

Suggested Procedures  
For  
Special Education Evaluation  
Of  
English Language Learning Students  
In Macomb County

# Introduction

The implementation of a bilingual program offers a challenge to the Macomb County school districts' instructional and administrative staff since many ethnic and language minority groups are represented throughout the county. The main concern for all school administrators is to ensure understandable instruction and to ensure equal access to instruction and educational opportunities for those students who speak a language other than English in their homes. These students should not immediately be considered "English disabled," but are "limited English proficient." The LEA must provide access for them to learn quickly as possible so they can benefit from the instruction in the English only mainstream classroom. The MISD assists in providing access to Bilingual/ English-as-a-second-language instruction, which, if not available, may place the students who speak a language other than English in an "at risk" category. These students would succeed if provided with appropriate understandable instruction. Thus, the MISD offers support services to supplement the service offered by the local school districts.

However, if the language minority student does not show progress as would be expected of other students from his linguistic and cultural background or what is considered appropriate for his/her grade level in the mainstream classroom setting, a Special Education evaluation may be necessary. This handbook has been prepared to assist those who come in contact with national origin language minority students in Macomb County with a procedure to assist in the Special Education process.

The information contained in this handbook has been extracted from previous publications related to the placement of speakers of languages other than English into the Special Education programs (and from other public domain resources.) It is hoped this publication will be of assistance in coordinating the Bilingual Education program and the Special Education procedures for all Macomb County educators, at all levels. We hope to provide suggestions to follow for procedures in evaluating English Language Learning (ELL) students' special needs.

The first step for determining the special needs of the bilingual or monolingual other-than-English student is to provide the student with a person who speaks the student’s native language for an informal evaluation to determine how the student compares to other students of similar age in the same circumstances. This may involve referral to the MISD Bilingual/ESL program with the Bilingual Instructional Assistant administering an Oral English Proficiency test and an informal test in the student’s native language. The MISD Bilingual Instructional Assistant and the mainstream classroom teacher need to confer regarding the informal testing results to plan to coordinate their instructional programs. Both the mainstream teacher and the MISD Bilingual Instructional Assistant may want to confer on whether the student shows indications of further need for assessment. The Bilingual Instructional Assistant may assist in interviewing parents to obtain information about the child’s previous schooling and language learning in the home.

The following Diagnostic “Pie” chart indicates items to consider when identifying special language needs for multicultural students.<sup>1</sup>



<sup>1</sup> Roseberry-McKibbin, C. (1995). *Multicultural Students with Special Needs*, Oceanside, CA: Academic Communication Associates.

Often language proficiency may be misdiagnosed because the student appears to not understand and he simply does not understand enough English to make proper responses. The speaker of a language other than English must first acquire basic interpersonal communication skills(BICS) so he can communicate with peers and others on a social language level. This skill can be assessed using a test of oral language proficiency. The MISD Bilingual program has Bilingual Instructional Assistance trained in administering the IDEA test of Oral Language Proficiency which identifies students as either non English speaking (NES), limited English proficient (LES) or fluent English proficient (FES). A student who scores FES is considered to have basic interpersonal communication skills (BICS) appropriate for his age but may not be proficient in academic language. Since academic language requires a grasp of language at a more difficult level, cognitive academic language proficiency takes longer to develop. Students often can comprehend simple oral language but have difficult reading English from textbook material and using higher level thinking skills in English. Written academic language generally uses longer sentence structure, varying tenses and more complex grammatical forms of language. Cognitive Academic Language Proficiency (CALP) is measured via a performance on a standardized English or English reading comprehension test. A copy of the *Academic Communication Associates* diagram indicating common problems often ending in misdiagnosis of language proficiency follows:

## Language Proficiency Misdiagnosis Model

### Adequate BICS

Takes approximately 2 years to develop to native-like level under optimal conditions.

The child can:

- Use English phrases, chunks of speech
- Carry on intelligible conversations about context-embedded, cognitively undemanding topics. (E.g. TV, classroom activities, friends, family)
- Interact with English-speaking peers
  - Pass simple, “BICS-oriented” language proficiency tests

Inappropriate diagnosis  
 Special Education Referral  
 Special education placement  
 resource room  
 speech/language program  
 special day class

Appropriate diagnosis  
 BICS/CALP GAP  
 Bilingual education placement  
 Sheltered English  
 English as a second language

### Inadequate CALP

Takes between 7 and 10 years to develop to native-like level under optimal conditions.

The child with inadequate CALP may have difficulty:

- performing well on standardized tests of academic skills (i.e. MEAP tests)
- performing well on standardized IQ, academic and language tests requiring administration by psychologists, speech pathologists, resource specialists

performing adequately in context-reduced, cognitively demanding classroom activities such as writing, reading, spelling, test-taking.

