

QUESTIONS AND ANSWERS ON ENGLISH LEARNERS (ELs) WITH DISABILITIES (SWD)

2015 Charter School Project Director's Conference

- Millie Bentley-Memon, Ph.D., Education Program Specialist, Title III, Office of State Support
- Judith Gregorian, Associate Division Director, Office of Special Education Programs

U.S. Department of Education

Contributing Offices

- Student Achievement and School Accountability (SASA), Office of Elementary and Secondary Education
- Office of Special Education and Rehabilitative Services
- Office for Civil Rights
- Office of Policy, Evaluation, and Program Development
- Office of English Language Acquisition
- Office of the General Counsel



Session Format

- Q and As – Purpose and scope
- Background and data on ELs who are also SWDs
- Overview of questions and answers
 - General obligations
 - Role of the IEP team
- Table discussions, panel Q and A
- Overview of questions and answers:
 - Accommodations and alternate assessments,
 - Exit from EL status,
 - Title III annual measurable achievement objectives (AMAOs)
- Table discussions, panel Q and A
- Wrap-up

Q and As – Purpose & Scope

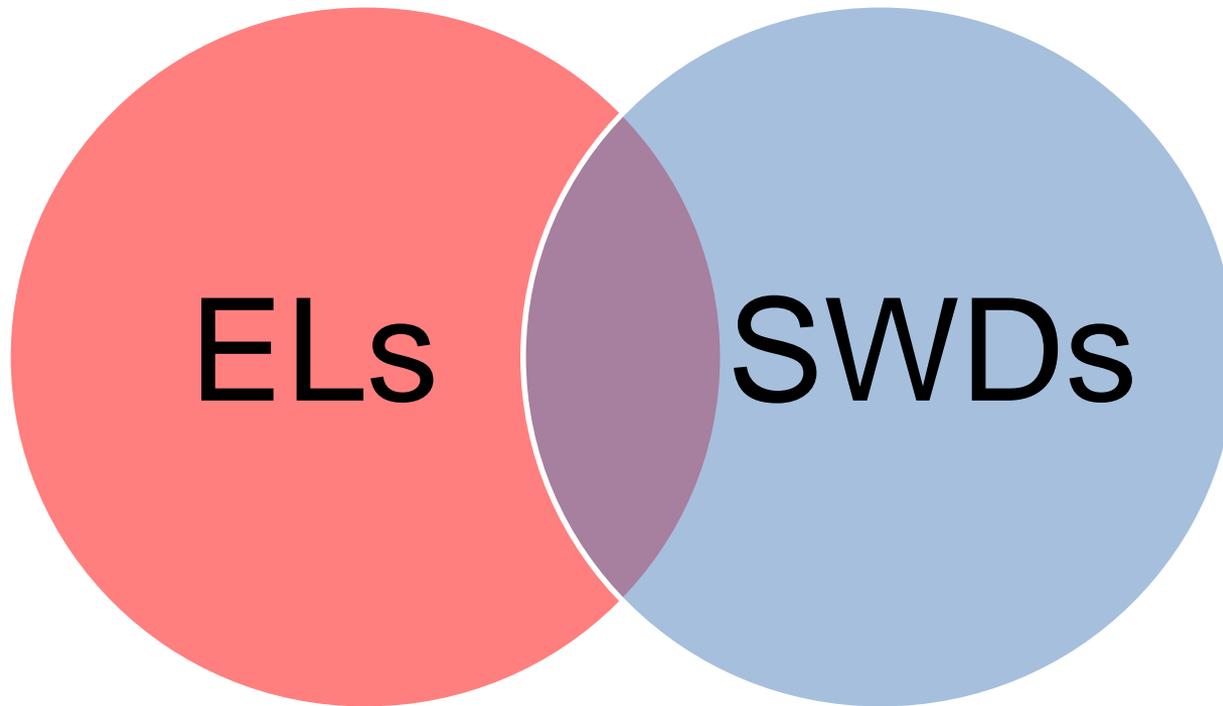
Purpose – to help States and LEAs address challenges of:

