Georgia Department of Education

ESOL and Special Education: English Learners with Disabilities

ESOL Conference

February 5-7, 2019

Kennesaw State University

Topics to be Discussed

- Establishing a common language

- Multi-Tiered System of Supports

- Identification

- Role of the ESOL teacher in the referral process and if the student is dually identified as an English Learner with a Disability (EL/SWD)

- Services

Georgia Department of Education

Establishing a Common Language

- English Learners (EL)
  - Students

- Students with Disabilities (SWD)

- Children with Disabilities

- English Learners with Disabilities (EL/SWD)

- Dually Identified Students

- English Speakers of Other Languages (ESOL)
  - Language Instructional Program

- Dual Language Learners (DLLs)
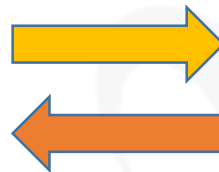 - 3 & 4 year old children who are learning both English (in school) and another language (in the home)

Other Terms (?)

- Multilingual Learners (MLL)

- Cultural & Linguistically Diverse Learners (CLD)

- Specific Learning Disability (SLD)

Georgia's Systems of Continuous Improvement

Georgia's Tiered System of Supports for Students

"The What"

"The How"

Georgia's Tiered System of Supports for Students
A National Definition for MTSS

> A tiered system of supports integrates assessment and intervention within a school-wide, multi-level prevention system to maximize student achievement and reduce behavioral problems.

> Promotes systems alignment to increase efficiency and effectiveness of resources.

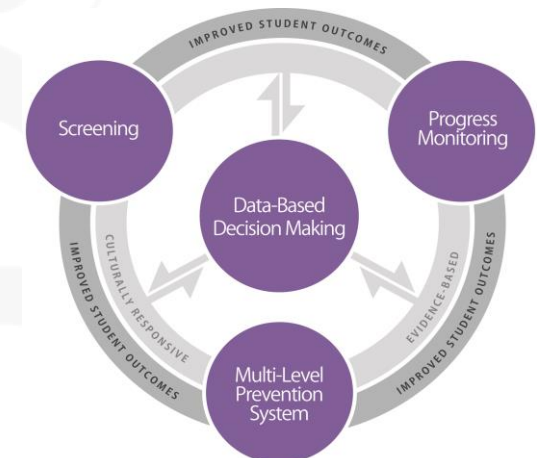Adopted from National Center on Response to Intervention, 2010

Integrating the Essential Components of Georgia's Tiered System of Supports for Students to Georgia's Systems of Continuous Improvement

Richard Woods,
Georgia's School Superintendent
"Educating Georgia's Future"
gadoe.org

Nationally Aligned MTSS Framework

Georgia's Tiered System of Supports for Students - Essential Components

- **Screening**

- **Progress Monitoring**

- **Multi-Level Prevention System**
  - Tier I: Primary Level – Instruction/Core Curriculum
  - Tier II: Secondary Level - Intervention
  - Tier III: Tertiary Level - Intensive Intervention

- **Data-Based Decision Making**
  - Identify instructional needs for academics and/or behavior
  - Evaluate the effectiveness of core curriculum, instruction, interventions and the framework
  - Determine movement within the multi-level system

- **Infrastructure and Support Mechanisms**

Implementing MTSS with English Learners

Richard Woods,
Georgia's School Superintendent
"Educating Georgia's Future"
gadoe.org

- **Screeners**
  - Ensure they provide valid information for English Learner

- **Progress Monitoring**
  - Ensure interventions are effective with EL students
  - Teachers implement with fidelity (intensity/duration) & evidence-based

- **Multi-level Prevention System**
  - EL students could receive intervention at any of the levels of prevention based on need

- **Data-based Decisions**
  - Always consider English language proficiency growth; provide all teachers with specific PD on ELs in multi-tiered prevention systems

- **Infrastructure & Support Mechanisms**
  - Responsive to ELs culture and language

Response to Intervention (RTI) and Student Support Team (SST) are contained within Georgia's Tiered System of Supports for Students

- Under the framework of Georgia's Tiered System of Supports for Students, RTI and SST are still both a part of the process.