# Consultant Services Department

## Strategic Plan for the Bilingual/ESL Program

Bilingual Coordinator: Suchiraphon McKeithen-Polish, Bilingual Endorsement

Major Focus: Bilingual/English-as-a-Second-Language Program --- a program to assist small districts in Macomb County which have enrolled English Language Learning (ELL) students to provide understandable instruction by using native language speakers in the student's home language as bilingual instructional assistants. These bilingual instructional assistants provided English-as-a-Second-Language instruction using the home language, where necessary, to enable the students to function in the mainstream English-only classroom as quickly as possible.

*Objective 1:* To assist LEA's identify students who are eligible for bilingual education and to report this information to the state department in the manner prescribed to apply for the bilingual education funds for providing bilingual education services to the participating districts.

*Task 1-1* Identification procedures which meet the Federal Guidelines.

**Target:** *Home Language Survey* Fall and continuing as new students enroll.

**Method:** To provide models for the LEAs of the legal Home Language Survey for identifying students who speak a language other than English in their homes. Instruct LEA's Bilingual Contact persons of the procedures required for recording keeping of the languages spoken in the homes of students enrolled in their districts.

**Target:** Identification of students who speak a language other than English in their homes as potentially eligible for bilingual education and those who are eligible for bilingual education during the fall and continuing as new students enroll.

**Method:** Instruct LEA's (via an *MISD Administrative Handbook* and via bimonthly training meetings for LEA Bilingual Contact personnel) of the Federal requirements to assess the language abilities of students via a standardized English test to identify those who require special provisions to ensure an equal opportunity for education in an English-only classroom. Our program will provide the standardized testing of students who are currently enrolled in our program in the spring.

*Task 1-2:* Assess students' oral language ability in both native language and English during the fall of each school year and as each new student is enrolled.

**Target:** The eligible students who have been referred to the MISD bilingual education program will be assessed via the *IDEA Oral Language Proficiency Test* to determine their fluency in oral English language during the fall and as new students are referred during the school year.

**Method:** Students will be administered the *IDEA Oral Language Proficiency Test* by a Bilingual Instructional Assistant who speaks the student's language (where

possible) and is proficient in English. Students will be designated in categories of Non-English Speaking (**NES**), Limited English Speaking (**LES**) or Fluent English Speaking (**FES**). The **standardized English reading test score will be used to differentiate the ability of English proficiency of those students who score as FES** on the *IDEA Oral Language Proficiency Test*.

**Target:** Students will be assessed in their proficiency in oral vocabulary in their native language and in English and a comparison of their development in each language will be made during the fall and during the school year as new students are enrolled.

**Method:** Students who score Non-English Speaking and Limited English Speaking will be administered the *One Word Vocabulary Test* in both English and in their native language administered by a bilingual instructional assistant who speaks the native language of the student.

*Task 1-3:* Inform parents via phone call and letter in both English and in their native language that their student is eligible for the Bilingual Education program and will be receiving tutorial instruction at their local building during regular school hours.

**Target:** Parents will be informed by a phone call that their student has been referred to the MISD bilingual education program and will have a tutor assigned to them. This will take place during the last week of September and during the first two weeks of October.

**Method:** BIA tutors will be given a list of students whom they will instruct and will make the phone calls to the parent in the parent's home language. A record will be kept in the students' folders of the date of the phone call, to whom the tutor spoke, and the content of the phone call.

**Target:** Parents will be informed by US mail that their student has been referred to the MISD bilingual education program.

**Method:** Parents will be informed by US mail that their student has been referred to the MISD bilingual education program and will be invited to attend a parent meeting to meet the BIA tutor and will be invited to observe the program at any time. Parents will be informed of their right to remove their student from the program by a written letter. Letters will be sent in both English and in the parents' home language. Letters will be mailed during October and the Parents meeting will be held in November.

*Objective 2: Create a program for instructing the English Language Learning students which will enable them to gain to their full capacity in an English only classroom.*

*Task 2-1:* Apply for funding from the MDE section 41 Bilingual Education Program following the state mandates for Bilingual funding.

**Target:** Hire Bilingual Instructional Assistants (BIA) who speak the home languages of the students identified by the LEA's as eligible for the Bilingual Education program during the fall of each school year and as needed throughout the school year.

**Method:** Advertise the needs for personnel who speak the required languages in ethnic community organization newsletters, cable TV, Selfridge cable TV, International Institute employment agency, ethnic & religious organizations, college job fairs and via word of mouth to ethnic communities. Review resumes, interview and administer English vocabulary and reading comprehension tests to qualify applicants.

*Task 2-3:* Provide training for the Bilingual Instructional Assistants to learn procedures for assessment of students and methods for teaching English-as-a-Second-Language.

