MEETING DIVERSE NEEDS OF ELLS/MULTILINGUAL LEARNERS: LANGUAGE, DISABILITY AND OUR DECISIONS

NYS/NYC RBE-RN Regional Bilingual Education Resource Center
October 22, 2018
Fordham University – Lincoln Center Campus - South Lounge
Presenters: Ms. Deirdre Danaher & Ms. Eva Garcia
TODAY WE WILL:

- Discuss the overrepresentation of ELLs/Multilingual Learners in Special Education/Disproportionality—language vs. disability
- Discuss the role of ENL & bilingual teachers in the pre-referral process
- Engage in conversations about what is language and what is a disability
- Examine possible school trends in ELL referrals
- Analyze a case study to determine needs/services
What do you already know about distinguishing between learning disabilities and language acquisition?

How much can teachers determine about whether their students may have learning disabilities?
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<tr>
<th></th>
<th>New York State</th>
<th>Buffalo</th>
<th>NYC</th>
<th>Rochester</th>
<th>Syracuse</th>
<th>Yonkers</th>
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<tbody>
<tr>
<td><strong>Newcomers</strong></td>
<td>152,629 (63.3%)</td>
<td>3,335 (62.3%)</td>
<td>102,191 (64.8%)</td>
<td>2073 (53.8%)</td>
<td>2092 (62.7%)</td>
<td>1875 (59.1%)</td>
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<tr>
<td><strong>Developing ELLs</strong></td>
<td>60,144 (24.9%)</td>
<td>1,400 (26.2%)</td>
<td>37,327 (23.7%)</td>
<td>1108 (28.7%)</td>
<td>857 (25.7%)</td>
<td>731 (23.0%)</td>
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<td><strong>Long-term ELLs</strong></td>
<td>28,294 (11.7%)</td>
<td>618 (11.5%)</td>
<td>18,120 (11.5%)</td>
<td>673 (17.5%)</td>
<td>287 (8.6%)</td>
<td>567 (17.9%)</td>
</tr>
<tr>
<td><strong>Students with Inconsistent/Interrupted Formal Education</strong></td>
<td>21,037 (8.7%)</td>
<td>792 (14.7%)</td>
<td>12,363 (7.8%)</td>
<td>89 (2.3%)</td>
<td>2 (0.3%)</td>
<td>24 (0.8%)</td>
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<tr>
<td><strong>ELL Students with Disabilities</strong></td>
<td>52,890 (21.9%)</td>
<td>879 (16.4%)</td>
<td>37,520 (23.8%)</td>
<td>851 (22.1%)</td>
<td>388 (13.2%)</td>
<td>580 (18.3%)</td>
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Percent of ELLs with IEPs in NYS 2015-2016

NYS
- ELLs with IEPs: 22.3%
- ELLs without IEPs: 77.7%
- N=55,311

NYC
- ELLs with IEPs: 25.2%
- ELLs without IEPs: 74.8%
- N=38,414
ELLs with IEPs - Linguistic and Cultural Diversity
2015-2016

- Spanish, 76.0%
- Chinese, 5.4%
- English, 3.3%
- Arabic, 2.2%
- Bengali, 1.7%
- Haitian Creole, 1.4%
- Urdu, 1.3%
- Russian, 1.1%
- No Value (Blank), 0.7%
- Other, 6.9%

N = 55,311
Percentage of Ells with Disabilities 2012-13 to 2015-16 SY

- 2012-2013 SY: 21.80%
- 2013-2014 SY: 21.90%
- 2014-2015 SY: 21.50%
- 2015-2016 SY: 22.30%
WHY ARE WE HERE?

• ENL teachers were not always aware that they had a school team making decisions in their school on ELL referrals.

• Mainstream teachers were making referrals of ELLs to Special Education and not necessarily ENL teachers.

• ENL teachers were not always involved in the team meetings when recommendations were made for ELL referrals.

