who are English learners be reclassified.

(CDE State Board Adopted CELDT Guidelines 2009-2010)

\*A disability may be a factor to consider under #3 basic skills criteria





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# RECLASSIFICATION SCENARIO 1 “Maria”

## **Student With Autism Who Takes Alternative Assessment to CELDT**

Maria is a 6<sup>th</sup> grade student who has autism. She has an average to low average ability level. She is verbal; however a lot of her speaking more echolalia or repetitive of what she hears. Her pragmatic and comprehension skills are low in both languages. She functions at approximately the 3rd grade level in math and 1<sup>st</sup>-2nd grade level in reading and writing. She was classified as an English Learner upon entering school in kindergarten. The IEP team has designated that Maria will take an alternative assessment to CELDT.





# RECLASSIFICATION SCENARIO 1 “Maria” Cont’d.

Criteria 1: Assessment of language proficiency using an objective assessment instrument

Since Maria took an alternative assessment to CELDT, the reclassification team used the data from the alternative measure *Basics 2* to determine if Maria meets this criteria.





## Basics 2 Checklist Data

Skill Area	Yes	No
Pre Writing	X	
Communicates in Writing		
Responds to Auditory Stimuli	X	
Receptive Language (Verbal)	X	
Expressive Language (Verbal)	X	
Articulation	X	
Receptive Language (Non Verbal)		*X
Words Independently	X	
Attends to Printed Material	X	
Reading Readiness	X	
Basic Reading Skills	X	
Reading Comprehension		*X
Overall Indication Student is Fluent in English	X	



# RECLASSIFICATION

## SCENARIO 1 “Maria” Cont’d.

**Note:** \*The student received an overall “no” in the **receptive language** and **reading comprehension** areas; however, the multi-disciplinary reclassification team (to include special educators and English language development experts) determined that these relative weaknesses were due to the student’s autism versus language differences when compared to high performance in English language skill areas. The team in this scenario determined the student was fluent in English since they felt the *Basics 2* checklist data indicates the student has acquired and intermediate or above level of English language proficiency in listening, speaking, reading, and writing.





# SCENARIO 1 CONT'D.

## Criteria 2: Teacher Evaluation

Remember: Incurred deficits in motivation & academic success unrelated to English language proficiency do not preclude a student from reclassification.

Maria's teachers indicated that they feel she has developed English language proficiency as evidenced by her day to day classroom performance (not related to her autism or disability)?






# SCENARIO 1 CONT'D.

## Criteria 3: Parent Opinion and Consultation

Maria's parent(s) feel she has acquired the English skills needed to be successful in school?





# SCENARIO 1 CONT'D.

## Criteria 4: Comparison of Performance in basic skills

“Performance in basic skills” means the score and/or performance level resulting from a recent administration of the California English–Language Arts Standards Test (CST in English–language arts).

Maria took CAPA Level IV (for her 6th grade level) versus CST as indicated in her IEP. She scored at the low end of “proficient” on the CAPA in ELA. Relying on the Maria’s CAPA Test data, the reclassification team determined that Maria met Criteria 4.



# SCENARIO 1 CONT'D.

Should Maria be reclassified?

**CAPTAIN  
ANSWER**



**Yes**, in this scenario the reclassification team felt that Maria met the four CBE reclassification criteria and made the decision to designation her as RFEP.





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## SCENARIO 2

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Jorge is a 8<sup>th</sup> grade student who is eligible for special education as learning disabled. He is a highly verbal student but struggles with a reading and writing disability due to visual processing. He functions at approximately the 7th grade level in math and 4<sup>th</sup>- 5<sup>th</sup> grade level in reading and writing. He was classified as an English Learner upon entering school in kindergarten.





# SCENARIO 2 CONT'D.

Jorge's CELDT Scores are as follows:

Skill Area	Beginning	Early Intermediate	Intermediate	Early Advanced	Advanced
Listening				X	
Speaking					X
Reading		X			
Writing		X			
Overall			X (upper end)		



## SCENARIO 2 CONT'D.

Criteria 1: Assessment of language proficiency using an objective assessment instrument

Although Jorge did not meet the CELDT assessment criteria for proficiency since he did not obtain an overall proficiency level of early advanced or higher and writing was at the early intermediate level, The IEP team may consider other measures to determine if Jorge is proficient since his overall CELDT level is in the upper end of intermediate.

and....



