# Referral and Identification of English Language Learners with Disabilities

## Key Questions Checklist 1

The proper identification of limited English proficient students or English language learners with disabilities requires that school leaders ensure all students' access to culturally and linguistically appropriate instruction that develops English language proficiency needed for academic achievement in school. However, this task is not easy. Learning variables that relate to languages, literacy, culture and transition often leave educators unable to identify causes of student underachievement. Educators lack clear direction regarding best practice in the referral, identification and instruction of English language learners with special needs.

The purpose of the key questions checklists, developed by a group of education professionals representing Ohio's diverse learning environments, is to guide the identification and referral process of English language learners for intervention services, including special education. The first, *Referral and Identification of English Language Learners with Disabilities Key Questions Checklist 1,* includes questions that examine the quality of services provided to all English language learners in the classroom and school district as encoded by state and federal laws. The key questions are organized generally within increasing tiers of support. The second, *Multi-Tiered Systems of Support for Literacy/Reading Instruction for English Language Learners Key Questions Checklist 2,* covers the area of English language learner engagement with quality literacy instruction delivered within the school environment. The checklists may be used alone or in combination to guide the provision of consistent, proper assessment within a systematic referral and identification processes for English language learners and students with disabilities. The key questions should guide, organize and address information gaps that arise in mandates to determine the causes of an English language learner's school difficulties.

Utilized by teams of qualified personnel who encourage collaboration and meaningful communication with parents and guardians of English language learners, the key questions checklists support the provision of fair, comprehensive assessment of English language learners with disabilities in the context of a multi-tiered system of support.

For background and additional information about the development process of the key question guidelines, please see *Multi-Tiered Systems of Support for Literacy/Reading Instruction for English Language Learners Key Questions Checklist 2* and the *Background and Resources for the English Language Learners-Students with Disabilities Guidance.*

**Note: This document is intended to complement federal and state guidelines. *The presence of an obvious physical or other disability condition (i.e., blindness, hearing impairment, severe cognitive delays, severe autism) should trigger the initiation of the special education evaluation process.* English language learners *with clear, organic disabilities should have access to specialized, individualized instruction and supports without delay.***

\* See annotations.

# Referral and Identification of
# English Language Learners with Disabilities

## Key Questions Checklist 1

### TIER 1

| A. | Key Questions | Y/N | Evidence |
|---|---|---|---|
| 1. | Has the Home Language Survey for the student been completed?* | | |
| 2. | If the Home Language Survey indicates a language other than English, has an English language screening assessment been administered in the domains of reading, writing, listening *and* speaking? | | |
| 3. | Based on the English language screening assessment results, has the student been identified as an English language learner (ELL/LEP) and coded appropriately in the EMIS? | | |
| 4. | If the English language learner has had formal education in another language, has his/her knowledge and skills been assessed, to the extent possible, using the language of academic instruction? | | |
| 5. | Has the English language learner previously received standards-based English Language Development instruction? | | |
| 6. | Has the English language learner received standards-based instruction that is delivered in a linguistically appropriate manner based on his/her English language proficiency?<br><br>Does the English language learner currently receive comprehensible academic instruction? | | |
| 7. | Does the student learn with a qualified teacher who knows and implements instructional strategies that reflect principles for universal design for learning for English language learners, students who are gifted and students with disabilities? Have all of the English language learner's teachers implemented with consistency instructional strategies that support English language learners? | | |
| 8. | Has a team (i.e., parent, classroom teacher, English language learner teacher, special service provider/SLP, school administrator, school psychologist) met to identify appropriate goals, instructional strategies and supports based upon evidence using specific assessment tools that take into account all of the following learning factors:*<br>(a) Language proficiency level (L1, L2, L3…)<br>(b) Level of acculturation<br>(c) Academic history (instruction in L1 and L2)<br>(d) Family history and environment | | |
| 9. | Have realistic goals and expectations based on the above listed factors been identified for the English language learner? | | |

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| 10. | Have appropriate accommodations and/or modifications to classroom assessments been documented and based upon the student's English language proficiency?* | | |
|---|---|---|---|
| 11. | Has medical and other significant information (previous trauma) been collected? | | |
| 12. | Has a **plan** for *monitoring implementation* been developed to include:<br>(a) *Who* is responsible for monitoring those who provide instruction;<br><br>(b) What specific intervention *procedure*s and steps will be followed;<br><br>(c) What and how often data (i.e., progress-monitoring assessments) will be collected to determine changes in student's progress toward stated goals/objectives;<br><br>(d) What evidence/documentation of the English language learners use of *modifications and accommodations* will be provided;<br><br>(e) How the program being implemented (e.g., push-in, pull-out) provides *standards-based instruction* appropriate to the English language learner. | | |
| 13. | Has a **plan** for *monitoring student progress* been developed to include:<br>(a) What student data (formal and informal) will be used to determine progress toward achieving the goal(s);<br><br>(b) How the team will use the student data to modify the plan to support student progress toward the goals. | | |
| 14. | Has the student's school attendance been regular?<br>Is the family able to assist with school-related, academic activities? | | |
| 15. | Have formal assessment data been documented on the student's levels of performance on:<br>(a) State English Language Proficiency Standards;<br><br>(b) Other Language proficiency assessments (e.g., initial identification assessment/OTELA/ELPA-21);<br><br>(c) District assessments;<br><br>(d) State achievement/end-of-course assessments. | | |
| 16. | Is the school environment welcoming and safe for English language learners and students with disabilities?* | | |
| 17. | Is the school curriculum culturally relevant and meaningful for English language learners? Do teachers access and build upon the prior knowledge of the English language learner (e.g., is the student's culture considered in daily lesson planning and incorporated into school activities)? | | |
| 18. | If challenging behaviors are interfering with student learning, has the team (including speech language pathologists, behavior and/or other specialists) considered differences in cultural norms | | |

| | | Y/N | Evidence |
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| | and English language communication proficiency as significant contributing factors? | | |
| 19. | Have the student's academic levels and progress been compared to siblings and other children of similar age, grade and experiences? | | |