• ENL teachers were not familiar with Tier 1 instruction, especially what constitutes a CORE program, for ELLs in their school Stand-alone and Integrated ENL.

• Many questions on what are appropriate interventions for ELLs
Summary of studies on ELLs with Learning Disabilities:

• Disproportionality and Overrepresentation

• Prevention and Early Intervention

• Referral and Decision Making - Language or Disability

• Assessment Procedures

• Teaching Strategies
WHO ARE YOUR ELLS?

Who are your ELL subgroups?
Why is this information important to know?
Exploration of the literature to get a better understanding of the disproportionality of ELLs in special education:

• Rueda and Windmueller (2006) argue that overrepresentation is an indicator of underlying problems in the education system.

• Artiles, Rueda, Salazar, and Higareda (2005) explored the placement patterns of white English proficient learners and ELLs and found that students whose native or primary language is not English are assessed for English proficiency.

English Proficient refers to: Students who indicated that their native language is not English, but they met district criteria for proficiency and literacy in English.

ELLs refers to: Students who did not meet district criteria.
They found that ELLs were underrepresented at the elementary level but overrepresented at the secondary level (Artiles et al., 2005). **Statement # 1**

ELLs with limited English (L2) were slightly overrepresented as Learning Disabled both at the elementary and secondary grade level (Artiles et al., 2005). **Statement # 2**

ELL students in English immersion programs were more likely to be classified as special education than ELs placed in other language support programs (Artiles et al., 2005). **Statement # 3**

* Suggests the importance of native language support and instruction

The majority of ELL students in LD programs are of low Socio-Economic status (Artiles et al., 2005).

When compared to white students, ELLs were less likely to be placed in the Least Restrictive Environment (Sullivan, 2011).

ELLs were more likely to spend at least part of their day in separate settings such as resource room environments (Sullivan, 2011).
CORE INSTRUCTIONAL PROGRAMS FOR ELLS/MLLS
## CR Part 154-2 (K-8) English as New Language (ENL) Units of Study and Staffing Requirements

All ENL classes, including Integrated and Stand-alone offer home language support.

<table>
<thead>
<tr>
<th>ENGLISH PROFICIENCY LEVEL</th>
<th>ENTERING (Beginning)</th>
<th>EMERGING (Low Intermediate)</th>
<th>TRANSITIONING (Intermediate)</th>
<th>EXPANDING (Advanced)</th>
<th>COMMANDING (Proficient)</th>
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<tbody>
<tr>
<td><strong>ENL INSTRUCTIONAL TIME (MINIMUM)</strong></td>
<td>2 units of study per week (360 min.)</td>
<td>2 units of study per week (360 min.)</td>
<td>1 unit of study per week (180 min.)</td>
<td>1 unit of study per week (180 min.)</td>
<td>Former ELLs must continue to receive services for an additional two years</td>
</tr>
<tr>
<td><strong>STAND-ALONE ENL</strong></td>
<td>1 unit of study in ENL (180 min.)</td>
<td>.5 unit of study in ENL (90 min.)</td>
<td>.5 unit of study in ENL/ELA (90 min.)</td>
<td>1 unit of study in ENL/ELA or other Core Content Area (180 min.)</td>
<td></td>
</tr>
<tr>
<td><strong>INTEGRATED ENL</strong></td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>1 unit of study in ENL/ELA (180 min.)</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA Core Content Area (90 min.)</td>
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<td></td>
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<tr>
<td><strong>FLEXIBILITY</strong></td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA Core Content Area (90 min.)</td>
<td>.5 unit of study can be STAND-ALONE ENL or INTEGRATED ENL/ELA Core Content Area (90 min.)</td>
<td>.5 unit of study per week of INTEGRATED ENL in ELA/Core Content Area, or other approved Former ELL services for two additional years*</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>360 minutes per week</td>
<td>360 minutes per week</td>
<td>180 minutes per week</td>
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**STAFFING/PERSONNEL**

