



2016 CONFERENCE

Session Handout

ELLs in Special Education

Katie Peterson (peteronk@worc.k12.ma.us)

Theophilia Afful (affult@worc.k12.ma.us)

<i>Special Education for English Proficient Students</i>	<i>What Is Additional or Different for ELLs?</i>
<p>1. Pre-Referral/Interventions—Before a referral can take place all efforts must be made to support effective learning in general education. Two main approaches are currently being used: Teacher Assistance Team (TAT) and System of Tiered Instruction (STI) a.k.a Response to intervention (RTI). Additionally some schools also use Universal Design for Learning (UDL) as an intervention strategy.</p>	<p>ELLs have additional needs when compared with their native English speaking peers: they need to learn English as an additional language, adapt to a new culture, and learn grade-level content in ELA, Math and Science. The different needs of ELLs suspected of having a disability are protected by Language Learning Education and Civil Rights laws in addition to Special Education laws. TATs have been the most prevalent pre-referral intervention in MA. Because of their composition these teams frequently are inappropriately qualified for ELLs. RTI is now being used in some school districts (Rinaldi, 2010).</p>
<p>2. Initial Referral – the school has 5 days to notify the family and request permission for an evaluation after receiving the referral.</p>	<p>Permission for evaluation is required to be provided to the parent in the native language or mode of communication consistent with federal law.</p>
<p>3. Upon parent consent, the evaluations must be completed in 30 days.</p>	<p>The evaluation must be nondiscriminatory and must be conducted in the native language, by appropriately qualified personnel using assessments validated for the purpose they are being used (IDEA 2004). In MA evaluations are primarily done only in English with tests that have not been validated for ELLs (Serpa, 2005, 2010).</p>
<p>4. Summaries of the Evaluations must be available to parents 2 days prior to the IEP Team meeting.</p>	<p>Summary of evaluations must be provided in the native language of the parent/family if requested by the parent.</p>
<p>5. IEP Team must convene, determine eligibility, write the IEP, and determine placement within 45 days of the parent consent for evaluation.</p>	<p>Determination of eligibility must ensure that the apparent disability determination is not due to cultural differences or second language learning characteristics.</p>
<p>6. Independent Evaluations – a parent has the right to disagree with the school district evaluation findings and has the right to seek an independent evaluation. A team meeting must be convened within 10 days to consider whether an amendment to the IEP is appropriate</p>	<p>An independent evaluation is also a right for parents of ELLs, and the independent evaluation must be nondiscriminatory and in the native language.</p>
<p>7. IEP is developed in the IEP Team meeting; a summary of the key services or the complete IEP must be delivered at the end of the meeting. If a summary of the key services is delivered, the school has 2 calendar weeks to deliver an IEP for signature, or 3–5 days upon parent request.</p>	<p>IEP development must address Least Restrictive Environment (LRE) and Free and Appropriate Education (FAPE) for ELL-SWDs in accordance with the application of the three kinds of laws mentioned previously in this report: Civil Rights, Special Education, and Language Learning Education.</p>
<p>8. Parent Response to IEP must occur within 30 days for changes to be included in the IEP. A Parent has the right to accept the IEP in full, in part or reject it totally.</p>	
<p>9. Due Process – the law warrants “due process” rights to parents at any point in the Special Education process.</p>	<p>Parents of ELL-SWDs have the right to receive the procedural safeguards as well as other documents in their native language.</p>

1. Laws to Protect ELLs who Have Disabilities

- ✓ ELLs are protected by three types of laws.
 - Civil Rights Laws: prohibit discrimination based on cultural and linguistic differences
 - Language Learner Education Laws: ensure that ELLs receive instruction in learning English and assistance in accessing the general education curriculum in the same way that native English speakers do
 - Special Education Laws: guarantee all students have access to a free and appropriate public education (FAPE) in the least restrictive environment (LRE) and protect parents' rights
- ✓ Students who have disabilities have the right to the same benefits and services as students who do not have disabilities

2. FAPE and LRE

- ✓ “‘Appropriate’ also means that ***ELL-SWDs receive validated, specially designed, research-based, culturally responsive instruction in learning the new language, reading, writing, spelling, math, etc. from appropriately highly qualified teachers and related services professionals in the least restrictive language environment***” (Serpa, 2011, p. 28).
- ✓ “‘Having ELL-SWDs receiving Special Education services in English when they are not ready to linguistically learn in that language is not providing an LRE to this student’” (Serpa, 2011, p. 29).