**Target:** Train Bilingual Instructional Assistant tutors using MDE English Language Proficiency Standards (**ELP**) in the administration of the *English Language Proficiency Assessment (ELPA)* and the *IDEA Oral Proficiency Test* and the *One Word Vocabulary Test* and English-as-a-second-language methods.

**Method:** BIA tutors will meet three days during the fourth week of September for intensive training. Training will continue on a weekly basis on Thursday afternoon for 1 to 1.5 hours.

**Target:** Tutors will be trained to use the ELP Standards and the ESL materials for prescriptive lessons to correlate with the ELPA and the *IDEA Oral Language Proficiency Test* results during weekly training sessions throughout the school year.

**Method:** Weekly training sessions will be held during the school year with lessons taught by a certified bilingual endorsed teacher and experienced bilingual instructional assistants who hold assistant positions.

*Task 2-4:* Keep records of instructional methods used, assessment and parents contacts.

**Target:** Provide materials and resources for teaching English-as-a-Second-Language(ESL)/English language learning students (ELL).

**Method:** BIA tutors will be provided with a kit of ELL/ESL materials. Training sessions will be conducted to assist the BIA tutors in the proper use of the materials throughout the school year on a weekly basis.

*Task 2-5:* Parent contacts will be made to inform the parents of student progress and special needs.

**Target:** Initial testing results of the students' progress in oral English language will be shared with the parents at a parent meetings/conferences during the late fall and end-of-school year.

**Method:** Letters will be sent inviting the parents to a parent meeting/conference where they will receive the test results and meet the Bilingual instructional assistant assigned to their student. Students test results will be in the hands of each tutor to discuss with the parents who attend.

**Target:** Bilingual instructional assistants will act as interpreters for classroom teachers when needed and will convey messages home in cases where no English is spoken in the home. This service will be available throughout the school year.

**Method:** Classroom teachers and principals of the LEAs will contact the Bilingual instructional assistants when needed and then make an appointment to discuss with them what is needed to be conveyed to the parents.

*Task 2-6:* The student program will focus on meeting **the No Child Left Behind policy:**

**Target:** English-as-a-Second-Language(ESL) methods will be used with the students enrolled in the MISD bilingual program throughout the school year. Home language will be used where it is necessary to provide understandable instruction.

**Method:** Bilingual Instructional Assistants will keep an anecdotal record of the materials used in conjunction with the ELP Standards, in the tutorial sessions.

**Target:** To teach English language and reading skills using ESL methods and Whole Language Approach so that the ELL student will be able to benefit from the mainstream instruction in content areas and classroom procedures.

**Method:** BIA Tutors will use classroom materials where appropriate and a variety of literature to teach English as quickly as possible.

**Target:** English language vocabulary and reading comprehension skills will be measured in the spring of the year by the use of ELPA.

**Method:** The *English Language Proficiency Assessment (ELPA)* will be administered in Spring of each school year by the districts and the results will be reported to the mainstream classroom teacher.

*Task 2-7:* The MISD bilingual program sees limited English-proficient students as “at risk” potential drop-out students if special provisions are not made to provide understandable instruction. To meet this need the program attempts to do the following:

**Target:** To foster a positive self-concept in participating ELL students and reduce ELL student drop-out rate by providing role models in their own native language.

**Method:** The program will provide bilingual instructional assistants who speak the language of the student and who will be able to discuss problems encountered by a limited English proficient student in and English only classroom. The tutors will also encourage the students to continue and will act as a positive role model from their own culture.

**Target:** To foster acceptance of cultural differences on the part of the mainstream students in the building where the refugee and immigrant students are placed.

**Method:** BIA tutors will provide the classroom teachers with multicultural materials and may even speak to the classroom about their culture and customs. The bilingual contact meetings will include cultural understanding materials. Multicultural workshops for training of the teachers will be arranged. Presentations and workshops of the cultural awareness issue will be provided to all districts.

*Task 2-8: NCLB:* “*Schools will promote partnerships with parents in increase their participation in their children’s education.*” Our program focuses on this goal via our parent communication activities and through being a liaison for the school to home communication.

**Target:** Provide parent meetings in the parents’ native language so parents can assist their students in meeting the needs of the school environment.

**Method:** Bilingual Instructional Assistants will hold individual meetings with parents and conduct group meeting where appropriate in conjunction with school personnel on occasion during the school year. BIA’s will inform parents of LEA offerings in ESL for adults and other adult education programs from which they will benefit.

*Task 2-9: NCLB, Highly Qualified Teachers- “Teachers will have the professional development they need to help students reach the other goals.”* The MISD Bilingual program will meet this goal in the following way:

**Target:** The mainstream classroom teacher will be trained about customs of the differing cultures found in Macomb County and in the needs of the limited English-proficient student throughout the school year.

**Method:** Periodically throughout the year workshops will be held to develop understanding of various cultural groups living in Macomb County.

