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

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- Supreet Anand, Supervisor, Title III State Consolidated Grant Group
- Ruth Ryder, Deputy Director, Office of Special Education Programs
- Millie Bentley-Memon, Education Program Specialist, Title III State Consolidated Grant Group
- Rhonda Weiss, Attorney, Office of the General Counsel
- Jane Simons, Attorney, Office of the General Counsel

U.S. Department of Education

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Contributing Offices


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



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Session Format

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



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Qs and As – Purpose & Scope

Purpose – to help States and LEAs address challenges of:

- 1) Ensuring **all ELs with disabilities participate** in the annual State ELP assessment;
- 2) Ensuring that the ELP assessment accurately measures the ELP of SWDs, including providing where necessary:
 - **Appropriate accommodations** for the annual ELP assessment and
 - Implementing **alternate assessments** if a student cannot take the regular ELP assessment with accommodations; and
- 3) Determining how to include ELP assessment results for ELs with disabilities in making Title III **accountability determinations**.

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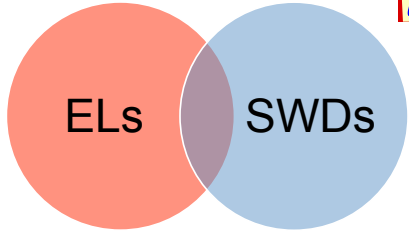

Qs and As - Definitions

- The ESEA defines the term “**limited English proficient**” (**LEP**) in part as students “...whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the State’s proficient level of achievement on State assessments...” (ESEA section 9101(25).)
- The IDEA defines a **student with a disability** as a child evaluated in accordance with 34 CFR §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. (Part B of the IDEA 34 CFR §300.8.)

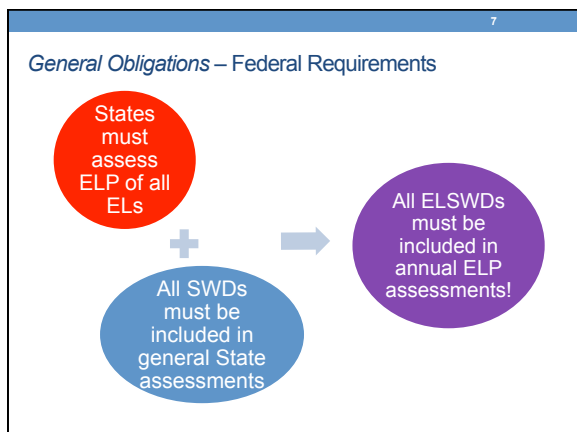


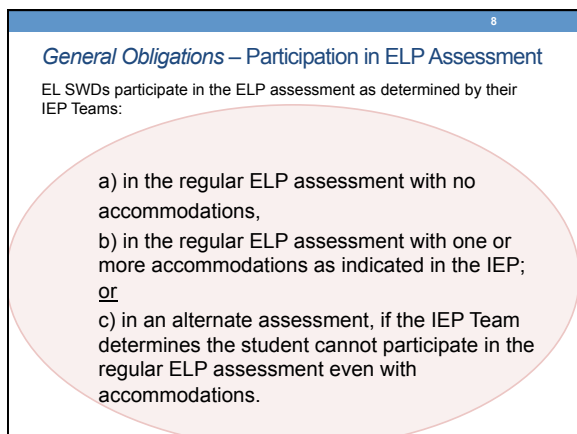
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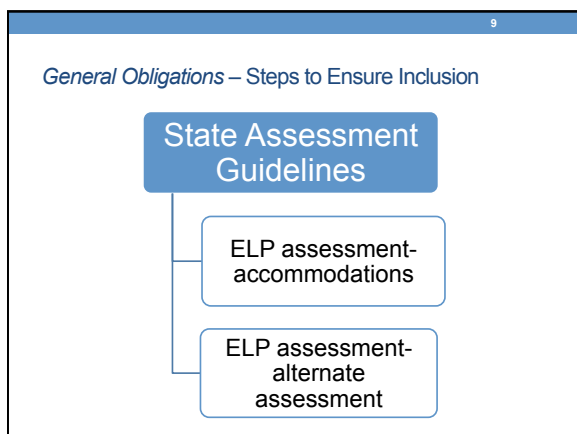
EL SWDs

- There are over 500,000 ELs with disabilities in U.S. public schools.