## SCENARIO 2 CONT'D.

The team took in to consideration other curriculum based measures from the classroom in reading and writing when Jorge was allowed to use his accommodation of using a word processor and spell checker and and auditory assistance with sounding out multiple-syllable words. The team also reviewed past test results from WJIII and TOWL. The IEP team ruled out that lack of proficiency in reading writing was not due to lack of proficiency in English by analyzing the types of error patterns he made and by reviewing his overall progress made towards achieving his IEP goals in reading and writing.





# SCENARIO 2 CONT'D.

## Criteria 2: Teacher Evaluation

Jorge's teachers felt he has developed English language proficiency as evidenced by his day to day classroom performance (not related to his learning disability)?

Remember: Incurred deficits in motivation & academic success unrelated to English language proficiency do not preclude a student from reclassification.



# SCENARIO 2 CONT'D.

## Criteria 3: Parent Input

Jorge's parent(s) felt he has acquired the English skills needed to be successful in school.





# SCENARIO 2 CONT'D.

Criteria 4: Comparison of Performance in basic skills  
“Performance in “basic skills” means the score and/or performance level resulting from a recent administration of the California English–Language Arts Standards Test (CST in English–language arts).”

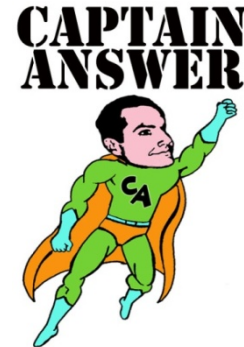
Jorge’s CST scores fall slightly below the midpoint of basic in in ELA when provided accommodations of more time, directions read aloud and paraphrased, and testing broken in to shortened time segments; however, the reclassification team felt that “factors other than English language development” were the reason his scores were low (his learning disability).

Remember: For pupils scoring below the cut point, school districts should attempt to determine whether \*factors other than English language proficiency (such as a disability) are responsible for low performance on the CST in English–language arts and whether it is reasonable to reclassify the student.



# SCENARIO 2 CONT'D.

Should Jorge be reclassified?



**Yes**, in this scenario the reclassification team felt that Jorege met the four CBE reclassification criteria and made the decision to designation him as RFEP.



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# SCENARIO 3

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Yu Li is a 3rd grade student who is eligible for special education as having mental retardation. She functions at approximately the K grade level in math and Pre K level in reading and writing. She was classified as an English Learner upon entering school in first grade. Yu Li's IEP stipulates that she will take an alternative assessment to CELDT (*Basics 2 checklist*).





## SCENARIO 3 Cont'd.

Criteria 1: Assessment of language proficiency using an objective assessment instrument

Yu Li was administered an alternate measure *Basics 2* to CELDT in order to determine if she was proficient in English (listening, speaking, reading, and writing). The reclassification team wanted to see if Yu Li's academic achievement was commensurate with her cognitive skills since she has low cognitive ability.





Yu Li's *Basics 2* Checklist data is as follows:

Skill Area	Yes	No
Pre Writing		X
Communicates in Writing		X
Responds to Auditory Stimuli	X	
Receptive Language (Verbal)	X	
Expressive Language (Verbal)		X
Articulation		X
Receptive Language (Non Verbal)		X
Words Independently	X	
Attends to Printed Material	X	
Reading Readiness	X	
Basic Reading Skills		X
Reading Comprehension		X
Overall Indication Student is Fluent in English		X



## SCENARIO 3 Cont'd.

Criteria 1 Cont'd.: Yu Li's reclassification team analyzed her 2<sup>nd</sup> *Basics 2* data to determine if she has acquired sufficient English language skills to allow her to function in an academic English environment. The team did take in to consideration her low cognitive ability. The team noted that Yu Li has only received services as an English language learner for 3 years. The team felt that Yu Li's limited progress in English may be due to her low cognitive ability since students functioning in her intellectual range learn new information much more slowly than their typical developing peers. The team felt strongly that although her disability impacts her ability to acquire English, she continues to need further development in ELD in order to make optimal academic progress. Yu Li did not meet criteria 1.







