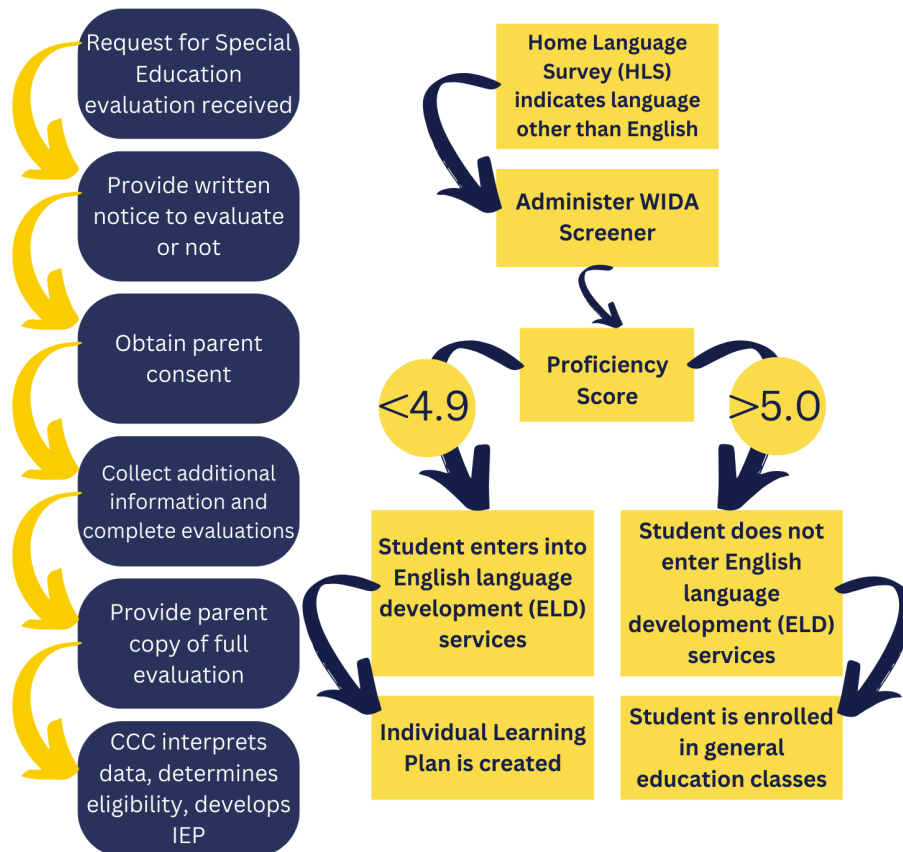




English Learners and Evaluation for Special Education

When special education services are considered for English learner (EL) students, school personnel are urged to take a broad perspective, collecting data through a multidimensional approach and interpreting results within the context of the student's unique cultural, linguistic, and experiential backgrounds. The educational evaluation of a student is important because the goals of a student's education program, the services they will receive, and the monitoring of a student's progress are based on the evaluation data. The rules governing the provision of special education in Indiana, commonly referred to as [Article 7](#), include provisions regarding limited English proficient students (i.e., ELs) and the educational evaluation process for special education. This document outlines the Article 7 requirements that should be considered closely when evaluating ELs with a suspected disability. Inclusion of qualified EL staff in the educational evaluation process not only ensures compliance with Article 7, but allows for a collaborative approach of all educators to create meaningful and authentic goals for ELs.

Special Education and English Learner Identification & Evaluation Processes



- These processes can run concurrently with each other, but there is a timeline to administer the WIDA Screener to possible English learners who are attending Indiana schools for the first time.
- States and local educational agencies have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of qualifying for English learner status.
- LEAs can refuse to evaluate, but must include an explanation of the parent's right to contest the decision.



Article 7 Requirements: What it Means for ELs

A. Educational evaluations in *general* [511 IAC 7-40-3(e)]

A school district or charter school must establish, maintain, and implement procedures to ensure that assessments and other evaluation materials are provided and administered in the:

- (1) Student's native language or other mode of communication; and
- (2) Form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

What does this mean for ELs? School districts and charter schools must utilize data regarding the EL's current level of English proficiency in order to determine if a test in English would yield any accurate information. Schools cannot use an English-only evaluation for ELs at beginner levels of English proficiency, as English is not yet a reliable mode of communication for these students and would not yield accurate results of what the student knows and can do academically, developmentally, and functionally.

B. Conducting an initial educational evaluation [511 IAC 7-40-5(b) and (c)]

Article 7 describes, but does not limit, the qualified professionals that make up the multidisciplinary team that conducts an initial educational evaluation. The team must include at least one teacher licensed in the area of the suspected disability, but in various circumstances, must also include a school psychologist, speech-language pathologist, or the student's general education teacher. Other individuals may be included on the multidisciplinary team depending on the student's needs.

What does this mean for ELs? In order to properly assess the effects of the EL's limited English proficiency on the student's achievement and the language proficiency assessment data, the multidisciplinary team must include individuals with proper knowledge in this area, such as the EL Teacher of Record as well as other staff in the student's Individual Learning Plan (ILP) committee.