- **STAND-ALONE ENL**: K-12 Certified ESOL teacher
- **INTEGRATED ENL – 1 DUALLY CERTIFIED TEACHER**: ESOL and Common Branch (K-6) or Content Area (7-8) teacher who holds both certifications
- **INTEGRATED ENL – 2 INDIVIDUALLY CERTIFIED TEACHERS (CO-TEACHING)**: A certified ESOL teacher and a K-6 certified elementary school teacher and a 7-8 certified content area teacher (ELA, Math, Science, or Social Studies)

The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.
**CR Part 154-2 (9-12) English as New Language (ENL) Units of Study and Staffing Requirements**

All ENL classes, including Integrated and Stand-alone offer home language support.

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<td><strong>ENL INSTRUCTIONAL TIME (MINIMUM)</strong></td>
<td>3 units of study per week (540 min.)</td>
<td>2 units of study per week (360 min.)</td>
<td>1 unit of study per week (180 min.)</td>
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<td>Former ELLs must continue to receive services for an additional two years</td>
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<td>1 unit of study can be STAND-ALONE ENL instruction or INTEGRATED ENL in Core Content Area (180 min.)</td>
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<th>AWARDED CREDITS</th>
<th>STAND-ALONE ENL</th>
<th>INTEGRATED ENL</th>
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<tbody>
<tr>
<td>Elective credit is awarded upon passing each corresponding STAND-ALONE ENL unit of study</td>
<td>Core Content Area credit is awarded upon passing each corresponding ENL unit of study in ELA, Math, Science, or Social Studies</td>
<td></td>
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<th>STAFFING / PERSONNEL</th>
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<td>ESOL or Content Area (7-12) teacher who holds both certifications</td>
<td>A certified ESOL teacher and a 7-12 certified Content Area teacher</td>
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*The maximum allowable grade span for grouping instruction in grades K-12 English as a New Language or Bilingual Education classes is two contiguous grades, except for English Language Learners in a Special Education class, as defined by section 200.1(uu) of this Title. All programs must be provided during the school day.*
UNDERSTANDING THE REFERRAL AND IDENTIFICATION PROCESS FOR ELLS CLASSIFIED
This is a summary of what they found:

- Parents are likely to consent when they understand and agree with problems under evaluation.
- Give students time to acquire language.
- The longer an ELL student who has LD goes without services, the further he/she will fall behind their peers. A student can suffer emotionally and socially.
- Early identification of the problems should be addressed at the onset.
- Be aware of those quick referrals without modifying instruction (Huang).
- Classification stays with the student leading to educators expecting less.
• A useful rule of thumb to refer an ELL for an evaluation is to look at how many ELLS are struggling in a class or across classes at a particular grade level. If the majority of ELLS are making little progress, then the focus should be on improving instruction and making sure it is appropriate for ELLs.

• If most ELLS are doing well, and only a few are struggling, then it is suitable to look more closely at what is going on with those individual students and consider that they may have a disability.
USE A “HYPOTHESIS-DRIVEN” PROCESS: KLINGNER

• Begin the referral and evaluation process by exploring the hypothesis that the causes of the individual’s learning difficulties are due to external factors.

• Conduct the assessment with the notion that there is nothing wrong with the individual and that systemic, ecological, or environmental factors are the primary reason for the observed learning problems.

• Maintain this hypothesis until data suggest otherwise and when all plausible external factors are ruled out (Watkins, 2003, Minnesota Department of Education)
To a large extent, determining whether an English language learner has a learning disability is a process of elimination.

- Many factors must be considered and ruled out as possible reasons for a child’s struggles.
- There are multiple possible explanations for every behavior.

There are no tests that can definitively tell us whether the student has LD.
The point is not to look for who or what to blame for a child’s struggles, but to understand the multiple complex factors that are affecting the child’s learning and performance.

Important to have systems in place to determine pre-referral services/interventions

Do you know what those are in your schools?
The majority (about 55%) of ELLs in the United States identified as having a disability are thought to have LD (Peña et al., 2011).
WHAT TEAMS IN YOUR SCHOOL ARE MAKING DECISIONS ON ELL REFERRALS?