# SCENARIO 3 Cont'd.

## Criteria 2: Teacher Evaluation

Yu Li's teachers felt she has not yet developed English language proficiency as evidenced by her day to day classroom performance. They do feel that her disability impacts her rate of learning, but feel that it is in Yu Li's best interest to continue receiving English language development services. The teacher noted that Yu Li's error patterns were typical of those seen by other English learners as a younger age.



# SCENARIO 3 Cont'd.

## Criteria 3: Parent Input

Yu Li's parent(s) feel she has not acquired the English skills needed to be successful in school (as appropriate to her cognitive level)? They feel she is making appropriate progress towards her IEP goals but feels she needs continued ELD services.



## SCENARIO 3 Cont'd.

### Criteria 4: Comparison of Performance in basic skills

Yu Li takes the CAPA not CST. Based on her level 1 CAPA performance, Yu Li continues to score below basic and the reclassification team did not feel Yu Li met this criteria.

Should Yu Li be reclassified as RFEP at this time? No  
She did not meet any one of the four CBE reclassification criteria.



# SCENARIO 3 Cont'd.

Should Yu Li be reclassified?



No, She did not meet any one of the four CBE reclassification criteria.



# QUESTIONS



## Question 1:

Is reclassification to RFEP the responsibility of the IEP team for EL students in special education?

**Answer:** No. Each LEA must establish policies and procedures to designate which staff or the team members that are responsible for reclassification of EL students. The English Learner Division at the CDE advises that reclassification is not the jurisdiction of the IEP team. However, if the LEA has designated the IEP team as the EL reclassification team for students with IEPs, it may an acceptable practice for the IEP team, in collaboration with staff members who have expertise in the reclassification of English learner, to reclassify students to RFEP. It is best practice for English learner and special education staff members to work together collaboratively to make reclassification decisions for students with disabilities.



# QUESTIONS



## Question 2:

May a school EL reclassification team use “alternative criteria” to reclassify a student who is EL to RFEP?

**Answer:** No. There is no provision that allows an LEA to use “alternative reclassification criteria”. LEAs must follow the four criteria established by the State Board of Education. However, within the four established reclassification criteria there is flexibility in the way the way teams apply the guidelines that may be relevant to students with disabilities. It is also recommended that LEA staff consult or collaborate with special educators in making reclassification decisions.

5 CCR § 11303



# QUESTIONS



## Question 3:

May a school classify a student that has severe disabilities and is non-verbal as FEP upon entry?

**Answer:** No. There is no provision that allows an LEA to use “Alternative criteria” to classify a student as EL even upon entry if it is deemed that the student is an English learner based on the language survey. The IEP team may determine if the student needs an alternative assessment to CELDT and what that alternative will be (this must be an IEP team decision).

5 CCR § 11303



# QUESTIONS



## Question 4:

May a school designate a student who uses American Sign Language (ASL) as FEP even though they are EL based on the enrollment survey ?

**Answer:** Based on communication with the English Language Learner Division at CDE in April, 2010, it was agreed that for the purposes of CELDT testing and identifying students as English learners who use ASL and have an IEP or 504 Plan the following would apply:

- 1) Non-English speaking parent, student uses ASL - CELDT testing required; student may be considered an English learner
- 2) English speaking parent, student uses ASL - No CELDT testing required
- 3) Parent uses ASL, student is hearing - No CELDT testing required; student may or may not be under IEP/504
- 4) Parent uses ASL, student uses ASL - No CELDT testing required

5 CCR § 11303





# QUESTIONS



## Question 5:

For the first reclassification criteria that a student must pass demonstrate English language proficiency on CELDT (with an overall proficiency level of early advanced or higher and: Listening score of intermediate or higher, Speaking score of intermediate or higher, Reading score or intermediate/higher, and Writing score of intermediate/higher), may the IEP team use the results of the “Alternative assessment” designated by the IEP team as the Objective assessment instrument?



## Question 5 Answer

Yes, as long as the student demonstrates English proficiency in all four domains: listening, speaking, reading, and writing – this may be at the functional skills level.





# QUESTIONS



## Question 6:

For the fourth reclassification criteria - Comparison of performance in basic skills 2), may the reclassification team use data from the CMA or CAPA assessments since the student does not take CST.

**Answer:** The CBE has not currently revised the CELDT Reclassification Guidelines to include the assessments that IEP teams may designate as alternative measures to CST. It is presumed that it would be acceptable to use these measures as the data source for criteria number 4, as not allowing them may be considered discriminatory.