As part of the educational evaluation, the multidisciplinary team must review existing evaluation data, including data on the student including current classroom, local, and state assessments; classroom-based observations; and observations by teachers and related service providers.

What does this mean for ELs? The English language proficiency and development of an EL must be considered. Multidisciplinary teams must review existing data on the student's English language proficiency on the ILP. Qualified EL staff should participate in this review to share the student's results on the federally and state-required English language proficiency assessments (i.e., WIDA Screener; WIDA ACCESS), as these individuals have been trained on how to interpret the language proficiency assessment data and the effects on the EL's achievement. In addition, qualified EL teachers should



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

share their classroom observations and other relevant data and information regarding the students' language acquisition.

C. Determination of eligibility [511 IAC 7-40-6(b)]

After an initial educational evaluation is conducted, the case conference committee meets to determine if the student is eligible for special education and related services. The case conference committee must not determine that a student is eligible for special education and related services if the determinant factor is limited English proficiency.

What does this mean for ELs? Qualified EL staff (i.e., the EL Teacher of Record) must participate in the case conference committee meeting to provide information that will assist in making the eligibility determination.

D. If the student is suspected of having a learning disability [511 IAC 7-40-5(g)]

When a student is evaluated for a suspected specific learning disability, the multidisciplinary team must include in its evaluation report, a synthesis of the educational evaluation components in relationship to the effects of limited English proficiency on the student's achievement.

What does this mean for ELs? Teachers of limited English proficient students, including EL teachers, utilize Indiana's state approved English Language Proficiency (ELP) standards to develop the EL's academic language proficiency. This instruction must incorporate the EL's ILP and be appropriate to the student's current English proficiency level in order to accurately gauge whether the student has met the state-approved ELP standards. Qualified EL staff must be able to share how the specific EL is meeting these standards during the educational evaluation process.

NOTE: As a member of the WIDA Consortium, Indiana has adopted the WIDA English Language Development (ELD) Standards. More information regarding the WIDA ELD Standards can be located at www.wida.us.

E. Case conference committee participants [511 IAC 7-42-3]

For each case conference committee meeting, the school district or charter school must include not fewer than one of the student's general education teachers.

What does this mean for ELs? For an EL student's language acquisition factors to be fully considered during the process, qualified EL staff should also be included in case conferences in addition to general education teachers. Licensed EL teachers, such as EL Teachers of Service and/or EL Teachers of Record, provide federally-required English language development instruction and may be the core English teacher for certain ELs depending on the local model used. In both of these cases, the EL teacher provides the additional expertise needed to allow the case conference committee to meet the unique needs of the EL being evaluated. The EL teacher is also the individual with the expertise



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

in order to interpret the instructional implications of the evaluation results on the EL's current level of English proficiency.

Both the school and the parent also have the discretion to invite other individuals to the case conference committee meeting who have knowledge or special expertise regarding the student.

What does this mean for ELs? EL paraprofessionals, who often work daily with the ELs in multiple settings, will provide a great amount of knowledge regarding the EL's current level of proficiency and rate of acquisition of English. Both EL teachers and staff often have a rapport with the families, and will allow the case conference committee to best assess and plan for the needs of the student.

F. Developing an Individualized Education Plan (IEP) [511 IAC 7-42-6(c)]

When the case conference committee is developing an IEP for a student, it must consider the language needs of a student with limited English proficiency as those needs relate to the student's IEP.

What does this mean for ELs? Understanding second language acquisition is crucial when discussing the academic needs of the student; therefore, it is best practice for the EL staff to be included in the case conference committee. The student's English proficiency will affect the academic needs of the student, as will their disability, and all staff that provide services to the student should collaborate when determining appropriate goals.

G. Notices to Parents and Parent Participation in Case Conference Committee Meetings

Written notice of the initial evaluation [511 IAC 7-40-4(f)]

The written notice of an educational evaluation that the school sends to the parent must be provided in the native language of the parent unless it is clearly not feasible to do so.

Written notice of the case conference committee meeting [511 IAC 7-42-2(c)]

The written notice of a case conference committee meeting that the school sends to the parent must be in the parent's native [or preferred] language.

Case conference committee meetings [511 IAC 7-42-5(c)]

The school must take whatever action necessary to ensure that the parent understands the case conference committee meeting proceedings, including arranging for an interpreter for a parent whose native [or preferred] language is not English.

What does this mean for ELs? School districts and charter schools must ascertain the preferred language of communication for their multilingual families to provide written notices accordingly. The school must also provide an interpreter when needed for parental involvement in the evaluation process and case conference committee meetings



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

in order for all multilingual parents to fully participate in the educational evaluation and decision-making process for their child. Please remember that the parents' English proficiency levels may vary greatly from the proficiency levels of their children. Any translation or interpretation that is required, such as during the evaluation process cannot be paid with any Title funds.

This document is a collaborative effort of the Indiana Department of Education's (IDOE's) Office of Special Education and the Office of English Learning and Migrant Education. If you have any questions regarding a special education evaluation of ELs, please contact:

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