**Target:** Each mainstream classroom teacher will be given *a MISD Teacher Handbook* as a reference and classroom resource for the bilingual program during the school, and as new students enroll. It is available to all teachers at the bilingual website.

**Method:** A *MISD Teacher Handbook* will be provided to each mainstream teacher with whom the BIA tutors work. It is accessible through the bilingual website. This will provide suggestions for ESL methods, resources for use with ELL students and background research on language learning.

## **Working with English Language Learning (ELL) students who speak a language other than English in the home**

It is important that the concepts are taught, especially to younger non-English speaking (NES) children, in their native tongue. Then, teach the English words for the concepts. The MISD Bilingual Instructional Assistants will avoid working in areas of the curriculum where the concept has not been taught in the classroom or in areas where the child has not learned a concept unless the teacher tells them to introduce the concept. For example, if the student can not tell time in his native tongue, he will need to learn the concept before he can use the English words for telling time.

MISD Bilingual Instructional Assistants will stress natural language, aural-oral and whole language approach. If the student is ready to work with written and reading materials, the teacher should provide classroom materials for those more advanced students. If the student is unable to function with regular classroom materials, the Bilingual Instructional Assistant will bring ESL materials for the tutorial lesson.

MISD Bilingual Instructional Assistants will teach ENGLISH AS A SECOND LANGUAGE (ESL); The student learns academics (science, math, social studies, etc.) in the regular classroom.

Try to schedule some time to talk to the Bilingual Instructional Assistant who works with students assigned to your classroom to coordinate the tutorial sessions with what you are teaching in the classroom.

Points to remember when teaching English skills:

- Don't talk too slowly or with exaggerated pauses between words.
- Speak in your natural voice and rhythm, but make sure you speak clearly enough so the child may copy you. Don't speak overly loud, the child is not hard of hearing.
- Teaching short form replies, before teaching full sentence replies. You may use sentence patterns for early teaching for non-English speaking (NES) students.
- Praise the child for the English skills he already has and for the efforts he makes to use English. Use what he knows (prior knowledge) to teach concepts the child does not know.
- Provide ample practice and repetition.
- Make sure the student is actively involved in every lesson.
- Use activities and games as much as possible.

## **A Team Approach to Comprehensive Assessment for the Multicultural Children Who Speak a Language Other Than English or are Limited English Proficient**

After the students has been identified as eligible for the bilingual program and has been receiving bilingual assistance in learning English as a second language, some students may exhibit need for further assessment to provide a comprehensive program to assure the students has equal access to educational opportunities. A chart showing a suggested assessment wheel for multicultural children in attached. However, a pre-referral process to follow when determining if a limited English proficient student should be referred to special education assessment is suggested.

- Step 1. The teacher reports that an ELL student is experiencing problems.
- Step 2. The teacher and the Bilingual Instructional Assistant should write a description of the exact type of problem the student is experiencing. Such as the type of oral language situation where the difficulty is noted, the reading situations where the difficulty is noted, a list of the tasks on the oral language inventory where the student had difficulty, and a comparison of the words the students could produce in English and in his native language on the one word picture vocabulary inventory. (The oral proficiency IDEA IPT test and the one word picture vocabulary inventory in English and native language can be supplied by the *MISD Bilingual Instructional Assistant*.)
- Step 3. Determine the possible need for *Bilingual/ESL support*, Chapter 1 services, or other “at risk” programs which are available.  
LEA checks student’s eligibility for service in bilingual program:  
K-2: Home language other than English  
Grades 3-12: Home language other than English & scores in reading below 40<sup>th</sup> percentile.  
Then, refer to Bilingual/ESL services for evaluation if this has not been done.
- Step 4. Many schools require at least 1 year of bilingual services before further examination of the student’s educational environment will be explored. ELL students need about 2 years to develop social language (BICS) and from 5 to 7 years to develop cognitive academic language (CALP). However, some situations are obviously a special education need, rather than a bilingual need.
- Step 5. Initially an informal consultation between *bilingual staff and the regular classroom teacher* could be the first step prior to child study. Students should always be compared with peers from similar cultural & linguistic backgrounds.
- Step 6. Product of child study:  
Resolution of concern  
504 referral Ruling from Civil Rights (other handicapping conditions - not LEP only)  
Use of Bilingual Oral Language Development Inventory (BOLD) for identification of language function in both 1st and 2nd languages. Sample in handbook.

## **Special Education Process for Limited English Proficient Students**

When an ELL student is being referred for Special Education Services, the following items should be considered:

**Step 1.** The referral form for an ELL student should state the language(s) spoken in the home of the student.

**Step 2.** Parent consent form must be in a form of communication understandable by the parent.

**Step 3.** A member knowledgeable of the student's culture and fluent in his/her language should be placed on the MET team.