- Georgia's pyramid is now composed of only three tiers.

- RTI is embedded in the data-based decision making component and remains a part of the multi-level prevention system. It is also included in the screening and progress monitoring components.

- Under the MTSS framework, SST is initiated at Tier III.

Multi-Level Prevention System

3% to 5% of students

Tier III: Tertiary Level of Prevention – Intensive Intervention

15% of students

Tier II: Secondary Level of Prevention - Intervention

SWD, EL, Gifted

Tier I: Primary Level of Prevention – Instruction/ Core Curriculum

80% of students

Students receive services at all levels, depending on need.

Georgia Department of Education

Primary Level – Instruction/Core Curriculum Tier I

- **FOCUS:** ALL students

- **INSTRUCTION**: District curriculum and instructional practices that are evidence-based; aligned with state or district standards; and incorporate differentiated instruction

- **SETTING:** General education classroom or other education setting within the school

- **ASSESSMENTS:** Screening, continuous monitoring for progress (formative assessments), and outcome measures or summative assessments
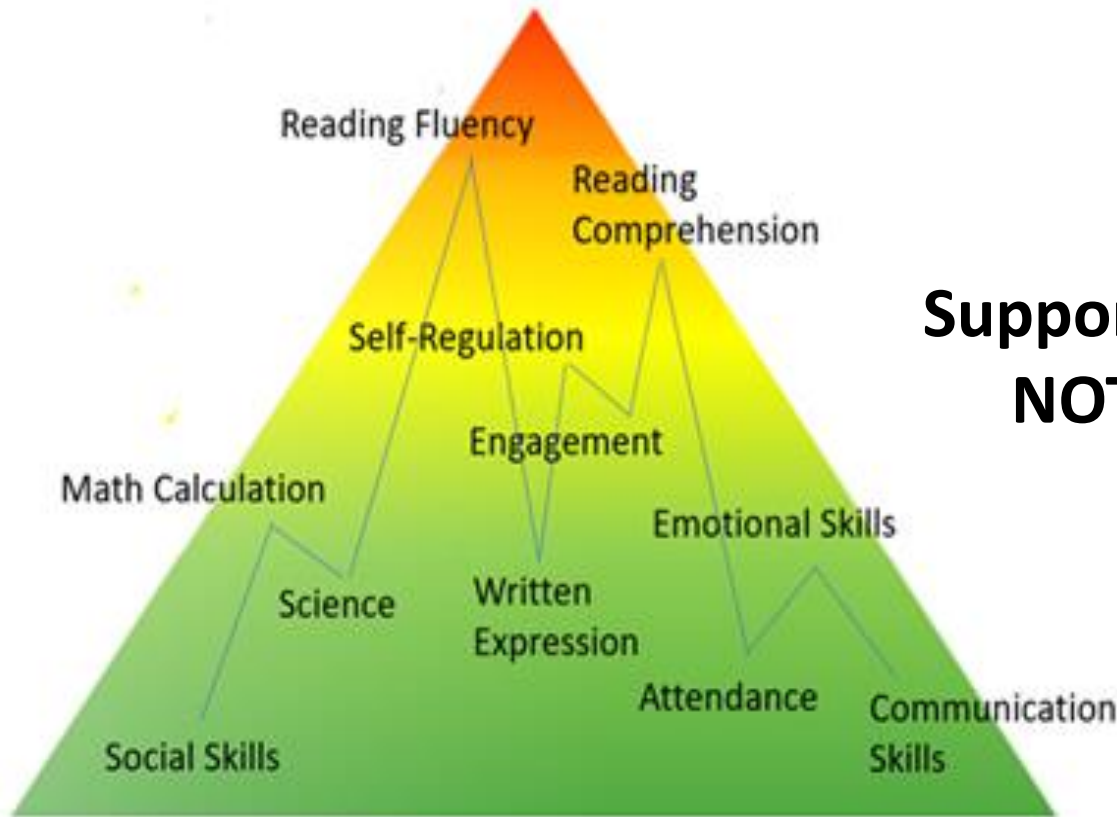
Secondary Level – Intervention Tier II

