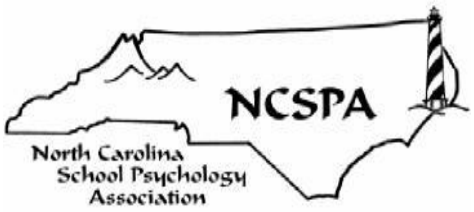

REFERRING AND EVALUATING ENGLISH LEARNERS FOR SPECIAL EDUCATION PROGRAMS AND SERVICES

Professional Practices

This paper was initially prepared by the NCSPA Professional Practices Committee and approved by the NCSPA Board of Directors in 2004. It was revised and approved by NCSPA 2010. A third revision was crafted by the NCSPA Professional Practices Committee and a group of stakeholders, practitioners representing Cabarrus, Wake, and Winston-Salem/Forsyth Public Schools in 2021.

INTRODUCTION

The purpose of this paper is to outline special factors that should be considered for ELs in the context of the multi-tiered problem solving process, evaluation planning, and interpretation of test results. This paper also aims to provide valuable resources for practitioners.

Determining the appropriateness of referring an English Learner (EL) for evaluation for special education eligibility and services is a difficult decision. Care must be taken to determine whether the student's learning and/or behavior problems indicate a disability, and/or a manifestation of language, cultural, experiential, and/or sociolinguistic factors. In the United States, there is growing concern about over-identifying and under-identifying ELs with disabilities (Artiles & Ortiz, 2002; Hamayan et al., 2013). In some schools, when ELs do not seem to be making the same academic progress as their classmates or learning English rapidly, they are referred for a special education evaluation (Fuchs et al., 2003). Simultaneously, some schools fear that they might be referring ELs too quickly and that time is needed for a student to learn English before a special education referral is made - an approach that can prevent the intervention that is needed from occurring (Fuchs et al., 2003).

LANGUAGE ACQUISITION AND CULTURE

Language Acquisition

Language development/acquisition is affected by cultural and social factors, including socioeconomic status, family bonds and sense of belonging, parental education background, trauma history, country and culture of origin, and particulars of language exposure.

Key terms:	
Language Proficiency	● The degree of a person's competence and fluency in a language and a measure of linguistic abilities in that language.
Language Dominance	● The language in which a person is more proficient and implies a comparison to another language. Language dominance does not equate proficiency. Language dominance can also be fluid and situationally specific. For example, a student's language dominance could change due to the needs of the situation at home versus at school.
Social Language	● Also referred to as Basic Interpersonal Communication Skills or BICS (Cummins, 1981), is the informal type of language newcomers need to function socially in hallways, classrooms, school buses, and playgrounds (Haynes, 2007). Cummins's research shows that it takes one to three years for English language learners to reach the social language level of their peers (Haynes, 2007).
Academic Language	● Also referred to as Cognitive Academic Language Proficiency (CALP), includes language for formal academic learning and for written texts in content areas such as literature, math, science, and social studies (Cummins, 1981). CALP skills also encompass reading, writing, and thinking about subject-area content material (Haynes, 2007). Students also use CALP skills to compare, classify, synthesize, evaluate, and infer (Haynes, 2007). Full mastery is highly variable and could take as much as seven to ten years to acquire.

Culture

Cultural differences impact the way education is viewed in the home and the way a student behaves at school.

Cultural considerations:	
Respect	● Within the Latinx/Hispanic culture, children are taught to respect those who are older, *el respeto*. Teachers are regarded as "second parents" and children are expected to behave or shame would be brought upon the family (Lopez et al., 2020). Since educators are viewed as experts, parents or guardians within the Latinx/Hispanic culture may not question or disagree with what the school or teacher says (Lopez et al., 2020). ● In some cultures, students may not speak out or ask questions. A lack of assertive behavior may signify deference rather than disinterest (Tuafuti, 2010).
Eye contact	● Cultural differences influence eye contact behavior. In some cultures, such as East Asian cultures, individuals may perceive one's face as disagreeable or unapproachable when making eye contact (Akechi et al., 2013).
Parental involvement	● Beliefs regarding parental involvement may differ by culture. Some parents believe their role is to support their children's learning at home versus believing their only role is to make sure their children go to school; some believe they can help their children succeed versus lacking confidence in their ability to help their children; some believe that school achievement depends on effort versus innate ability (Hornby & Lafaele, 2011).
Adaptive behavior	● Adaptive behavior is influenced by the cultural context in which one lives. One's cultural environment may include different opportunities and expectations for behavior development (Oakland et al., 2013).