## B. TARGETED AND INTENSIVE LANGUAGE DEVELOPMENT AND ACADEMIC SUPPORTS TIER 2

*Tier 1 continues. Small group (Tier 2) and individual interventions (Tier 3) may be added/intensified.*

| B. | Key Questions | Y/N | Evidence |
|---|---|---|---|
| 1. | If the student has had formal education, have skills in the language of instruction been assessed in the process of determination of intervention targets and goals?* | | |
| 2. | Have the interventions been chosen based on relevant student data and appropriate prioritization of present concerns? | | |
| 3. | Have the interventions been designed and/or validated for English language learners? Are they appropriate for the English language learners' linguistic and cultural proficiency? | | |
| 4. | Have parents been actively involved in meaningful communication (using language that they understand) regarding the intervention process? | | |
| 5. | Have the progress monitoring data been collected and graphed? | | |
| 6. | Have interventions been implemented with fidelity along with continued comprehensible academic instruction? | | |
| 7. | Have interventions been intensified based on student progress monitoring and other available data? | | |

## C. QUESTIONS FOR CONSIDERATION BY THE REFERRAL AND EVALUATION TEAM*

| C. | Key Questions | Y/N | Evidence |
|---|---|---|---|
| 1. | Is there evidence that the instructional plan has been implemented as intended across all tiers? <br><br> Has the treatment integrity been sufficient to eliminate instruction as a significant factor for the student's difficulties? | | |
| 2. | Has the student's progress over time been insufficient when compared to linguistically and culturally similar peers? | | |
| 3. | Does the student's intervention team include family members, individuals with cultural sensitivity, school psychologists, ESL Teachers/Tutors? <br><br> Has communication with the family been in a form and manner that they understand? | | |
| 4. | Has the student's language proficiency in L1 and L2 been considered and, to the extent possible, formally assessed? | | |

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| | Have the student's skills in the dominant language been considered?<br><br>Have the data been interpreted in the context of the student's basic interpersonal language communication skills (BICS) and cognitive academic language proficiency (CALP)? | | |
| 5. | Have cultural and linguistic variables been considered as significant reasons for the student's difficulties? | | |
| 6. | Have other significant systemic factors been considered (e.g., type of English Language Development programming, levels of staff development, immigration issues)? | | |
| 7. | Have all additional assessments for this evaluation been completed with appropriate use of the L1 and L2? | | |
| 8. | Have assessment procedures been interpreted appropriately given the student's linguistic and cultural proficiency levels? | | |
| 9. | Has the student been observed relative to the areas of concern across multiple school settings, as well as at home and in the community? | | |
| 10. | Is there adequate converging evidence from multiple formal and informal assessments that the student's difficulties are internal and present across settings, cultures and languages? | | |
| 11. | Have all external factors been fairly considered? | | |

## Annotations

**A.1.** English language learners must be identified through a formal identification process that includes the home language survey. A sample home language survey is found at the Ohio Department of Education's Lau Resource Center website at http://education.ohio.gov/Topics/Other-Resources/Limited-English-Proficiency/ELL-Guidelines/Guidelines-for-the-Identification-and-Assessment-o.

A.2. The state of Ohio does not specify a particular tool for assessing English language proficiency (ELP). A list of ELP assessments is found on page 9 of the Guidelines for the Identification and Assessment of Students with limited English proficiency.

**A.8-10.** Teams making decisions about instruction accommodations for English language learners with disabilities should consider the following characteristics for accommodations decisions in the classroom: the child's current English language proficiency level; annual review of the child's progress toward attaining English language proficiency; the child's experience and length of time in U.S. schools; and the primary language of instruction in each content area and the length of time that the child has received instruction in that language. *(Adapted from Minnesota Manual of Accommodations for Students with Disabilities in Instruction and Assessment: A Guide to Selecting, Administering, and Evaluating the Use of Accommodations)*

**A.16.** The WIDA Consortium has presented a series of guiding questions to assess the learning environment as it impacts English language learners. See *Guiding Questions for Solution-Seeking Teams* pp. 39-41.

**B. 1**. A student's lack of English language proficiency must not be confused or labeled as cognitive or language disability. The CCSSO English Language Learner SCASS (2014) notes that English language learners with disabilities need to have an adequate opportunity to draw from their full linguistic repertoire when they are assessed. (Klingner, Hoover, & Baca, 2008)

**C.** The collaborative pre-referral process of special education serves to protect students from illegal over-identification of individuals for special education services. However, students with combinations of language learning disability and limited English proficiency may have difficulty receiving fair and appropriate assessment in a process that requires determination that a student's difficulties in making academic progress be separated from difficulties caused by limited English proficiency.