

# Students with Dual Labels: English Language Learners with Disabilities

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# ACRONYMS

- ELL – English Language Learner
- ESEA – Elementary and Secondary Education Act (NCLB)
- FAPE – Free Appropriate Public Education
- IDEA – Individuals with Disabilities Education Act
- IEP – Individualized Educational Program
- ILLP – Individual Language Learner Plan
- LEP – Limited English Proficient
- LRE – Least Restrictive Environment
- MET – Multidisciplinary Evaluation Team
- OCR – Office for Civil Rights
- SEI – Structured English Immersion
- SLD – Specific Learning Disability

# Arizona Public Schools

## FY14 Demographics

*Approximate  
numbers*

Students in AZ Public  
Schools

1,149,831

Students  
receiving  
Special  
Education  
155,653

ELL Students  
95,150

English Language Learners  
with Disabilities

14,999

# Definition of Terms

## Limited English Proficient (LEP)

ESEA Section 9101(25)

***"...whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (i) the ability to meet the State's proficient level of achievement on State assessments..."***

## Student with a Disability

IDEA Part B

34 CFR §300.8

***Child with a disability means a child evaluated in accordance with Sec. 300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.***

Two prongs!

1. Disability category under IDEA
2. Adverse impact and need for specially designed instruction

# True or False?

Students who are still learning English cannot be found eligible for special education because they are ELLs.

- False – English language proficiency and cultural factors must be ruled out as the *determining* factor in the learning difficulty – they are not the primary cause, but they still may exist.

# **Students with Dual Labels: English Language Learner and Special Education**

English language learners (ELLs) with disabilities have unique learning needs and challenges because of the interaction of their disability with learning a new language.