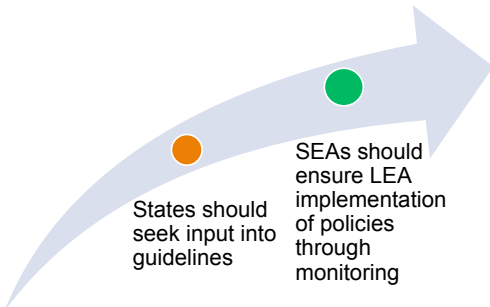






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General Obligations – Steps to Ensure Inclusion




States should seek input into guidelines

SEAs should ensure LEA implementation of policies through monitoring

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General Obligations - Steps to Ensure Inclusion

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


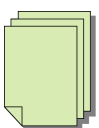


- development and provision of appropriate accommodations for SWDs.
- development and provision of valid and reliable alternate assessments for SWDs.

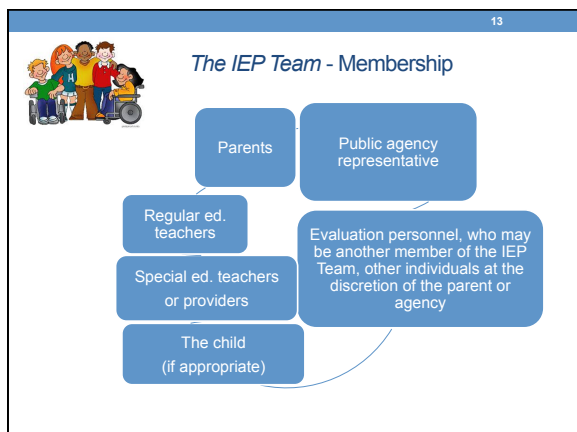
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Role of the IEP Team – Responsibilities

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

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



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The IEP Team – LEP Parent Participation in Meetings

- LEAs have civil rights obligations towards LEP parents.
- The IDEA Part B regulations contain a requirement in effect since 1977 that the LEA must take **whatever action is necessary** to ensure that an LEP parent understands the proceedings of the IEP Team meeting
 - including by arranging for an interpreter.
- Also when parents themselves are LEP, Title VI of the Civil Rights Act of 1964 applies.

An illustration of four diverse children (two girls and two boys) standing together. One boy is in a wheelchair.

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Role of the IEP Team – Assessment Participation

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

NO.

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

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Table Discussion



1. What practices and/or policies does your State/LEAs in your State use for assessment of ELs who are also SWDs that you believe have been effective/are promising?
2. What questions do you have now about the answers in the first half of this document that we've just discussed?
3. What challenges/barriers to success has your State/LEAs faced in assessing EL SWDs?
4. What questions would you like ED to address in future guidance that are not included in this document?

Panel Questions and Answers

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Accommodations & Alternate Assessments – Actions for States

Under the IDEA, a State must:

Develop guidelines for appropriate accommodations for each assessment that do not invalidate the test score.

Develop and implement alternate assessments and guidelines for the participation of SWDs in alternate assessments.

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Accommodations for the ELP Assessment

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

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Alternate Assessments

- IEP Team decides whether an EL SWD should take an alternate assessment on a case-by-case basis.
- Alternate ELP assessment:
 - Must be valid and reliable.
 - Could be paper and pencil assessment or another appropriate method.
- State alternate assessment guidelines should address the appropriate participation of EL SWDs in alternate assessments.

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Exit from EL Status

EL SWD can be "exited" from EL status when he/she no longer meets the definition of an EL.

There is no provision in the IDEA that would authorize the IEP Team to remove the "EL" designation before the student has attained English proficiency.

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AMAOs – AMAOs 1, 2, & 3



AMAOs 1 and 2: ELP assessment results for all EL SWDs must be included.

AMAO 3: ELP assessment results not included.

Title I regulations on the 1.0 percent cap: do not apply to ELP assessments, and do not apply to AMAOs 1 and 2.

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Table Discussion

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2. What questions do you have now about the answers in the second half of this document that we've just discussed?

Panel Questions and Answers

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THANK YOU

Supreet.Anand@ed.gov

Ruth.Ryder@ed.gov