PROBLEM SOLVING AND INTERVENTION

General Guidelines for the School-Based Intervention Team

As with any student experiencing difficulties, multi-tiered evidence-based instruction and intervention models are recommended when problem-solving and developing plans to support students' learning, social-emotional, and/or behavioral needs. When problem-solving the needs of any student, it is important to consider the instruction, curriculum, and environment before focusing on the learner (ICEL). To gather data through the problem-solving process, the intervention team conducts record reviews, interviews, observations, and testing (RIOT). EL's

have unique criteria to consider with ICEL by RIOT. Please see below link for these unique criteria for considerations: ICEL by RIOT

Suggestions for school-based intervention teams:	
Interventions	• Provide small group intervention with plenty of modeling and think aloud, frequent opportunities for practice, frequent checks for understanding, and immediate corrective feedback (Baker, 2014, IES Practice Guide). • When possible, the language of the intervention should match the language used during core instruction (Esparza Brown & Sanford, 2011). • Interventions and instructional strategies are evidence-based for English learners and accessible by the student.
Analyzing and Interpreting Performance and Growth	• When possible, compare the student's benchmark scores with other students with similar English language proficiency and educational backgrounds (Linan-Thompson et al., 2015). Review the normative sample for the benchmark assessment to determine to whom the student is being compared. • Compare the student's rate of progress and response to intervention with 1) other students receiving the intervention and 2) with other students receiving intervention with similar English language proficiency levels. When possible, compare EL students to their true peers, including those with similar cultural backgrounds AND students who share similar educational experiences and similar language proficiency levels (Esparza Brown & Sanford, 2011). • In the past, it was believed that low English proficiency prevented ELs from learning to read in English. As a result, ELs were not assessed with early reading measures until they reached adequate English proficiency. Contrary to this belief, current studies have found that the level of English language proficiency does not predict who will struggle with basic reading. In addition, ELs can be assessed using the same English early literacy screening tools used with their English-only peers to monitor their progress (https://mtss4success.org/sites/default/files/2020-07/rtiforells.pdf).
Intervention Meeting	• Meetings should be held with families, using a qualified interpreter when necessary, determining their perceptions of the problem, discussing suggestions for helping the student, and obtaining background information. (Example of Parent Questionnaire) • Input from the migrant education and/or ESL teacher is also an important resource for information regarding the child's functional level. (Example of ESL teacher interview, English Learner and ESL History)
Consultation	• Team has conferred with or invited ESL teacher or those with EL

	expertise to attend. Core instruction best practices have been implemented (ICE). The student's LEP (Limited English Proficiency) plan has been reviewed and discussed with the ESL teacher. ● Data has been looked at through an EL lens. ● Student's data has been compared to other students' data with similar language proficiency levels and background.

Guidance for Referral to Special Education

Given the language difficulties normally expected when acquiring a second language, careful consideration should be given before referring students for special education.

Considerations for school-based intervention teams:	
Review of multiple sources of data	● Documentation of the student's problems across settings should be included, along with evidence that the student's difficulties are present in both languages and across multiple assessments or forms of evaluations, and that they have not made satisfactory progress despite having received competent instruction and intervention (Esparza Brown & Sanford, 2011).
Peer comparison	● Klingner & Eppolito (2014) reported that examining the number of ELs struggling in a class or across classes is a good indicator for referring for an evaluation. ● If the majority of EL students are making little progress, focus on improving instruction for all ELs. If most EL students are doing well except a few, review the students' LEP plans and the fidelity of implementation of accommodations and modifications. If the LEP plan is implemented with fidelity, look into additional individual/small group supports.
Use of LE^{3}AP	● Gill and Nanayakkara (2020) recommended using LE^{3}AP (Look at Exposure, Experience, Expectations, and Practice) to determine if a skill deficit is reasonable or a potential disability. LE^{3}AP is further defined as: ○ ***Exposure****: Has the student been exposed to the skill deficit similarly to students who have learned the skill/behavior in question?* ○ ***Experience****: Was the student actively involved in the skill/behavior similarly to students who developed the skill/behavior in question?* ○ ***Expectation(s)****: Did the adults in the student's environment expect them to attempt/learn the new skill/behavior? How did they support that learning? How do those expectations and*

	support compare with what is usually seen for a child who has learned that skill/behavior? ○ ***Practice**: What did the student do in order to get better at the skill/behavior and how does that compare to students who have acquired the skill/behavior in question? (p.43-44)*

EVALUATION PLANNING

Issues Related to Evaluation

When planning evaluations for ELs, practitioners must be mindful of issues related to communicating with families, their competencies as examiners, and issues related to test selection and standardization. The evaluation should include dynamic assessment whereby information is obtained through multiple data sources (e.g., interviews, observations, record reviews, tests), not simply tests based on established normative criteria.