# Students with Dual Labels: English Language Learner and Special Education

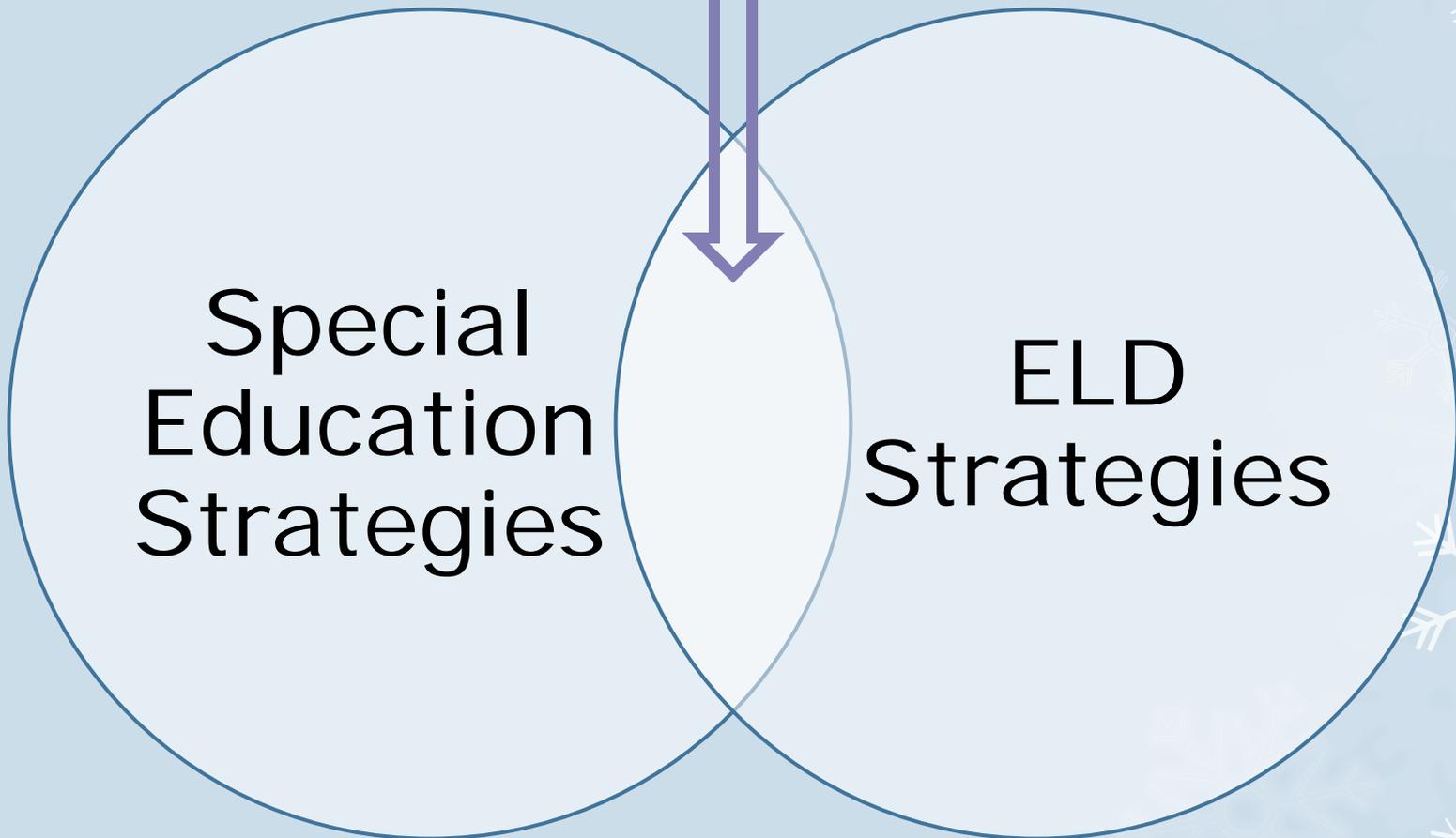
English language learners

- Who have an IEP
- Are **legally** entitled to services
  - ✓ English Language Learner Program
  - ✓ Special Education Program