- **FOCUS:** Students identified through screening and other data sources who are in need of enrichment/acceleration or are at risk for poor learning and behavioral outcomes

- **INSTRUCTION:** Targeted to the area of need, supplemental instruction and/or intervention delivered to small groups; and with fidelity (i.e., consistent with the way it was designed)

- **SETTING:** General education classroom or other education setting within the school

- **ASSESSMENTS:** Progress monitoring, diagnostic

Tertiary Level – Intensive Intervention Tier III

- **FOCUS:** Students who have not responded to primary or secondary level of prevention or who are in need of enrichment or acceleration (SST)

- **INSTRUCTION:** Intensive, supplemental instruction delivered to small groups or individually

- **SETTING:** General education classroom or other education setting within the school

- **ASSESSMENTS:** Progress monitoring (may be more frequent), diagnostic

Using Data to Implement Georgia's Tiered System of Supports for Students

- Identify students who are in need of enrichment/acceleration or who are at risk for poor learning and behavioral outcomes

- Select and implement evidence-based practices and interventions

- Implement essential components and identified framework with integrity and fidelity
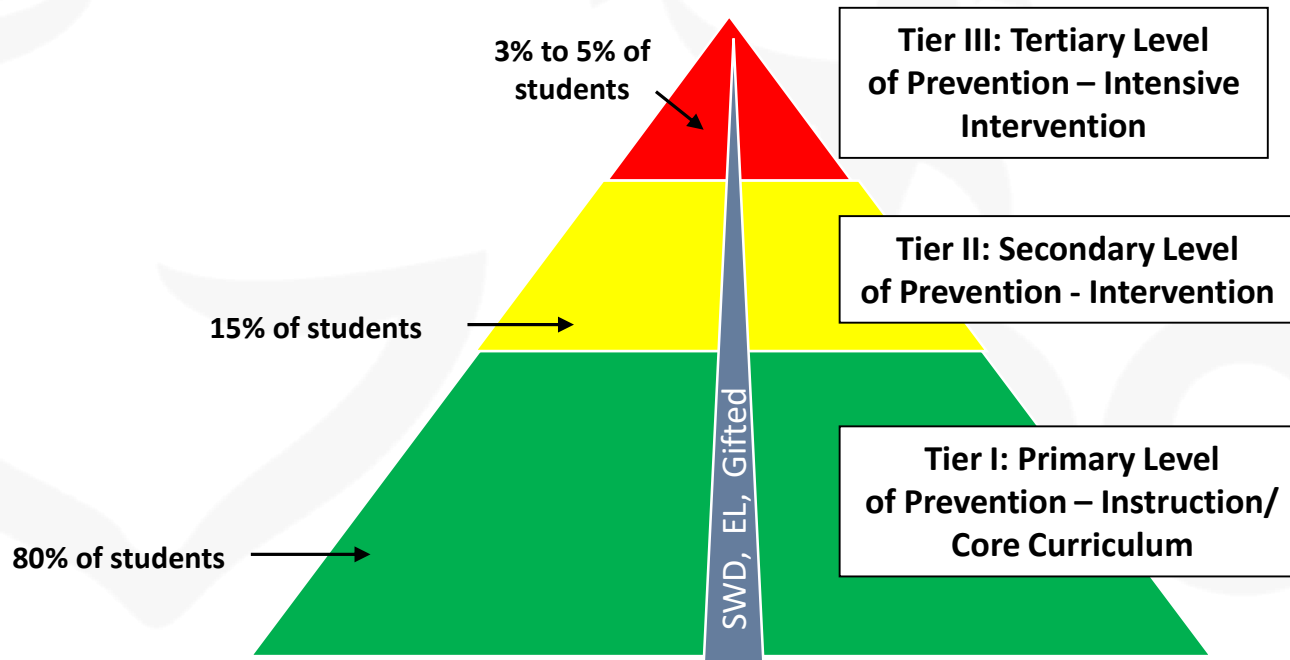
Using Data to Implement Georgia's Tiered System of Supports for Students

- Ensure that cultural, linguistic, and socioeconomic factors are reflected in the framework and its components

- Monitor fidelity of implementation and progress of student responsiveness to the intervention

- Use progress monitoring data to inform decision-making

Reading Fluency

Reading Comprehension

Self-Regulation

Engagement

Math Calculation

Emotional Skills

Science

Written Expression

Attendance

Communication Skills

Social Skills

Supports are tiered, NOT students.