- 1) Ensuring **all ELs with disabilities participate** in the annual State ELP assessment;
- 2) Ensuring that the ELP assessment accurately measures the ELP of SWDs, including providing as appropriate:
 - **accommodations** in accordance with a student's IEP, or
 - an **alternate assessment**; and
- 3) Determining how to include ELP assessment results for ELs with disabilities in making Title III **accountability determinations.**

Q and As - Definitions

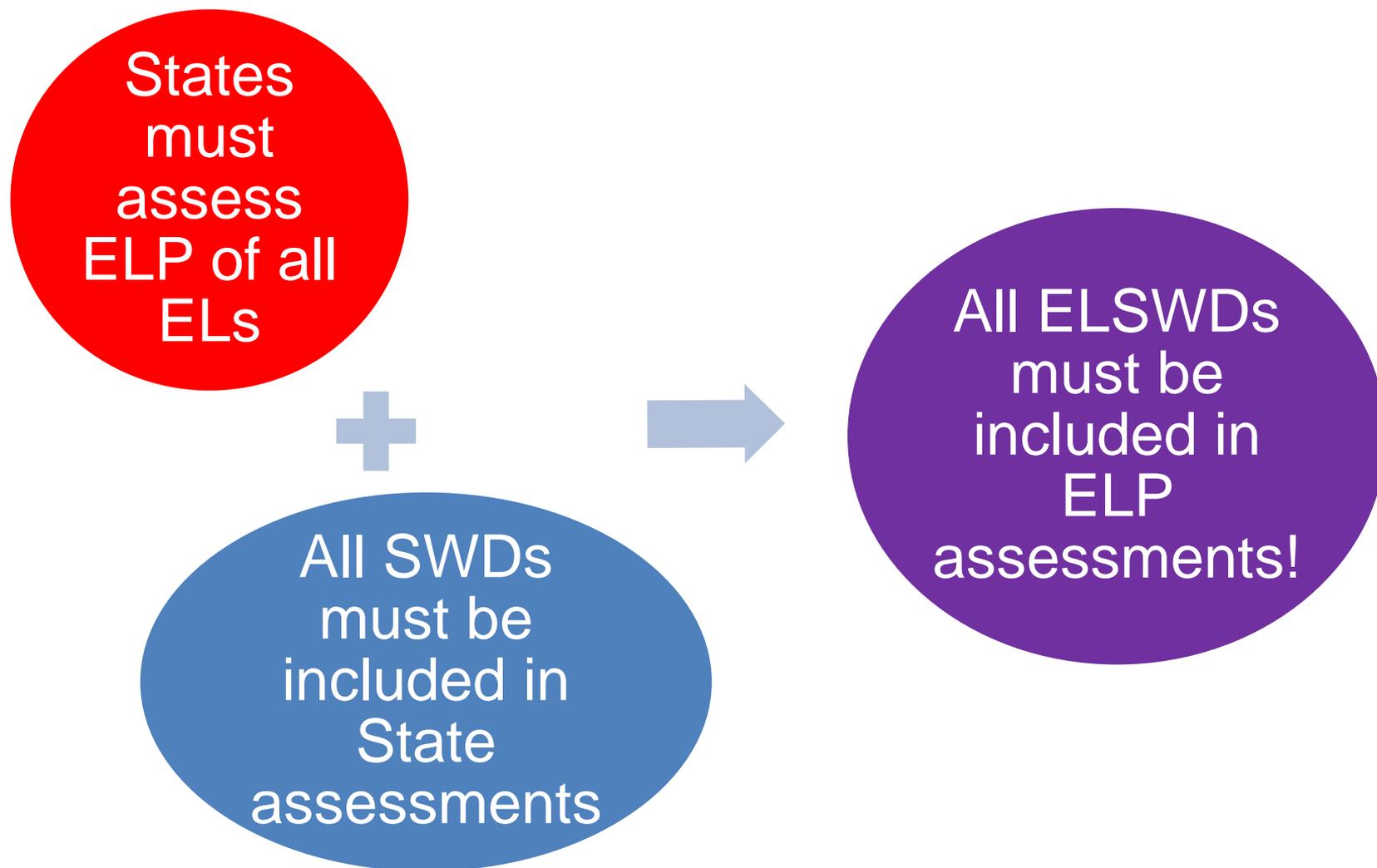
- The ESEA defines the term “limited English proficient” (LEP) in part as students “...whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the State's proficient level of achievement on State assessments...” (ESEA section 9101(25).)
- The IDEA defines a student with a disability as a child evaluated in accordance with 34 CFR §§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. (Part B of the IDEA 34 CFR §300.8.)

