



Guidance Document on English Learners (EL)

*Federal and state law require that English Learners (EL) enrolled in school need to be identified and provided an education that meets standards set by a legal case known as *Castaneda v. Pickard*. School must demonstrate that:*

- *The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy.*
- *The program and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school.*
- *The program succeeds, after a legitimate trial, in producing results indicating that student's language barriers are actually being overcome within a reasonable time frame.*

How do school districts identify students as English Language Learners in Colorado?

During registration parents complete a Home Language Survey. One of the questions asks if another language besides English is spoken at home. If the answer is YES, then the student is screened with the WIDA-ACCESS Placement Test or WIDA screener. If the answer is NO, the student is NOT screened unless the school gains information that suggests the student should be screened (i.e the student fluently speaks with other students in the hallway)

Placement/Screener Assessment

- W-APT™ which stands for the WIDA-ACCESS Placement Test is the screener to assist in the identification of students that qualify for English Language (EL) programming for students in K and 1st. The WIDA Screener is used for all other grades levels as of July 2018.
- Per federal guidelines, students new to the district with a primary or home language other than English must be screened and placed within 30 days from the beginning of the school year.
- Throughout the remainder of the school year, this screening and placement determination must happen within two weeks of the student's enrollment.

- Based on the screener, students are determined to be an English Learner if they score in the range of a NEP (Non-English Proficient) or LEP (Limited English Proficient) student.
- Determination of ELL program placement is determined at the district level. The most common service delivery option for schools within the Pikes Peak BOCES due to the small number of ELL students is content area sheltered instruction classes or in class support by paraprofessional.

Annual Measure of Proficiency

- The annual test that measures a student's progress in acquiring academic English is ACCESS for ELLs®. This assessment is administered to all students identified as an English Learner (NEP and LEP) in grades K-12.
- ACCESS for ELLs assessing Comprehension, Speaking, Listening, Reading, and Writing.
- ACCESS scores range from Level 1: Entering to Level 6: Reaching. Once a student receives a 5 or above in each section the district may consider exiting a student from the English Language program.

What do we do if we think a student that is identified as an EL should be referred for special education?

First:

- Has the student been given an English Language Proficiency Test?
- Is the student receiving or has this student received EL services in accordance with the district's service plan?
- Have targeted supports been implemented in addition to EL services?
- Has progress been monitored and compared with the progress of a comparable group of ELs?
- Has progress been markedly lower than that of English learner peers?
- Has EL and other services been provided for a sufficient length of time so that growth can be measured?

If any of these are NO than a referral to SPED should NOT be made.

If all of the above are YES than it is possible to make a referral to special education.

How do we distinguish between academic difficulties due to language acquisition versus that of a learning disability?

- Get a complete and accurate family and school history around language use at home and school. If a disability exists, it exists in both languages so often family interview reveals concerns in the first language or concerns in previous schooling.
- Ensure that someone with knowledge of the language acquisition process (ELL teacher, Bilingual SLP or School Psych) is involved in the evaluation.

- If a native language assessment is warranted be in touch with Special Education Admin to help arrange that service.
- Examine ACCESS scores over time. Look for a pattern of uneven growth across the areas which may indicate a disability. Has the student progressed steadily in Speaking and Listening but remained at the lowest level for Reading and Writing?
- Examine the student's growth compared to EL peers. If no like peers exist in your school, reach out to other BOCES districts to see if comparable data exists.
- Examine length of time receiving EL services. Students typically reach proficiency in a second language in 5-7 years.
- There is no one test that will determine if a student is having language acquisition difficulties or a disability. There must be a strong effort to collect a body of evidence and then as a team make a determination.

What if the IEP team does determine that a student qualifies as special education?

- The IEP team then should work with the EL team to develop a coordinated set of services that will benefit both the language and disability needs.
- One service does not trump the other but the specialized instruction by the SPED provider should be developed in consult with the EL services. In some cases, the team may decide that the SPED service is meeting the EL need or vise-versa. Be specific in the Service Delivery statement.
- On the special factors section of the IEP the team must describe how the EL needs of the student will be addressed. This may be a statement such as:
- *"The student's English language needs will be met through direct instruction by an EL provider. In addition, within the general education environment the teacher will use pre-teaching vocabulary, a high rate of visual supports, and frequent checks for understanding to support the student. See EL plan for more details."*
- In future IEPs, be sure to include ACCESS testing in the present levels section of the IEP.

What if my school doesn't have an EL person or program?

State law requires that every local education agency identify and develop a program for students who are English Language Learners. There is no requirement that they have a licensed EL teacher on staff. Since many of our districts are very small and they have so few students, they may have a very individualized approach to serving EL students. The only requirement is that they provide services that are founded in best practice. They do have to screen and test students so the best person to ask regarding test scores would be the School Assessment Coordinator, which is often the assistant principal or counselor.