Students receive services at all levels, depending on need.

How does the Multi-Level Prevention System impact English Learners?

3% to 5% of students

Tier III: Tertiary Level of Prevention – Intensive Intervention

15% of students

Tier II: Secondary Level of Prevention - Intervention

SWD, EL, Gifted

80% of students

Tier I: Primary Level of Prevention – Instruction/ Core Curriculum

Students receive services at all levels, depending on need.

Georgia Department of Education

Dispelling the Myths - 1

- Can a student identified as an English Learner be referred for an evaluation for Special Education eligibility?

  - Don't we need to wait 3-7 years for ELs to develop English proficiency first?

  - *"School districts must ensure that all EL students who may have a disability, are located, identified, and evaluated for special education and disability-related services in a timely manner."* (OCR Dear Colleague Letter, 2015, p. 24)

  - It is impermissible to delay disability evaluations of EL students based on EL status. (p. 25)

Dispelling the Myths - 2

- If we label an EL as having special needs, won't he at least be getting some help?

  - *"School districts must not identify or determine that EL students are students with disabilities because of their limited English language proficiency." (*OCR Dear Colleague Letter, 2015, p. 24)

  - *A student cannot be determined to be a child with a disability if the 'determinant factor' is limited English proficiency and if the student does not otherwise meet the definition of a 'child with a disability' under the IDEA." (p. 26)*

Dispelling the Myths - 3

- Special Education services take priority over ESOL services. (scheduling)
    - AKA "Special Education trumps ESOL"
    - Special Education overrides ESOL

- *"Language assistance services and disability-related services are provided simultaneously to an EL student who has been evaluated and determined to be eligible for both types of services."* (OCR Dear Colleague, 2015, p. 29)

- *The individualized plans for providing special education or disability-related services* (should also) *address EL students' language–related needs."* (p. 29)

Dispelling the Myths - 4

- EL students don't need MTSS because they already get ESOL services.

Attend MTSS session at this Conference
See resources on next slide!

True or False? Students learning English often display similar characteristics as students with SLD.

Resources to Bust Myths!

- National Center on Intensive Intervention – https://intensiveintervention.org/

- Center on Response to Intervention at American Institutes for Research website - https://rti4success.org/related-rti-topics/english-learners

- RtI and English Learners - http://www.janaechevarria.com/?p=878

- Implementing RtI with English Learners - https://nysrti.org/files/documents/resources/ell/rti_with_ells_ppt_seth_aldrich.pdf

Child Find

- Child Find is a critical part of the special education process for all children suspected of having disabilities.

- IDEA requires that children who are suspected of being a child with a disability and in need of special education are identified, located, and evaluated. 34 C.F.R. § 300.111.

- Despite the language in our State Child Find Rule, IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. *See* 34 C.F.R. § 300.111.

Georgia Board of Education Rule Code: IGB
160-4-2-.32 STUDENT SUPPORT TEAM

(a)Student Support Team (SST) - an interdisciplinary group that uses a systematic process to address learning and/or behavior problems of students, K-12, in a school.

Link to the Board Rule on SST:

http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Student-Support-Teams/Pages/default.aspx

(2) **REQUIREMENTS**

(a) Each school shall have a minimum of one SST and shall establish support team procedures.

(b) Before a referral is made for other supplemental or support services an evaluation and/or assessment shall be conducted.

1. Prior evaluation(s) and/or assessment(s) of a student for a state or federal program shall be considered as having met this requirement.