Issues related to the evaluation process:	
IEP Team Meeting	● When the IEP team recommends an evaluation, the parents must be "fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other modes of communication" (IDEA, 2004). This includes providing the written procedural safeguards notice and the written prior notice in the parents' dominant language unless it is not feasible to do so. If forms are not available in the dominant language or the parents/guardians are not literate, an interpreter should ensure informed consent.
Examiner's Competencies	● If possible, the school psychologist should be proficient in the student's dominant language or dialect ***and*** trained in conducting bilingual assessments. ● The school psychologist has been trained and understands cultural diversity and language development (NASP, 2015). ● All school psychologists who have been trained in understanding cultural diversity and working with an interpreter, in ecological assessment, and in integrating language proficiency data, can be capable of assessing EL students (NASP, 2015). ● School psychologists need to be well informed about various cultural topics, including language development, second-language acquisition, culturally sensitive environmental and individual evaluation procedures, and non-biased assessment techniques.
Test Selection and Standardization Issues	● "Assessments and other evaluation materials used to assess a child are provided and administered in the child's native language 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" (IDEA, 2004). ● Ensure that students with limited English proficiency are not evaluated based on criteria that essentially measure English language skills (Civil Rights Act, 1964; IDEA, 2004). ● All tests that use English written or oral skills are, in part, measures of the English language. ● When choosing instruments and interpreting data from standardized measures, the examiner needs to review the norming sample to understand the comparison group for the student. Comparison groups could include monolingual English, bilingual, and/or monolingual native language speakers. ● Testing in the native language may also yield lowered scores because the test may be normed on students who are "monolingual" speakers of that language (Flanagan et al., 2013).

Additionally, examiners need to have knowledge and understanding of appropriate uses and inappropriate uses of interpretation and translation for evaluation purposes. See the dos and don'ts of interpreting and translating in the following table.

Dos & Don'ts: Translating and interpreting during evaluation		
	Do	*Don't*
Translating Test Instruments	• Use the interpreter for informal academic measures. Informal academic measures can include books or resources in the student's first language (Gill & Nanayakkara, 2020).	• Translate English-language normed instruments to assess bilingual students. This practice is highly discouraged as it can lead to misinterpretations and changes in the order of difficulty. Psychometric properties do not translate from one language to another. There may be problems with concepts that cannot be directly translated and concepts that may change meaning once translated into different languages. Current viewpoints indicate that a translated test is inappropriate as it may be measuring constructs and knowledge different from what was intended.
Interpreting During the Evaluation	• Use a qualified interpreter during evaluation and read the test administration manual to determine how to use an interpreter for that particular measure. • Review Awareness of best practices in collaborating with interpreter (NASP, 2015). • See Interpreter Checklist for using an interpreter during an evaluation.	• Use someone other than a qualified interpreter, including family members.

When evaluating EL students, examiners need to consider unique factors regarding ELs. Examiners may face unique considerations when evaluating a student's language proficiency, academic achievement, cognitive abilities, and adaptive behavior.

Suggestions for evaluation components:	
Language Proficiency	Purpose: An assessment of language proficiency, as an initial step in evaluating EL students, helps to determine the language(s) used for subsequent assessments, and the interpretations made of assessment results are based on these language competencies (Rhodes et al., 2005). Therefore, it is necessary to consider the level of linguistic and literacy proficiencies of ELs in both their home language and in English. Cognitive academic language proficiency (CALP) development is affected by age, ability level, previous schooling, language(s) of instruction, cultural experiences, and amount of exposure to the native language and English. If a student has CALP in their native language, they are more likely to obtain CALP in English more rapidly versus a student who does not have CALP in their native language (Rhodes et al., 2005). For example, a student who can read in their first language and has established CALP will likely establish CALP more rapidly in English than a student who cannot read in their native language and has not established CALP. ● First, gather the information that was collected during the problem solving process-ICEL by RIOT. ● Review: Speech Language screening/evaluation scores and review the test manual to determine what the sample group was, such as bilingual or monolingual, to know what lens through which to interpret the scores. ● Evaluation: Determining language proficiency will help with test selection and if any accommodations may be necessary. This information is also important for test interpretation. Two students, testing at the same level in English and with the same native language, may have completely different test interpretations depending on the strength of their native language. Assessing proficiency in both languages is essential to determine if the student's academic difficulties are due to an inherent disability versus normal second language acquisition effects. A true disability must be apparent in both languages; however, deficiency in both languages does not necessarily indicate a disability. While looking at the information gathered, what information would confirm or negate the hypothesis that this student has a disability? ○ As an alternative, if first language assessments are not available, assessing phonological awareness, word reading and memory in English provide reliable information for non-native speakers (Adelson et al., 2014). It is rare for a student who speaks two or more languages to have a SLD in listening comprehension/oral expression (Adelson et al., 2014).
Cognitive Evaluation	Purpose: If the IEP team agrees that a cognitive evaluation would provide necessary information, they should be aware that there is no single instrument or procedure that can yield an accurate representation of all cognitive abilities. However, the information obtained through a language assessment will help guide