**Step 4.** Included in the comprehensive evaluation should be:

- Language proficiency and dominance
- The influence of culture on testing process and results
- Use of a translator/interpreter and effects
- Evaluation of academic liability in both languages.

**Step 5.** MISD program director and/or a member knowledgeable of the student's culture and fluent in his/her language should be a member of the IEPC. Care should be taken to insure the parent truly understands the IEPC process. The information presented and the decisions made should be made clear to the parent through the IEPC member.

**Step 6.** Student for special education programs and services can not be rejected solely:

on English deficiency –

\*because their language and culture is other than that of the majority of the school

\*because services are not currently established

**Step 7.** The IEP should address the language needs of the child.

**Step 8.** General education personnel need to be

**The MISD Bilingual Instructional Assistant** can give assistance in providing information on the language spoken .

**The MISD Bilingual Instructional Assistant** may be present to explain the form to the parents in their native language. Some forms are available in different languages.

**The MISD Bilingual Instructional Assistant** can assist, but should not be placed in a situations where the BIA has to divide her/his loyalties between the parent and what the school authorities are recommending.

**The MISD Bilingual Instructional Assistant** may assist in testing situations where necessary. Test scores will be made available from previous assessments. It must be understood norms of translated standardized tests will be invalidated.

**The MISD Bilingual Instructional Assistant** may act as an interpreter during the IEPC. It is also recommended the parent have a parent advocate who speaks their language and English with them rather than place the MISD staff in a position between the parent and LEA. The MISD staff is to interpret for the LEA staff.

**The MISD Bilingual Instructional Assistant** may still continue in ESL services if it is needed in addition to special education services. **Cultural questions may be discussed with the MISD Bilingual Instructional Assistant.**

**The MISD Bilingual Instructional Assistant and/or program director** may be consulted on linguistic questions regarding their native language.

informed of further planning and action.

**Step 9.** The use of native language resources may be necessary for goals and objectives to be met culturally and linguistically.

**Step 10.** Design an appropriate follow-up which incorporate ELL student:

- Objectives of family/community of the student and their knowledge.
- Comparison of student's level of performance with that of siblings.

**The MISD Bilingual Instructional Assistant** may still continue in ESL services if it is needed in addition to special education services.

## Culture and Language needs of the child

Since professionals rely heavily on use of standardized tests the validity of the tests to evaluate linguistically culturally diverse students' language abilities must be taken into consideration. There are current English language tests that assess mastery of specific linguistic forms in English, however, this does not assess how the child can communicate in his/her own environment. Mattes & Omark (1991) emphasize the importance of evaluation of language use and communicative competence in daily settings as well as knowledge of linguistic forms. The use of informal, dynamic, student-centered assessment that evaluates students' ability to learn over time is more accurate when considering special education placement. (Budoff, 1987; Feuerstein, Rand, Jensen, Kaniel & Tzuriel, 1987; Pena & Iglesias, 1993). It is suggested that professionals should use a combination of formal and informal measures when assessing limited English proficient students who speak a language other than English in their homes.

The literature suggests that ELL students who have immigrated to the United States may have different cultural responses and therefore standardized tests will have biases in favor or the students they were normed on. Cheng (1991) lists test items that are potentially unfamiliar to linguistically and culturally diverse students.

### Potentially Unfamiliar Items :

- Certain household objects (e.g. blenders, microwaves)
- Vehicles (e.g. dune buggies, subway trains)
- Sports--especially those involving snow and cold weather. Also many countries do not have football.
- Musical instruments
- Types of clothing (e.g. suspenders, galoshes, mittens)
- Professions/occupations
- Historically related events & people (e.g. Thanksgiving, Christmas, Abraham Lincoln)
- Foods: apple pie, yogurt, American fruits and vegetables
- American nursery rhymes, fairy tales
- Geography -- e.g. New York, Midwest
- Game-- Tag, hopscotch, Monopoly

Translated versions of English tests also present problems of which the professional must be aware.

1. Differences in structure and content across English and the primary language raise questions of comparability of scores. Many words cannot be directly translated from one language to another.

For example, some Asian languages do not have pronouns; translating "she" or "he" versus "it" into these languages is impossible. Also words often have different frequency or difficulty in the two languages. In German there are three different words for "the" depending on the noun. Thus the standardized norms will not be valid for translated tests.

2. Psychometric properties of tests, such as validity, reliability, sample sizes and norming populations do not carry over to translated versions.

3. Translation assumes that ELL students have the same life experiences and background as the norming population, however, in many instances they do not.