(c) The SST shall include at a minimum the referring teacher and at least two of the following participants, as appropriate to the needs of the student:

1. Principal
2. General education teacher
3. Counselor
4. Lead teacher
5. School psychologist
6. Subject area specialist
7. School social worker
8. Special education teacher
9. ESOL teacher
10. Central office personnel
11. Section 504 Coordinator
12. Other appropriate personnel

Georgia Board of Education Rule Code: IGB 160-4-2-.32 STUDENT SUPPORT TEAM

(d) Parents/guardians shall be invited to participate in all meetings of their child's SST and in the development of interventions for their child.

(e) Each school shall include the following steps in the SST process:

1. Identification of learning and/or behavior problems.
2. Assessment, if necessary.
3. Educational plan.
4. Implementation.
5. Follow-up and support.
6. Continuous monitoring and evaluation.

(f) Documentation of SST activities shall include the following:

1. Student's name.
2. Names of team members.
3. Meeting dates.
4. Identification of student learning and/or behavior problems.
5. Any records of assessment.
6. Educational plan and implementation results.
7. Follow-up and, as appropriate, continuous evaluation.

ELs with Suspected Disabilities

- As with all students, a wide range of abilities can be noted among English Learners.

- Caution should be exercised to determine if academic or emotional/behavioral concerns are related only to the acquisition and development of English language or whether a disability exists.

- Just because accommodations and/or supplementary aids and services are needed, does not necessarily mean that an English Learner has a disability or should be referred to special education.

- Through the Multi-Tiered Prevention System (MTSS), tiered supports can be provided as well as data-based decision making to determine if a referral for evaluation is needed.

Role of the ESOL Teacher

- Familiar with the typical rate and stages of 2nd language acquisition
- Can be a great resource in determining if a suspected disability exists or if the concerns are most likely due to language acquisition
- Can provide information about the language spoken in the home as well as cultural norms that should be considered
- Works collaboratively with the SST to support the comprehensive needs of the student along with the regular education teacher
- May be an invaluable resource in gathering information from the student's development history through interviews with parents/guardians
- (See *Supportive Learning Environment System* of the updated EL Language Programs Resource Guide, coming soon.)

7 Factors 4 MTSS Team 2 Consider

(Hamayan, Marler, Sánchez-López, & Damico, *Special Education Considerations for English Language Learners: Delivering a Continuum of Services, 2nd Edition, 2013, Philadelphia: Caslon Publishing.*

Richard Woods,
Georgia's School Superintendent
"Educating Georgia's Future"
gadoe.org

1. **Learning environment** for EL student – access to core curriculum, teachers, resources, type of program, range of services

2. **Personal & family factors** – SES, mobility, expectations, interests, culture, linguistic distance, background experiences

3. **Physical & psychological factors** – post-traumatic stress, social-emotional concerns, impaired vision or hearing, pain, malnutrition, developmental milestones, special family situations, unaccompanied minors

7 Factors (cont.)

4. **Previous schooling** – quantity/quality of formal schooling, interrupted or limited?

5. **Oral language & literacy development** – both social and academic language, language use patterns in and out of school

6. **Academic achievement**

7. **Differences in cultural norms/values** of EL and his community and those in school and mainstream society.

Referrals to Special Education

- If the Student Support Team refers the student for an evaluation for Special Education, all due process procedures must be followed based on the Individuals with Disabilities Education Act as well as State Rules and Regulations.

- Once a child is referred for an evaluation by a parent or Student Support Team (SST) to determine if the child is a child with a disability, **the initial evaluation**:

  - **Must be completed within 60 calendar days** of receiving parental consent for evaluation. [34 C.F.R. § 300.301(c)(1)(i)]

Evaluation Procedures 34 C.F.R. § 300.304

In a comprehensive evaluation, the Local Education Agency will:

- Informally and formally assess all areas related to any suspected disability, including, if appropriate, vision and hearing, health, social, and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

- Use a variety of evaluation tools and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parents;

- Not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child;

Evaluation Procedures 34 C.F.R. § 300.304

- Use assessment techniques that may assess developmental, physical, intellectual, academic, communication, and social/emotional skills;

- Use evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the child;

- Use assessments and other evaluation materials to assess specific areas of educational need and not only those that are designed to provide a single general intelligence quotient (IQ) score; and

- Select assessment methods so that, when administered to a child with impaired sensory, manual, or communication skills (to include English Learner (EL) barriers), the results accurately reflect the child's aptitude or achievement level and are not culturally biased.