	the selection of the cognitive assessment instruments to fit the unique characteristics and assessment needs of the referred EL student. The language proficiency results will help determine whether to use an English test, nonverbal test, or a test in the student's native language. Things to consider when choosing and interpreting the test: ● Does the student have enough CALP in English or native language to access the test measure? ● What are the cultural and language factors of the cognitive measure? ● Use of nonverbal measures do not necessarily equate to appropriate and reliable data (NASP, 2015). ● Does the information collected during the RIOT problem solving process confirm or negate the results of the measure? ○ If the examiner administers a standardized cognitive measure, they must interpret scores through the lens of the information that was collected during the RIOT problem solving process. For example, is there information from the parent and/or first language instruction that indicates that the student has a history of cognitive deficits?
Educational Evaluation	Purpose: Standardized achievement assessments should only be administered in the language in which the student received academic instruction (Esparza Brown & Sanford, 2011). As with the cognitive assessment, the use of language assessment information will help direct the choice of assessment instruments. Multiple sources of data need to be analyzed and interpreted to determine the student's strengths and needs. These may include diagnostic assessments, curriculum based assessment, portfolio assessments, work samples, and classroom formative assessments. Things to consider when choosing a standardized achievement measure: ● If the student has never received academic instruction in the native language (and only if they received academic instruction in English), conduct assessments in English. ● If the student has been learning academic skills in their native language, then conduct assessment in the student's native language. ● If the student has received academic instruction in both languages or they already crossed over to English, the educational evaluation may need to be conducted in both languages. ● It is important to consider the instructional level achieved in each language, as well as the present and possibly lost skills due to discontinued instruction in either language. ● Does the information collected during the RIOT problem solving process confirm or negate the results of the measure?
Adaptive Behavior Evaluation	Purpose: It is important to remember that adaptive behavior is culturally defined. Therefore, examiners are advised to "incorporate different methods of adaptive behavior assessments, including traditional norm-referenced scales and

	alternative methods of assessment in order to obtain ecologically valid information about children's functional strengths and limitations" (Harrison & Robinson, 1995; Reschly et al., 2002). These methods may include observations, interviews, self-reports, and sociometric techniques. They should be used across a number of settings (e.g., home, community, school). Things to consider when choosing standardized adaptive behavior measures: ● Before using an adaptive behavior measure, review the cultural validity and biases of the scale (Li et al., 2016). The normative samples used in the majority of available scales are not adequate comparison groups for the EL population due to different cultural expectations. ● Using a parent interview form because parents can provide valuable information regarding norms in their own culture and within their family. Interviewing parents using an interpreter may prove useful in obtaining this information.

***Instruments Available for the Assessment of EL Students**

Interpretation of Test Results

The difficulty of gauging the cognitive and academic status of EL students in schools is significant given the complex nature of emerging bilingualism. Differences in culture within any community are substantial and influence second language acquisition. Evaluators must also attend to the overall picture of a student's background and performance, using information obtained from multiple sources (e.g., parent, student, school personnel). There are, of course, no best practices that will entirely eliminate the influence of language and culture in situations where standardized tests are used. However, one can apply a careful, deliberate, and systematic approach that is specifically designed to reduce the potential discriminatory aspects of the assessment process. Subsequent interpretation must also be made within a broad, comprehensive framework for less discriminatory assessment.

Considerations for interpretation:	
Scoring poorly on tests	● Remember that there are many reasons, other than the presence of a disability, which may cause a student to score poorly on tests, including: ○ Limited English Proficiency ○ use of inappropriate instruments ○ inappropriate adaptations or modifications ○ poor testing conditions ○ lack of exposure to this type of test ○ lack of rapport ○ differences in cultural rules for interaction.
Data interpretation	When interpreting assessment data, consider the following questions Considerations for English Learners (Rinaldi et al., n.d.): ● Did the student get credit for responding in the native language as

	appropriate, where permitted by the standardization protocol? ● Were multiple evaluation instruments used that are reliable and validated for the intended purpose, and were the results combined with universal-screening, progress-monitoring, diagnostic, language proficiency, and other data sources to draw conclusions? ● Were results described based on equitable and nondiscriminatory interpretation of assessments that have been systematically examined for potential bias relative to cultural and linguistic factors?

CONCLUSION

The NCSPA EL paper was revised in light of over and under identification of EL students in special education, nation-wide (Artiles & Ortiz, 2002; Hamayan et al., 2013). This updated version of the paper is intended to serve as an applicable resource for practitioners in the state of North Carolina. The paper outlines many special factors that should be considered, including language acquisition and culture, problem solving and intervention, considerations regarding special education referrals, evaluation planning, dos and don'ts for utilizing translators and/or interpreters, suggestions for evaluation components, and finally, guidance for interpreting assessment results.

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