# The Six Principles of IDEA 97

Individuals with Disabilities Education Act public Law 105-17 1997

## The Six Principles of the Law

- Free appropriate public education
  - “The term ‘free appropriate public education’ means special education and related services that ---
    - (A) have been provided at public expense, under public supervision and direction, and without charge;
    - (B) meet the standards of the State Education Agency;
    - (C) include an appropriate preschool, elementary, or secondary school education in the State involved; and
    - (D) are provided in conformity with the individualized education program required under section 614(d)”
  - Free Appropriate Public Education
    - \_ Free -- at no cost to parents
    - \_ Appropriate - suited to the individual needs of the child
    - \_ Public -- provided by, or paid for by, the public school system
    - \_ Education (including extracurricular activities) --what this law is all about!
- Appropriate evaluation
  - “One of the most significant changes in IDEA 97 relates to how the evaluation process should be viewed. “The committee believes that a child should not be subjected to unnecessary tests and assessments . . . and the LEA should not be saddled with associated expenses unnecessarily.” (Report Language, p. 19)
  - “Evaluation activities should include gathering information related to enabling the **child to be involved in and progress in the general curriculum** or, for preschool children, to participate in appropriate activities.”
  - \_ Evaluators must be knowledgeable and trained.
  - \_ A variety of instruments and procedures must be used to gather information about the student.
  - \_ **Tests and other procedures must be selected and administered so as not to be discriminatory on a racial or cultural basis.**
- individualized education program
  - “The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d).
- Least restrictive environment
  - “ . . . the presumption that children with disabilities are most appropriately educated with their nondisabled peers and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- Procedural due process . . . .

## Parent and Student Participation in Decision making

“The congress finds the following:

“...Over 20 years of research and experience (have) demonstrated that the education of children with disabilities can be made more effective by . . .

“. . . strengthening the role of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home.” (IDEA 97, Findings of Congress, Section 601(c)(5)(B)

### Ways in Which Parents Participate:

- Giving consent for evaluation and initial placement of their child
- Helping design the IEP
- Helping the school understand their child

### Ways in Which Students Participate:

- Helping design the IEP
- Expressing preferences and interests, particularly during transition planning

## Procedural Safeguards

Safeguards to ensure:

- That the rights of children with disabilities and their parents are protected.
- Written prior notice to parents before certain *actions in the native language of the parents*
- That students with disabilities and their parents are provided with the information they need to Make decisions about the provision of free appropriate public education (FAPE), and
- That procedures and mechanisms are in place to resolve disagreements between parties.

### Some Procedural Safeguards:

- |  |  |
|--|--|
| - Parent notification  | MISD Bilingual Instructional Assistants may assist in translation letters to parents and parent contacts   |
| - Parent consent   | MISD Bilingual Instructional Assistants may attend the meeting with the parent to act as interpreters so parents will understand what they are being asked to do.  |
| - Parent access to educational records   | MISD Bilingual Instructional Assistants may help in explaining test results and accommodations that have been made for the child.                                  |
| - Due process hearings, including disclosure of evaluation results and recommendations | MISD Bilingual Instructional Assistants may be invited to act as an interpreter at the meeting with the parent to disclose evaluation results and recommendations. |
| - Opportunity to present due process complaints  | MISD Bilingual Instructional Assistants may provide translations of parent materials informing them of their rights.   |
| - Mediation  | MISD Bilingual Instructional Assistants may provide interpreter services.  |

## Highlights from the Individuals with Disabilities Education Act with Implications for Bilingual Students or limited English proficient students

(See the statute and regulations for details on these matters/)

### § 601(c) Congress finds . . .

- The limited English proficient population is the fastest growing in our Nation . . .
- Services provided to [these] students often do not respond to ... academic needs ...
- Mislabeling and high dropout rates among minority children with disabilities.
- More minority children continue to be served in special education . . .

### §613(f)(1). Coordinated Services System

- LEAs may use not more than 5% of its IDEA Part B funds, in combination with other amounts . . . to develop and implement a coordinated services system for limited English proficient students.

### §614. Evaluations, Eligibility, IEPs and Educational Placements.

- **Informed Parental Consent** is required for an initial evaluation and initial placement, and for reevaluation, except . . . [when] the [LEA] can demonstrate that it had taken reasonable measures to obtain such consent . . . and the child's parent has failed to respond.
- **Evaluations Procedures** must include . . .
  - Notices to the parents... that describes any evaluation procedures . . .
  - *Information provided by the parents* of the child, current classroom-based assessments and observations, and teacher *and related services providers* [*Bilingual Instructional Assistant, if the child was enrolled in the bilingual program*] observation...
  - Evaluation materials administered in the child's native language, unless it is clearly not feasible ...
- **Determination of Eligibility** must involve ...
  - A decision made by a team of qualified professionals *and the parent*, with a report provided to parents
  - *Special Rule ... a child shall not be determined to be a child with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency.*
- **The Individualized Education Program (IEP)** must address ...
  - Measurable annual goals... for involvement and progress in the general curriculum;
  - Special education and related services and supplementary aids and services needed
  - *A statement of any ... modifications in the administration of State or district-wide assessments* or a statement of why that assessment is not appropriate and how the child will be assessed;
  - How the child's progress toward the annual goals...will be measured; and
  - *How the child's parents will be regularly informed of ...their child's progress*
  - *The strengths of the child and concerns of the parents ...*
  - *In the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP*
  - *Consider the communication needs of the child,... opportunities for direct communications with peers and professional personnel in the child's language,... including opportunities for direct instruction...*
- **The "Individualized Education Program Team"** includes the parents, one regular education teacher, one special education teacher; a representative of the LEA, *an individual who can interpret... evaluation results*, and, at parent or agency discretion, other individuals who have knowledge or special expertise regarding the child... and, whenever appropriate, the child...