Evaluation Procedures
IDEA Regulations
[34 C.F.R. § 300.304(c) (1) (ii)]

- Are provided and administered in the <mark>child's native language</mark> or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to so provide or administer;

Service Delivery and Least Restrictive Environment

(34 C.F.R. §§ 300.114-300.117; GEORGIA RULE 160.4-7-.07)

Least Restrictive Environment

One of the most significant requirements of the Individuals with Disabilities Education Act (IDEA) is that children with disabilities be educated in the least restrictive environment (LRE) to the maximum extent appropriate.

Georgia Department of Education

Continuum of Services

REGULAR EDUCATION	Child with disability is served in the regular education class with no additional personnel support from special education.
ADDITIONAL SUPPORTIVE SERVICES	The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.
DIRECT SERVICE: CONSULTATIVE	**Child with disability** receives at least 1 segment per month of direct service **from the special education teacher** in the regular or special education classroom.

Continuum of Services

DIRECT SERVICE: COLLABORATION	A special education teacher provides service to children with disabilities and shares teaching responsibilities with a regular education teacher within an instructional segment in the regular education classroom (less than full segment daily).
DIRECT SERVICE: CO-TEACHING	The special education and regular education teacher provide service to children with disabilities and share teaching responsibilities for the children in the regular education classroom. **(full segment everyday)**
SMALL GROUP	The special education teacher provides service to children with disabilities in a special education classroom.

Alternative Placements

The continuum of alternative placements includes options that must be available such as:

➤ instruction in regular education classes

➤ special classes (small group)

➤ special schools

➤ home instruction

➤ instruction in hospitals and institutions

Supplementary services and supports can be provided in any setting to children whose IEP requires such supports. For instance, children may receive small group **in conjunction with regular class placement for the same subject area.**

The Full Continuum of Options during the IEP Team Meeting

- LEAs must ensure the availability of the full continuum of services and discuss each option, as appropriate, during the IEP Team meeting.

- The IEP Team can consider placing the child outside of regular education settings **only** when the IEP Team has evidence that even with the use of supplemental aids and services, education in regular education settings will not be successful.

- LRE cannot be based on availability of services.

Preschool Continuum of Services

The same placement options for school-aged students extends to for preschool children with disabilities. The IEP Team should consider the full continuum of options when making the placement decision for a preschool child with a disability. Some specific preschool options may include:

- participation in regular education early childhood programs in the public school or in the community, Head Start, Bright from the Start Pre-Kindergarten, public or private child care/day care, and preschool programs;

- placement in a separate special education program housed in the public school or in a community-based setting; and/or

- services in the home as the natural environment for a young child.

What is the role of the ESOL Teacher if an EL student is identified with a disability?

- Active participant in the Individual Education Program (IEP) process

- Provide services and supports as determined appropriate through the IEP for the student for ESOL as well as Special Education

- If it has been demonstrated through assessment that the student qualifies for special education services with a Specific Learning Disability or Speech/Language Impairment, services should be considered through both programs – Special Education and ESOL.

- Any EL student with an IEP must have a plan for language assistance services considered and documented on the IEP.

- The ESOL specialist and the special education teacher should consult on a regular basis and maintain records of consultations as documentation of language support efforts.

What are the challenges with Preschool Students?

- Preschool students identified with a disability

- Dual Language Learners

- ESOL does not begin until Kindergarten

Discuss with a partner how your district supports preschool students.

Your Questions

Special Education Help Desk

Special Education Questions & Support
(404) 657-9968
- SPEDHelpDesk@doe.k12.ga.us

EL Language Programs Help Desk

ESOL & Title IIIA Questions & Support

678-794-3695

UnderConstruction@doe.k12.ga.us

Contact Information

Dr. Margaret (Meg) Baker
Manager
Title III, Part A & ESOL Language Programs
Federal Programs
mbaker@doe.k12.ga.us

Wina Low
Program Manager Senior
Division for Special Education Services and Supports
wlow@doe.k12.ga.us