• Who are the members of your team?
• How are they scheduled to meet?
• When discussing ELLs, what data do you think is appropriate to bring? Why?
Most ELL students were pushed toward testing because the school personnel believed that the poor academic performance or behavioral difficulties were indicative of the child needing special education services. Those meeting observations might be commonplace and will contribute to the disproportionate amount of ELs in special education.

83% of the assessment personnel decisions are made with insufficient data. Defer Decision: language proficiency, environment, culture or lack of data.

While educators may believe that there is no harm in placing ELLs in special education for extra individual instruction, research has demonstrated that students who were inappropriately placed in special education actually regressed (Huan et al., 2011).
Sequential & Simultaneous bilinguals to determine LD
ELLs with LD exhibit difficulties in their first language as well as in English.

- When students are **sequential** bilinguals, it is not hard to determine whether difficulties are evident in both languages.
- When students are **simultaneous** bilinguals, it is much more challenging to determine if difficulties are the result of language acquisition or LD.
- We need a new way to think about the process of simultaneous language acquisition (Escamilla).
WHAT INFORMATION ABOUT ELLS DO YOU THINK IS RELEVANT TO CONSIDER ON LANGUAGE LEARNING? WRITE IN QUESTION FORMAT.
WHAT INFORMATION ABOUT ELLS DO YOU THINK IS RELEVANT TO CONSIDER?

- When did the student learn their language/s?
- In what contexts do they use their language/s?
- What language did they speak before entering the school system?
- Are Core ENL/Bilingual services being provided?
- How did the student respond to these services?
• Do you know what is happening in the mainstream classroom?
• Do you know what is happening at home?
• Have you reviewed/gathered information about the student’s educational background/history?
• What is the student’s health history and current health status?
• Have you documented appropriately?
• Have you completed and documented language proficiency testing in both the native language and English?
• Do you know your school’s pre-referral and referral process?
Using Klingner handout work with a partner/group and discuss the behaviors listed for language and those for disability.

What did you notice?
It’s important to...

Understand the second language acquisition process
- Oral language
- Written language
- Literacy (and what can be confusing)

Know possible characteristics associated with LD

Look at the quality of instruction and students’ opportunities to learn
WHAT ARE EXPECTED BEHAVIORS OF AN ELL STUDENT WHO IS LEARNING A SECOND LANGUAGE?

The Silent Period Stage:

- Difficulty following directions
- Speaks very little English
- May be silent or not respond when spoken to
- Difficulty understanding questions
- Difficulty expressing needs
- May be withdrawn and/or show low self-esteem
- May seem to exhibit poor attention and concentration
- Pronunciation problems

What kind of instruction ELL students need at this stage?

Source: Klinger, Hoover and Baca (2008)
WHAT ARE EXPECTED BEHAVIORS OF AN ELL STUDENT WHO IS LEARNING A SECOND LANGUAGE?

The Early Production Stage:

• May be withdrawn
• Speaks in single words and phrases
• May seem to have trouble concentrating
• Phrases may contain grammatical errors
• May be easily frustrated

What kind of instruction ELL students need at this stage?

Source: Klinger, Hoover and Baca (2008)
WHAT ARE EXPECTED BEHAVIORS OF AN ELL STUDENT WHO IS LEARNING A SECOND LANGUAGE?

The Intermediate Stage

• Learner is approaching age appropriate levels
• Still makes errors in speech, reading, and writing in English (academic, behavioral, cultural, social)
• May seem more proficient than really is
• May seem slow processing challenging language
• May be confused by idioms, slang conveyed in English
• May understand more than he/she is able to demonstrate
• May seem to have poor auditory memory

What kind of instruction ELL students need at this stage?