## § 615. Procedural Safeguards

- *Written prior notice to the parents before certain actions in the native language of the parents...*
- *Procedural safeguards to ensure that parents understand and can challenge decisions...*
- *Sources for parents to contact to obtain assistance*

## Assessment Accommodations

*What is an Assessment Accommodation?*

- An alteration in the administration of an assessment
- A change in timing, scheduling, setting, presentation, response formats and/or “other”
- Use of assistive devices

*What is the Purpose of an Accommodation?*

- Provide equal footing
- Level the playing field
- Allow students to show what they know without impediment
- Increase participation of students with disabilities in assessment and accountability systems

*Who Receives Accommodations?*

- Students with disabilities
- Section 504 students
- Limited English proficient students who have been in the county less than 2 years
- In, some states, all students are eligible

*How Do You Decide?*

- Based on *need* not benefit
- Reflect instructional accommodations
- Reflect the impact of disability on performance

*Criteria for Judging the Appropriateness of an Assessment Accommodation*

1. Will the accommodation allow the students to show what they know without impediment of their disability?
2. Does the accommodation uphold the integrity of what the assessment is trying to measure?
3. Is the accommodation based on need not benefit?
4. Is the accommodation in the student’s best interest and respectful of needs?

If no, then do not pass go---problem-solve and seek appropriate alternatives.

## **Select Appropriate Assessment Instruments**

- Psychometric test results can be used as examples of functional behavior but do not as a measure of cognitive ability. Consider using tests that don't rely heavily on cognitive ability.
- Language assessment test such as the IDEA Oral language proficiency test, designed to use with speakers of languages other than English, is available at the MISD bilingual program office.
- A wide range of behaviors including social, cognitive and educational tasks as posed with in a variety of environmental settings, best characterized cognitive ability.
- Assessment can be based on curriculum or direct assessment of skills for performance testing.
- Use good "clinical judgment" when making any determination of assessment. Knowledge of the students' cultural heritage and an awareness of linguistic variations affect data interpretation.
- If appropriate, an assessment of academic usage in both English and native language should be made.

## **Other Considerations when Administering Tests**

Altering administration of standardized tests:

- Give instructions in both English and L1
- Rephrase confusing instructions
- Give extra examples, demonstrations, practice items
- Give the student extra time to respond
- Repeat Items when necessary

If student gives "wrong" answers, ask him/her to explain and write down the explanations. Score items as correct if they are correct in student's culture. Record all responses.

Omit biased items that the student will probably miss.

Test beyond the ceiling.

Complete the assessment in several sessions.

Have a parent or other trusted adult administer test items under the professional's supervision.

## **Considerations in Test Interpretation** (from Celeste Roseberry-McKibbin, Ph.D.)

Don't identify a student as needing special education solely on the basis of test scores. Use informal measures to supplement standardized test scores!

Ascertain if students' errors are typical of other students with similar backgrounds

Interpret overall test results in a team setting. If professionals review and interpret results alone, errors are more likely.

When writing assessment reports, be sure to include cautions and disclaimers about any departures from standard testing procedures. In addition, discuss how the student's background may have influenced testing results.

Students should always be compared with peers from similar cultural & linguistic backgrounds. The MISD Bilingual Instructional Assistants have experience working with other bilingual students and are able to give input based on their own work.

Mattes and Omark (1991, p. 115) provide a list of questions professionals should ask when assessing a student's underlying language-learning ability when compared with peers from similar cultural and linguistic backgrounds.

How much structure and individual attention is needed for the student to acquire new language skills? Students with language-learning disabilities usually need more prompts, modeling and repetitions than their peers.

During instructional activities, to what extent does the student exhibit off-task behaviors or inappropriate responses?

Language-learning disabled students may give responses which are off-topic or inappropriate. Because their problems make learning difficult, they also may show off-task behaviors such as fidgeting, annoying other students and generally not attending to task.

To what extent does the student require instructional strategies that differ from those which have been used effectively with peers?