# Compare and Contrast

Same or Similar Strategies



Special  
Education  
Strategies

ELD  
Strategies

# Legal Obligations

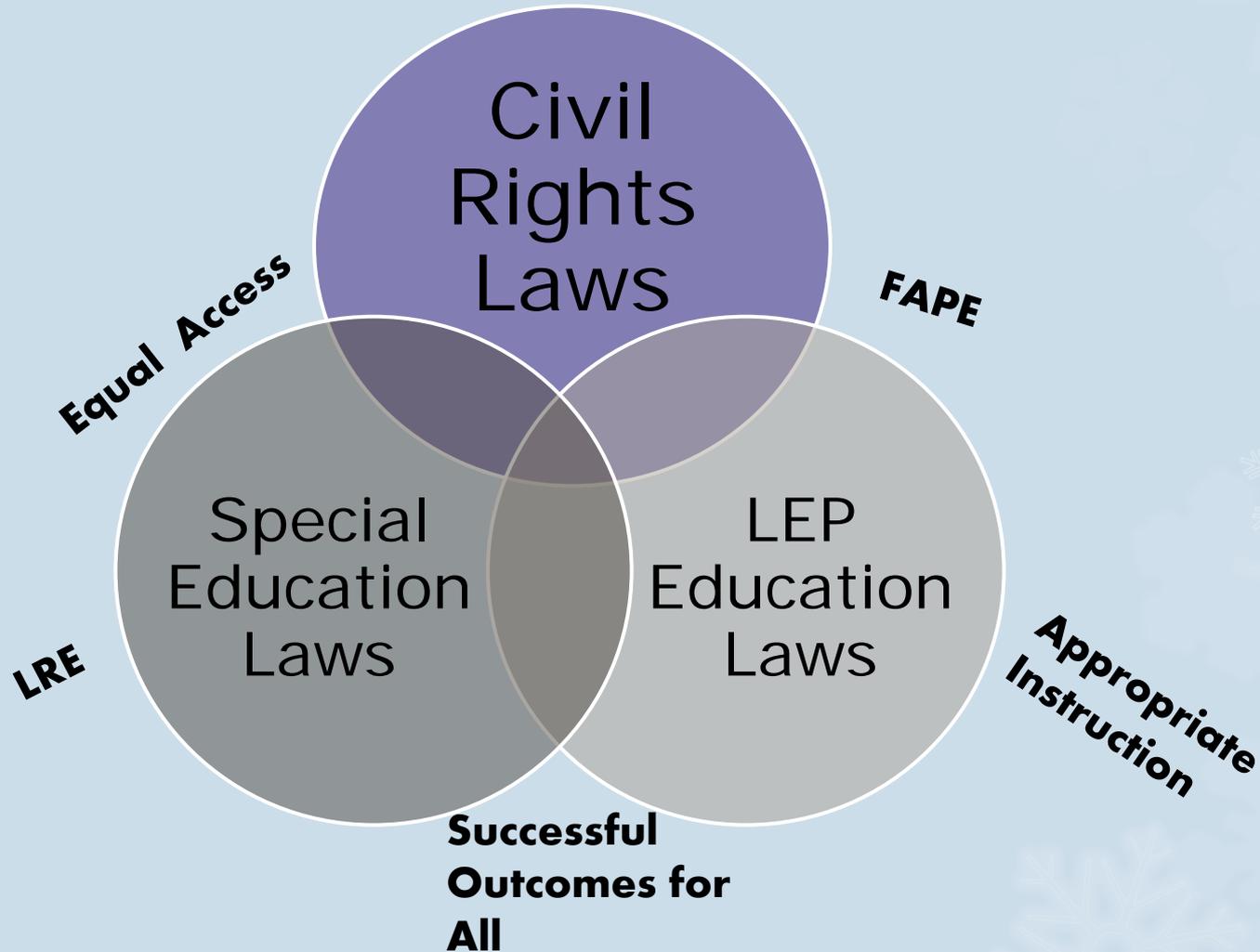


# Laws that Address ELLs with Disabilities

## Federal and State Laws that address the education of ELLs with disabilities:

- Laws that pertain to instruction for limited English proficient (LEP) students.
- Laws that pertain to providing special education services.

# Federal Laws and Entitlements for ELL Students with Disabilities



# Summarizing the Legal Requirements

## For ELLs

- NCLB
  - ✓ Sets accountability requirements
  - ✓ Establishes funding guidelines
  - ✓ Annual assessment
  - ✓ Parental Notification
- A.R.S.
  - ✓ Identification/placement
  - ✓ Assessments with appropriate accommodations & alternate assessments as indicated in IEP
  - ✓ SEI Models
- A.A.C.
  - ✓ Identification
  - ✓ Assessment/Reclassification

## For Students in Special Education

- NCLB
  - ✓ Includes students with disabilities in accountability measures
- IDEA
  - ✓ Impact of language acquisition process considered in MET
  - ✓ Assessment in language and form accessible to student
  - ✓ Notices understandable to parent
  - ✓ Services to address all areas of concern
- A.R.S. & A.A.C. mirror IDEA

# **No Child Left Behind Act of 2001**

## **Title III Language Instruction for Limited English Proficient and Immigrant Students**

### **Sec. 3212 Program Enhancement Activities**

(a)(2)(B)(vii): assisting limited English proficient children with disabilities

### **Sec. 3213 Comprehensive School and Systemwide Improvement Activities**

(a)(3)(H): assisting limited English proficient children with disabilities

### **Sec. 3214 Applications**

(h)(3)(B): limited English proficient children with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA)

### **Sec. 3217 Evaluations**

(c)(2): disaggregate the results of the evaluation by gender, native languages spoken by children, socioeconomic status, and whether the children have disabilities

# Arizona Statutes & Code

## Arizona Revised Statutes

**§15-751 - §15-757**  
**English Language Education for  
Children in Public Schools**

## Arizona Administrative Code

**R7-2-306**  
**English Language Learner  
Programs**

# Arizona Revised Statutes

## §15-751 - §15-757

### English Language Education for Children in Public Schools

#### 15-752 English language education

... Foreign language classes for children who already know English shall be completely unaffected, as shall special educational programs for physically- or mentally-impaired students.