Source: Klinger, Hoover and Baca (2008)
CAN ANY OF THE EXPECTED BEHAVIORS IN SECOND LANGUAGE ACQUISITION BE MISCONSTRUED AS A LEARNING DISABILITY?

What are they?

With your partner, discuss the behaviors manifested on the handout under Academic & Behavioral/Social.

Complete only 2nd language acquisition column and a possible disability column.
• Look at oral Comprehension and listening sections
• Look at Speaking Oral Fluency sections
• Discuss with your partner the indicators of language differences and a possible LD and notice what the are.
A communication difference is a variation of speech that is shared by a group of individuals within a particular region or culture. This should not be considered a disorder of speech or language. An accent or dialect, for example, is simply a difference, not a disorder.

What's the difference? - (Jenny Lind School jennylind.mpls.k12.mn.us/differences vs disorder)
Helpful Information About Spanish Language - handout

How can you plan lessons to address the differences in linguistic patterns (sounds, grammar)?
ENJOY YOUR LUNCH!
“A child shall not be determined to be a child with a disability if the determinant factor for such determination is…Limited English Proficiency.” (IDEA, 20 U.S.C. 1414(b)(5).)
DEFINITION OF LEARNING DISABILITY

A CHILD HAS A SPECIFIC LEARNING DISABILITY, AS DEFINED IN 34 CFR 300.8(C)(10), IF:

The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or State-approved grade-level standards:

- Oral expression.
- Listening comprehension.
- Written expression.
- Basic reading skills.
- Reading fluency skills.
- Reading comprehension.
- Mathematics calculation.
- Mathematics problem solving.
Read Case Study for Francisco and write your wonderings

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<tr>
<th>Wonderings/Case study</th>
<th>J. Butterfield /Learning behavior manifested</th>
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WHAT DO YOU SEE AS YOUR ROLE IN PREVENTING REFERRALS OF ELLS?

Discuss with your partner the following:

• How will you use the information you have learned today to advocate for ELL/MLLs?

• What are your next steps?

• If and when an ELL student warrants a referral, describe some of the steps that should be taken.
RECOMMENDATIONS

• Educators involved in decision-making striving should be knowledgeable in the pre-referral process and non-biased assessment to avoid over-identification.
• Educators must consider effective instructional strategies that are related to the cultural environment and prior knowledge the student brings.
• Integration of language strands-listening, speaking, reading and writing
• High expectations that ELL students will achieve
• Using home language to bridge to English and access to academic content
RECOMMENDATIONS

- ELLs/MLLs should be exposed to rigorous lessons/grade level curriculum and use of scaffolds.
- On going professional development should be provided to bilingual special education teachers.
- Teachers of ELLs should be working with a structured curriculum for ENL stand-alone and Integrated.
- Take notice of time spent on task during instruction for teachers providing services to maximize instruction.
IN PREPARATION FOR NEXT SESSION

• What is the Core Program for ENL instruction in your school?

• What is the process in your school before an ELL student is considered for Tier II intervention? Tier III?

• What patterns do you have in your school in terms of referrals of ELLs?

• Where are your referrals coming from? Class, grade, teacher?

• What services are being provided pre-referral(interventions)?
WHAT IS THE ROLE OF THE ENL/BILINGUAL TEACHER IN THE LANGUAGE PROFICIENCY TEAM?
Co-markers’s Regulations
Subparts 154-2 and 154-3

Guidance

Determining English Language Learner/Multilingual Learner (ELL/MLL) Status of and Services for Students with Disabilities

(ELL/MLL) Status for Students Who Enter or Re-Enter School with an Individualized Education Program (IEP)

The determination of English language proficiency (ELP) or ELL/MLL status for a student with a disability who initially enrolls or re-enters a NYS public school follows a multiple-step ELL/MLL identification process [ER section 154-2.6(c)]. The steps are:

1. **Initial Screening:** Administration of the Home Language Questionnaire (HLQ) to the parent/guardian. The HLQ must be administered to parents/guardians to determine if a language other than English is spoken at home in the language or mode of communication they understand or with a qualified interpreter. If the HLQ indicates that a student’s home or primary language is other than English, an individual interview with the student (in English and in the student’s home language) is conducted by qualified personnel. If the results of the individual interview confirm that the student’s home or primary language is other than English, proceed to Step 2: Language Proficiency Test.