There are strategies which many schools and interventionists use effectively with LEP students. Many times, language-learning disabled students will not respond to use of these strategies and will require more specialized help in order to learn.

Mattes & Omark, (1984) also presented a form for a Bilingual Oral Language Development (BOLD) inventory to use to obtain a sample of the communications skills for bilingual children. A copy of the form may be reproduced for nonprofit educational use. An explanation of the questions follows:

**The Bilingual Oral Language Development (BOLD)**, an oral language inventory, was developed for elementary school children. The form can be used to record observations of the child's performance in both the native language and English. A plus (+) should be recorded for each communicative behavior that is performed effectively. A Minus (-) should be recorded for each communicative behavior in which a deficiency is noted.

The behaviors listed on the inventory are described below:

*Comments on own actions.* The child comments on personal actions while these actions are taking place. Example: "I'm working fast."

*Comments on others' actions.* The child comments on actions of others in the environment. Example: "He broke the pencil."

*Describes experiences accurately.* The child is able to give an accurate description of personal experiences.

*Describes events sequentially.* The child describes a sequence of events in the order in which they occurred.

*Attends to the speaker.* The child allows communicative partners to speak and shows appropriate listening behavior.

*Follows directions.* The child follows directions presented in the classroom setting.

*Initiates interactions.* The child initiates conversations with classmates.

*Takes turns during conversation.* The child alternates appropriately as speaker and listener during conversations with peers.

*Maintains topic.* The child is able to maintain a topic of discussion over a series of utterances during interactions with peers.

*Answers questions.* The child gives appropriate responses to simple questions.

*Requests attention.* The child uses language to seek the attention of others.

*Requests information.* The child asks questions to obtain information about people, actions, events, etc.

*Requests action.* The child uses language to direct the actions of others.

*Requests clarification.* The child requests clarification when verbal statements made by others are not understood.

*Expresses needs.* The child uses language to inform others of personal needs.

*Expresses feelings.* The child uses language to express feelings such as joy, fear and anger.

*Describes plans.* The child describes plans for events that will take place in the future.

*Supports viewpoints.* The child expresses personal opinions and is able to provide a logical rationale for those opinions.

*Describes solutions.* The child describes solutions for simple problem situations.

*Expresses imagination.* The child uses language to express imagination through drama, storytelling, puppet shows, etc.

**Bilingual Oral Language Development (BOLD)**

Child's Name:

Birth date:

Child's First Language:

Child's Second Language:

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<b>Communicative Behavior</b>	<b>First Language</b>	<b>Second Language</b>
1. Comments on own actions.	1. _____	1. _____
2. Comments on others' actions	2. _____	2. _____
3. Describes experiences accurately	3. _____	3. _____
4. Describes events sequentially	4. _____	4. _____
5. Attends to the speaker	5. _____	5. _____
6. Follows directions	6. _____	6. _____
7. Initiates interactions	7. _____	7. _____
8. Takes turns during conversation	8. _____	8. _____
9. Maintains topic	9. _____	9. _____
10. Answers questions	10. _____	10. _____
11. Requests attention	11. _____	11. _____
12. Requests information	12. _____	12. _____
13. Requests action	13. _____	13. _____
14. Requests clarification	14. _____	14. _____
15. Expresses needs	15. _____	15. _____
16. Expresses feelings	16. _____	16. _____
17. Describes plans	17. _____	17. _____
18. Supports viewpoints	18. _____	18. _____
19. Describes solutions	19. _____	19. _____
20. Expresses imagination	20. _____	20. _____

From Mates, L. J., & Omark, D. R. (1984) Speech and Language Assessment for the Bilingual Handicapped. San Diego: College-Hill Press.

## **Other measures for Language Assessment**

Peabody Picture Vocabulary Test  
Expressive One-Word Picture Vocabulary Test  
Bilingual Syntax Measure I and II  
Brigance Assessment of Basic Skills  
Qualitative Reading Inventory

Language Assessment Scales (LAS) Holistic Assessment & Testing Services, a division of Stephan L. Jackson & Associates.

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E-mail: hats@dcci.com web site [www.lasbase.com](http://www.lasbase.com)

CELF Clinical Evaluation of Language Fundamentals  
The Psychological Corporation, Harcourt Brace & Co.  
San Antonio TX  
Phone: 1-800-228-8378  
Fax 1-800-232-1223

NNAT Naglieri Nonverbal Ability Test  
Multilevel Form  
Educational Measurement, Harcourt Brace & Co.  
555 Academic Court  
San Antonio TX 78204  
Phone: 1-800-211-8378

BVAT Bilingual Verbal Ability Tests  
Woodcock Psychoeducational Assessments  
Riverside Publishing  
Phone: 1-800-323-9540  
[www.riverpub.com](http://www.riverpub.com)

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228-3481