#### 15-755 Standardized testing for monitoring education progress

All students with disabilities shall be included in all general state and district assessments, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education program, in accordance with 20 United States Code section 1412.

# Arizona Administrative Code

## R7-2-306 English Language Learner Programs

### R7-2-306 (D)

Assessment of students in special education or in the special education referral process. If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsections (B) and (C) inappropriate for a particular special education student, the LEA shall employ alternate procedures for identifying such students or assessing their English language proficiency. ***Persons conducting the English language assessment shall participate with the special education multidisciplinary evaluation or IEP team in the determination of the student's English language proficiency designation.***

# Arizona Administrative Code

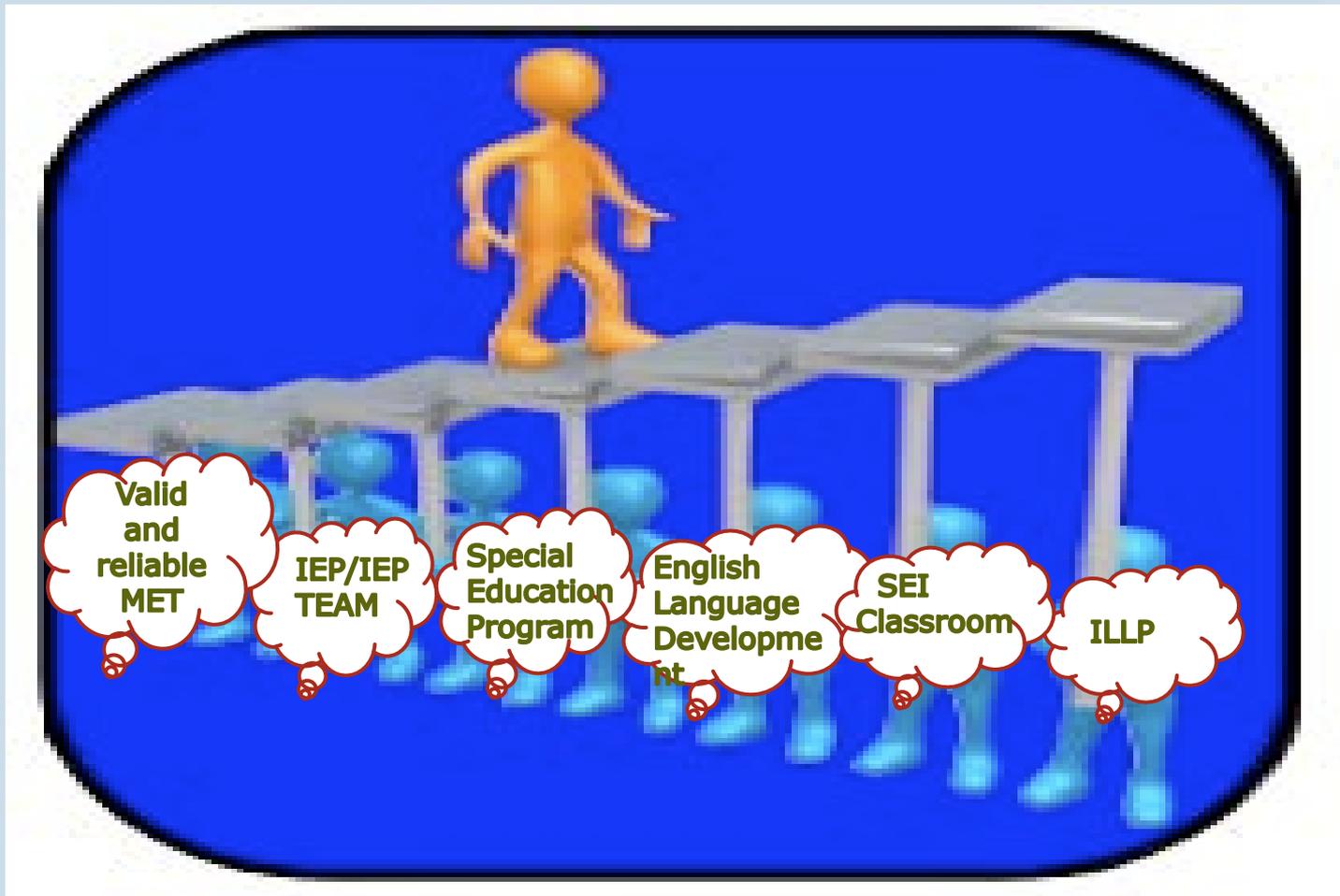
## R7-2-306 English Language Learner Programs