EL SWDs



- There are over 500,000 ELs with disabilities in US schools

General Obligations – Federal Requirements



General Obligations – Participation in ELP Assessment

EL SWDs participate in the ELP assessment as determined by their IEP Teams:



- a) in the regular ELP assessment
- b) in the regular ELP assessment with one or more accommodations as indicated in the IEP;
or
- c) in an alternate assessment, if the IEP Team determines the student cannot participate in the regular ELP assessment even with accommodations.

General Obligations – Steps to Ensure Inclusion

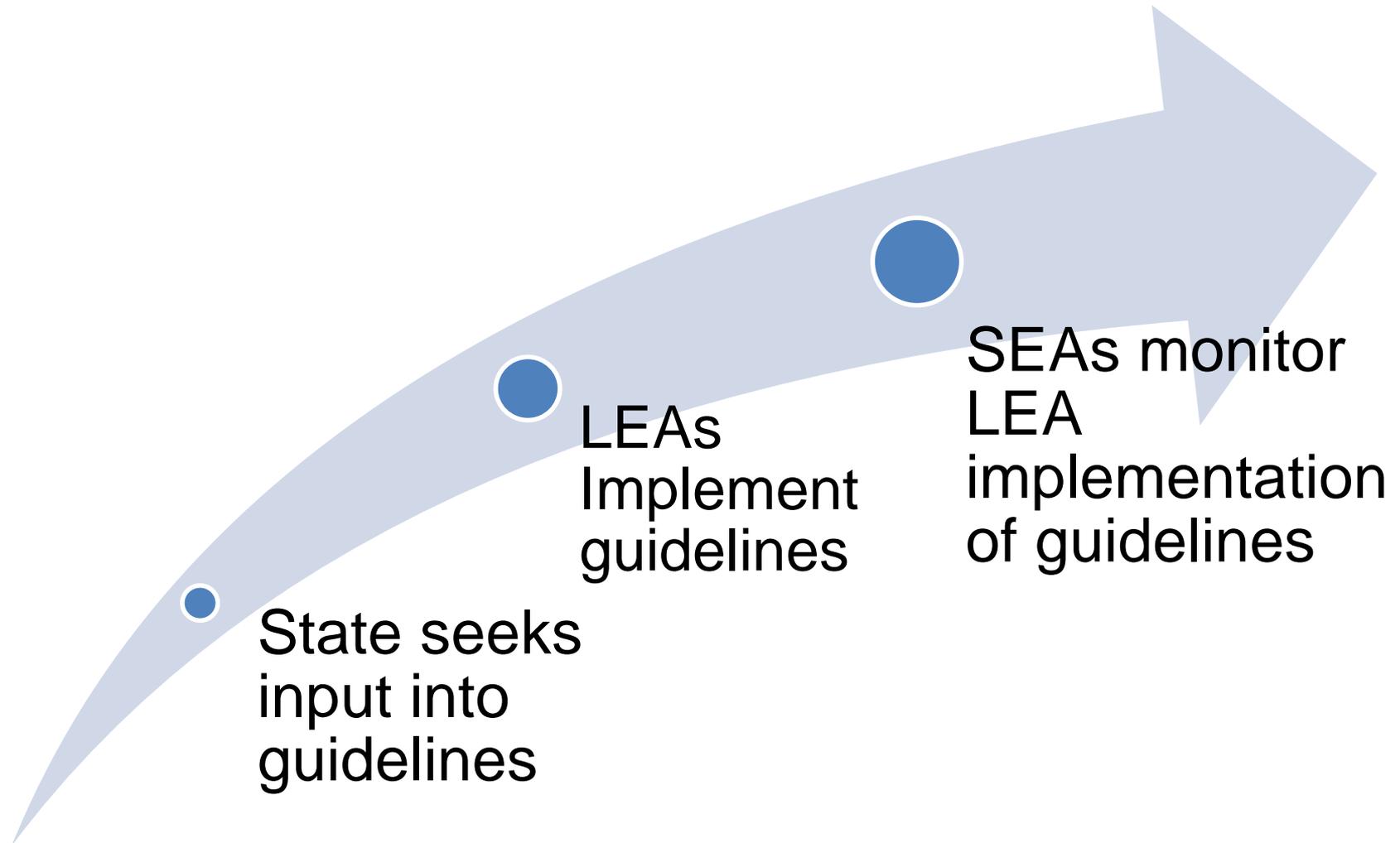
State Assessment Guidelines

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graph TD; A[State Assessment Guidelines] --- B[ELP assessment-accommodations]; A --- C[ELP assessment-alternate assessment];