2. **Language Proficiency Test (LPT):** The LPT will consider evidence to make a recommendation as to whether the student may have second language acquisition needs and must take the NYSTELL OR makes the recommendation that the disability may be the determinant factor affecting the student’s ability to demonstrate proficiency in English. If LPT notes no second language needs, a recommendation that the student be designated English proficient is made to the Principal.

3. **Principal Review:** Principal disagrees with LPT and refers student for NYSTELL OR agrees with the LPT that there are no second language needs and makes a recommendation to the Superintendent.

4. **Superintendent Review:** Superintendent rejects Principal recommendation and student will take the NYSTELL OR Superintendent accepts the recommendation that the student is not an ELL/MLL.

If student takes the New York State Identification Test for English Language Learners (NYSTELL) and does not demonstrate ELP, student is an ELL and parents/guardians must be notified within five school days of determination and of their right to request a review. If student demonstrates ELP, student is not an ELL. If it is determined during any of these steps that a student is not an ELL/MLL, the remaining steps of the initial enrollment and/or reentry process to identify the student as an ELL/MLL stops. (For more information regarding the screening process for all new entrants, please refer to NYSED’s July 2015 guidance, English Language Learners (ELLs), Screening, Identification, Placement, Review, and Exit Criteria.

1 Parent/guardian refers to “parents or persons in parental relation.”
WHAT IS PART 154-3?

• In the Fall of 2014, the Board of Regents adopted amendments to Part 154 of the Regulations of the Commissioner of Education to add Subparts 154-2 and 154-3 to establish the legal requirements for the identification and education of English Language Learners (ELLs)/ Multilingual Learners (MLLs) in New York State (NYS).

• Part 154-3 provides a process for the determination ELL/MLL status for a student with a disability who initially enrolls or re-enters a NYS public school follows a multiple-step ELL/MLL identification process [CR section 154-2.3(a)]. The steps include:
  - Initial Screening
  - Language Proficiency Team (LPT)
  - Principal’s Review
  - Superintendent’s Review
The Language Proficiency Team (LPT) is a committee of individuals with expertise in the areas of second language acquisition and disabilities in the screening process that ensures the appropriate initial identification of English proficiency for students with disabilities. The LPT, which also includes the student's parent or person in parental relation, must review relevant information from the student's record to determine whether a student, who has been identified as a student with a disability, appears to have second language acquisition needs or that there is evidence that the student's disability is the determinant factor affecting whether the student could demonstrate proficiency in English during Initial Screening.
• LPT is minimally comprised of:
  • A school/district administrator
  • A teacher or related service provider with a bilingual extension and/or a teacher of ESOL
  • The director of special education or individual in a comparable title (or his or her designee)
  • The student’s parent or person in parental relation
  • A qualified interpreter or translator of the language or mode of communication the parent or person in parental relation best understands, as defined in section 154-2.2(t), shall be present at each meeting of the LPT.
Visit the OBEW website for additional guidance on this process.

ENGLISH LANGUAGE LEARNER/MULTILINGUAL LEARNER (ELL/MLL) IDENTIFICATION PROCESS FOR NEW OR RE-ENTERING STUDENTS WITH AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)

NOTE: Per section 154-2.3(a)(8), districts must complete all steps of the ELL/MLL identification process prior to the student’s final placement in a school. A student shall be provisionally placed in a school until the identification process is completed.

1. INITIAL SCREENING

Follow initial steps for identifying a student as a potential ELL (steps 1a and 1b in the ELL Screening, Identification, Placement, Review, and Exit Criteria flow chart). If steps 1a and 1b (i.e., the IQL and Individual Interview) indicate that a student’s home or primary language is other than English and the results of the individual interview and collection of work samples confirm that the student’s home or primary language is other than English, proceed to Step 2: Language Proficiency Team (LPT).