### R7-2-306 (H)

Reassessment of special education students for English language reclassification. If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsection (G) inappropriate for a particular special education student, the LEA shall employ alternate procedures for reassessing the student for purposes of English language reclassification.

***Persons conducting the English language reassessment shall participate with the special education multidisciplinary evaluation or IEP team in the determination of the student's English language proficiency designation.***

# Programs and Services





# Language Learning or Disability?

- Assessment dilemmas
  - ✓ Evaluations/assessments for special education eligibility are typically all in English
  - ✓ Assessments tend to be linguistically complex
  - ✓ Many ELL students are not proficient in their home language so bilingual assessment tools may be inadequate for distinguishing language learning from disability
  - ✓ Referral process is subjective and biased
  - ✓ RtI/MTSS interventions are rarely culturally relevant



# Creating Resources for Yourselves

- Work in small groups
- Create a document to assist a team in determining the role of language acquisition and language support needs
- Ideas for resources to create
  - ✓ Checklist
  - ✓ Questions to ask and answer in meetings
  - ✓ Flow chart
  - ✓ Your own ideas



# Individualized Education Program (IEP) Team

- The IEP team makes decisions about what is in the IEP.
- ELL coordinator and/or the ELL teacher are members of the IEP team.
- The IEP team must consider the language needs of the child as those needs relate to the child's IEP.

## 34 CFR § 300.324(a)(2)(ii)

- (2) Consideration of special factors. The IEP Team must—
- (ii) In the case of a child **with limited English proficiency**, consider the language needs of the child as those needs relate to the child's IEP;

# Individualized Education Program (IEP) Team

- Identify the **language needs** of the student
  - Distinguish language proficiency from disability needs
  - Determine language deficiencies and most appropriate services
- Document the IEP Team's decisions in the student's IEP
  - The IEP drives the educational program and services
  - Documentation can be captured anywhere in the IEP
    - ✓ Consider using the PLAAFP section and the services section



# True or False?

Receiving both ELD instruction and special education and related services is “double-dipping” and not allowable.

- False – the programs and services are different; children who qualify are entitled to those services.

# Delivery of Language Services

The two programs must **collaborate**

to determine the **most effective** approach to instruction.

➤ A model of collaboration must be developed.

All English language instruction is delivered in the **SEI program**.

- SEI classroom placement for 4 hours of ELD, or
- Mainstream classroom/ILLP (4 hours).

Inclusive program: special education services delivered **IN SEI** classroom

English language instruction may be divided between the **special education program** and the **SEI program**.

- SEI classroom placement for part of the 4 hours of ELD.
- or
- Mainstream classroom/partial ILLP
- Special education program placement for part of the English language instruction.

All English language instruction is delivered in the **special education program**.

- SEI program will not meet the specific needs of the student because of the impact of the disability.

# Adding to the Resource that You Created

- Look back at the document you worked on in your small groups
- Add to your resource considerations about placement/models for programming
- This is to help build your own internal capacity



# English Language Learner Documentation

ELL documentation in the cumulative/ELL file is the same for all ELLs.