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ELP assessment-
accommodations

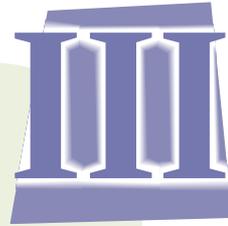
ELP assessment-
alternate
assessment

General Obligations – Steps to Ensure Inclusion





General Obligations



States may use a portion of their IDEA Part B State-level activities funds for:

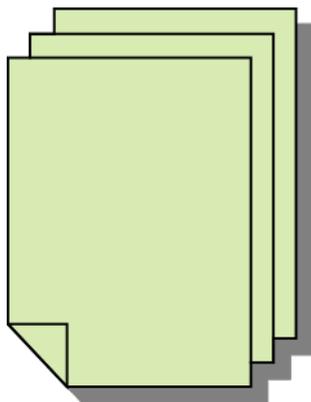
- development and provision of appropriate accommodations for SWDs
- development and provision of alternate assessments for SWDs.

Role of the IEP Team – Responsibilities

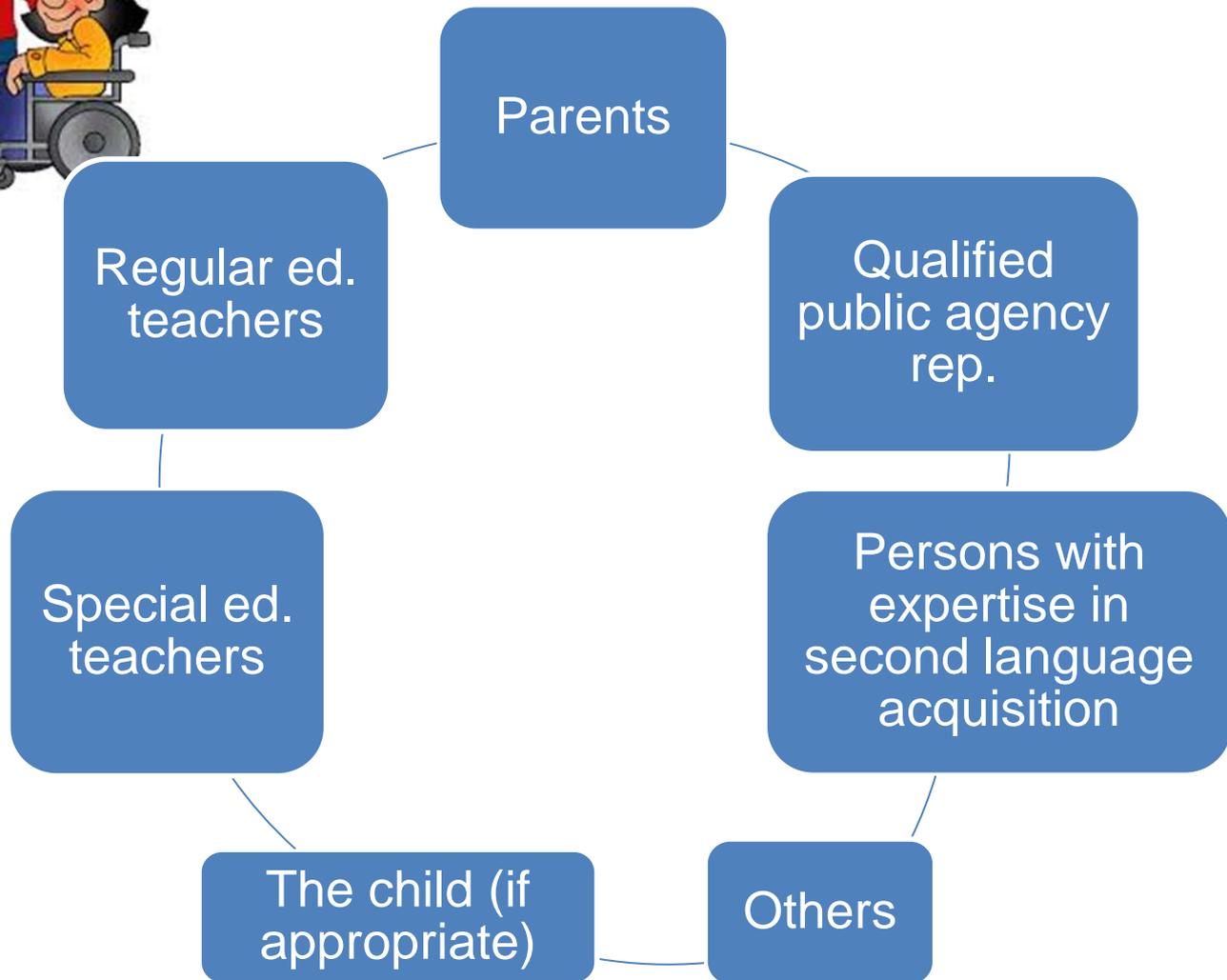
The IEP Team makes decisions about what is in the IEP of each EL with a disability