2. LANGUAGE PROFICIENCY TEAM (LPT)

The Language Proficiency Team will consider evidence, per section 154-3.3 (a)(2) to make a recommendation as to whether:

- The student may have second language acquisition needs
- The disability may be the determinative factor affecting the student’s ability to demonstrate proficiency in English during Step 1b

LPT determines YES, the student may have second language needs.

Refers student for NYSITELL.

OR

LPT notes NO second language needs. Makes recommendation to Principal.

3. PRINCIPAL REVIEW

Principal agrees with LPT. Makes recommendation to Superintendent and notifies parents/guardians in a timely manner. Superintendent has 10 calendar days to accept or reject LPT/principal’s recommendation that the student has no second language needs and make final determination.

Student demonstrates enough language proficiency at the Commanding level. STUDENT IS NOT AN ELL

OR

Student does not demonstrate proficiency in English. STUDENT IS AN ELL

Parent(s)/Guardians notified within five school days of final determination and their right to request a review.

4. SUPERINTENDENT REVIEW

Superintendent accepts recommendation and student will take the NYSITELL.

OR

Superintendent rejects recommendation. Student is not an ELL.

Student takes the NYSITELL with accommodations already recommended in the student’s IEP or Section 504 Accommodation Plan, consistent with SED policy.

Student demonstrates enough language proficiency at the Commanding level. STUDENT IS NOT AN ELL

OR

Student does not demonstrate proficiency in English. STUDENT IS AN ELL

Parents/Guardians notified within five school days of final determination and their right to request a review.
STUDENTS TO WHOM STEP 2 (LPT) APPLIES
Students eligible for Step 2 include new entrants or re-entering students who:
• were identified in NYS as preschool students with disabilities[1] who are entering a public school in kindergarten or higher; or
• those who come from other states[2] in the United States, including the District of Columbia and the Commonwealth of Puerto Rico and the outlying areas, with both an identified disability and an IEP.

STUDENTS TO WHOM STEP 2 (LPT) DOES NOT APPLY
Step 2 of the process outlined above DOES NOT apply to new entrants or re-entering students who:
• are suspected of having a disability but there is no documentation of a disability (e.g., an IEP or its equivalent); or
• come from another country with documentation from that country indicating that the student has a disability, but does not have an IEP from the United States.
Since these students have not been determined by an IEP team or Committee on Special Education (CSE) to have a disability, ELL/MLL status is determined by Step 1 (HLQ and Individual Interview) and by administering the NYSITELL, if warranted following Step 1(Initial Screening with HLQ and Individual Interview).

[1] For students transitioning from preschool special education, the LPT should consider the extent to which the student received preschool special education services in his/her home/primary language or only in English and the effect on the student’s continued need for ELL services.
[2] According to 34 CFR § 300.717(c), “as used in this subpart, State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”
## Role of Language Proficiency Team

<table>
<thead>
<tr>
<th>What it is?</th>
<th>What it is not?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A formally constituted team of qualified individuals</td>
<td>Does not determine if a student has a disability</td>
</tr>
<tr>
<td>Team meetings have a finite timeframe</td>
<td>Does not write an IEP</td>
</tr>
<tr>
<td>Must evaluate incoming IEPs from the United States and PR</td>
<td>Does not evaluate students’ IEPs from other countries</td>
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</tbody>
</table>
January 30, 2019
Special Education Considerations for English Language Learners:
Delivering a Continuum of Services - Cristina Lopez Sanchez

March 15, 2019/School Teams
Inquiry Based Problem Solving for English Language Learners within a
Multi-tiered System of Supports (MTSS)/RTI 2: Collaborative Practice
Cristina Sanchez Lopez & Theresa Young
THANK YOU

Please complete evaluation.

It’s Your Turn to Talk!