- ✓ Home Language Survey and Enrollment Form
- ✓ Initial and yearly English language assessment
- ✓ Parental Notification and Consent Form (yearly)
- ✓ Copy of Reclassification letter to parents
- ✓ Two-year Monitoring Form





# Students with Disabilities in the SEI Classroom and Mainstream (Inclusive) Classroom with an ILLP

Teachers need to know:

- Level of English language proficiency
- Level of home language proficiency
- Specific information about the student's disability
- How the disability impacts learning
- Effect of the disability on educational performance
- Services, accommodations/modifications in the IEP
- Annual learning goals

# Students with Disabilities in the SEI and ILLP classroom



These students may need accommodations/adaptations due to their disability.

- ✓ Use of audio
- ✓ Use of visuals
- ✓ Location in the classroom
- ✓ Strategic grouping
- ✓ Wait time/Extra time
- ✓ Type of assessment
- ✓ Paraphrasing
- ✓ Repetition
- ✓ Sensitive to frustration levels

# English Language Proficiency Assessment



Arizona English Language Learner Assessment

**AZELLA**

# Federal Requirements for Assessment

**Assess  
ELP of  
all  
ELLs**



**All SWDs  
must be  
included in  
general State  
assessments  
34 CFR §300.160**



**All Dual  
Labeled  
students  
must be  
included in  
annual ELP  
assessments**

# Federal Requirements Participation in ELP Assessment

- Students with dual labels participate in the ELP assessment as determined by their IEP Teams:
  - regular ELP assessment with no accommodations or standard accommodations
  - regular ELP assessment with one or more accommodations as indicated in the IEP
  - or
  - an alternate assessment, if the IEP Team determines the student cannot participate in the regular ELP assessment even with accommodations
- Document in the IEP assessment considerations

# Arizona English Language Learner Assessment

AZELLA Testing Conditions and Accommodations

➤ <http://www.azed.gov/assessment/azella/>

→ Choose Test Coordinator

- ✓ AZELLA Testing Conditions and Accommodations
  - ❖ Universal Test Administration Conditions
  - ❖ Test Accommodations for Students with Disabilities