This includes details about any accommodations needed, or alternate assessment if needed



The IEP Team - Membership



The IEP Team – LEP Parent Participation in Meetings

LEAs have civil rights obligations towards LEP parents

- LEA must take **whatever action is necessary** to ensure that the parent understands the proceedings of the IEP Team meeting
 - including arranging for an interpreter



Role of the IEP Team – Assessment Participation

Can the IEP Team state in an IEP that an EL with a disability will not participate in the annual State ELP assessment?

NO.

All ELs must participate in the annual State ELP assessment, with or without accommodations, or must take an appropriate alternate assessment, if necessary.

Table Discussion

(Insert photos)

Panel Questions and Answers

Accommodations & Alternate Assessments – Actions for States



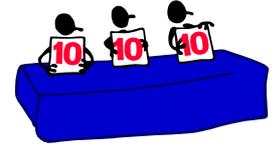
Under the IDEA, a State must:

- (1) Develop guidelines for the provision of appropriate accommodations;
and
- 2) Develop and implement alternate assessments and guidelines for the participation of SWDs in alternate assessments for those students who cannot participate in regular assessments, even with accommodations, as indicated in their respective IEPs.

Accommodations for the ELP Assessment



- IEP Team decides whether/which accommodations on a case-by-case basis.
- IEP Team considers the student's language needs
- Accommodations should generally be the same as those used in the classroom
- Accommodations could be specified for just one part of the ELP assessment



Alternate Assessments

- IEP Team decides whether an EL SWD should take an alternate assessment on a case-by-case basis.

- Alternate ELP assessment:
 - Must be valid and reliable.
 - Could be paper and pencil assessment or another appropriate method.

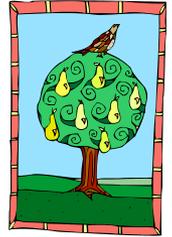
- State alternate assessment guidelines should address participation of EL SWDs in alternate assessments.

Exit from EL Status



- EL SWD can be “exited” from EL status when he/she no longer meets the definition of an EL.
- There is no provision in the IDEA to authorize the IEP Team to remove the “EL” designation before the student has attained English proficiency.

AMAOs – AMAOs 1, 2, & 3



- AMAOs 1 and 2 : ELP assessment results for all EL SWDs must be included.
- AMAO 3 : ELP assessment results for EL SWDs are not relevant.
- Title I regulations on the 1.0 percent cap:
 - do not apply to ELP assessments, and
 - do not apply to AMAOs 1 and 2.



Table Discussion

(Insert photos)

Panel Questions and Answers

THANK YOU

Supreet.Anand@ed.gov

Other emails?

OMB comment box?