Accommodations vs. Modification:

- Accommodations *do not change* what the student is expected to learn; they just provide students with tools and strategies to aid them in accessing the general education curriculum.
- Modifications *do change* what the student is expected to know or do on their assignments and/or assessments.
- The key thing to remember when determining if an ELL has a disability is whether or not the student has the same challenge in both L1 and L2
- Culturally and linguistically responsive, research-based interventions must be attempted prior to referral for a special education evaluation.

A Word of Caution

Avoiding Over-identification

Language learning takes time; it is normal for ELLs to need many years to become proficient in the English language. ELLs should not be considered “deficient” simply because they are not yet proficient in English, in the same way that a native speaker of English should not be considered “deficient” simply because they have not yet learned calculus!

Research in second language acquisition states that most ELLs learn basic conversational language relatively quickly (1-3 years), but take much longer to master academic language (5-7 years or longer). Therefore, we cannot assume that because an ELL is having academic difficulties, the ELL has a disability. Here is a summary of characteristics of typical ELLs which may be mistaken as signs of learning or behavioral disabilities:

Learning Issues (What it may seem like)	Reason Difficulty Seen in Typical ELLs
Academic learning difficulties	ELLs often have difficulty with grade-level academic language and concepts because it takes at least five years for nonnative speakers to display native-speaker like functioning in academics.
Language disorder	Lack of fluency and correct syntax is a natural part of learning a new language. Students may require more “wait time” as they process an utterance in one language and translate into another. This “wait time” may be misinterpreted as a language processing issue.
Attention and memory problems	ELLs may have difficulty paying attention and remembering if they cannot relate new information to their previous experiences in their respective cultures. ELLs may also be experiencing exhaustion due to the task of learning in a language in which they are not yet proficient.
Withdrawn behavior	When students are learning a new language and adapting to a new culture a “silent period” is normal. Also, this behavior might be appropriate in the student’s culture.
Aggressive behavior	The student may not understand appropriate school behavior and language in the US. Also this behavior may be appropriate in the students’ culture.
Social and emotional problems	When students are learning to live in a new culture and using a new language, social and emotional problems often develop.

Avoiding Under-identification

Even though it takes time to learn a language, we need to recognize that some ELLs, just as students in the English-speaking population, do have disabilities that may make them eligible for special education. As mentioned above, because it is difficult to determine if an ELL's difficulties stem from learning a new language or from a true disability, some school districts are reluctant to consider referring ELLs for special education services until the student has been learning English for a pre-determined number of years – usually two or three. *This practice of waiting a number of years before referring a student for special education services is detrimental to ELLs who may truly have disabilities.*

Here are some possible reasons for initiating a special education referral for an ELL:

The ELL is exhibiting the academic/behavioral difficulties in both first and second languages.

The ELL teacher supports the position that the ELL is performing differently from his/her cultural peers.

The ELL displays very little or no academic progress resulting from appropriate instructional strategies, alternative instruction, or academic interventions.

Parents confirm the academic/behavioral difficulties seen in the school setting.

School personnel such as tutors and aides confirm the academic/behavioral difficulties seen in the classroom setting.

*Becker, H., & Goldstein, S. (2011). *CAPELL English language learners and special education: A resource handbook 2011*. Retrieved from http://www.sde.ct.gov/sde/lib/sde/pdf/curriculum/bilingual/CAPELL_SPED_resource_guide.pdf

Small Group Activity

Case Study of Mikael

Mikael was born in the United States. He attended kindergarten and first grade at the same school where he currently attends second grade. He has a fraternal twin brother, whom he clearly cares deeply about, and both boys speak Russian at home with their parents, although they refuse to speak any Russian at school. Mikael is very curious about many things, such as various types of animals, outer space, and how things work. He really enjoys artwork and working with his hands. From as early on as kindergarten, Mikael has had difficulty with appropriate behavior, and it has gotten especially worse during his second grade year. He wants (and tries) to leave the classroom without permission, refuses to do his work, touches other children inappropriately (hitting or kicking), talks back to adults at school, and does not do his homework. His second grade teacher is known for being especially strict, but she has been working very hard to build a relationship with Mikael, as has his ESL teacher. Mikael's parents are frustrated because he is not able to perform as well as his brother academically or socially, yet they do not require him to complete his homework at home as they do his brother. Mikael has great difficulty with all academic work—he does not know his long or short vowels, he is not able to sound out words or remember how to read sight words, he is not able to write legibly or spell correctly (neither can his brother), and he is not able to solve arithmetic problems, even with help. Some teachers have suggested that laziness may play a part in this. Mikael went through the Student Support Process and was deemed eligible to be tested for special education services. The testing occurred, it was done in English, and he did not do well. The eligibility determination team reconvened with the principal, and ...

What would be your next steps? What questions would you have?