# ARIZONA ENGLISH LANGUAGE LEARNER ASSESSMENT

Any questions pertaining to the administration of AZELLA

Please contact the AZELLA Team

**AZELLA Inbox**

**[AZELLA@azed.gov](mailto:AZELLA@azed.gov)**

**or**

**602-542-5031**

**Brenda Wright**

**AZELLA State Test Coordinator**

# Exit from ELL Status



# Exit from ELL Status

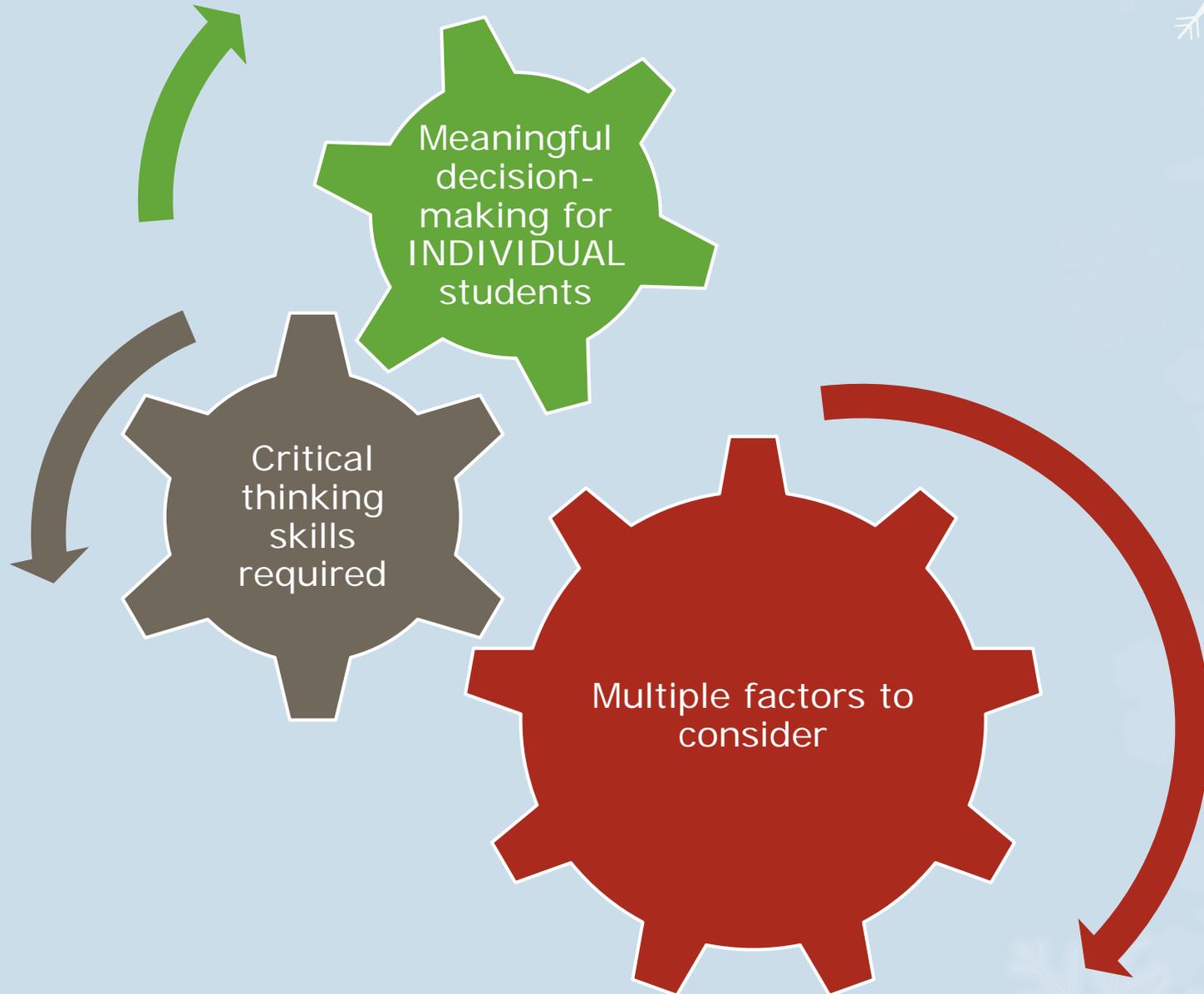
- “Withdrawn due to SPED Criteria” in SAIS (Code 7)
  - This decision is made by the IEP Team, which includes the ELL coordinator and/or the ELL teacher.
    - ✓ The IEP Team **must be in agreement** on this decision.
    - ✓ The student **no longer meets the definition of an ELL.**
      - There is **evidence that the student does not have a language need.**
  - Clearly document this decision and the evidence for this decision in the student’s IEP.
    - ✓ SAIS code 7 is inadequate on the IEP/MET!

# Misrepresentation in Special Education

- ❖ Long history of overrepresentation of students with “low status” backgrounds in special education – over four decades
- ❖ Students whose ethnicities are Black, Latino(a) and Native American tend to be overrepresented compared with white and all students
- ❖ Asians tend to be underrepresented, with the exception of some Southeast Asian groups
- ❖ English language learners tend to be disproportionately labeled specific learning disability (SLD) and speech/language impaired (SLI)

# Consequences of Disproportionate Representation

- ❖ Over 1/3 of students with SLD drop out of school
- ❖ Culturally and linguistically diverse students with SLD are less likely to go to college than white students with SLD
- ❖ Much greater percentage of youth with disabilities in detention, private & public correctional facilities
- ❖ Disproportionate representation signals larger systemic issues and the need for more culturally responsive practice in schools



# Questions?



# Thank You!

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