



SPECIAL EDUCATION RESOURCES

Assessing English Learners When Conducting Comprehensive Special Education Evaluations

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Introduction

There is no single method to distinguish between English learners (ELs) who are acquiring new language skills, and those who have a disability.¹ IEP teams are required to determine whether a student's difficulties in academic and functional skills are the result of secondary language acquisition, a disability, a combination of these two factors, or other ecological factors.

When determining whether an EL has a disability, it is essential for educators to describe as specifically as possible the difficulties the student is experiencing and behaviors they are exhibiting. Decisions regarding instructional programming and intervention must be based on student data and information provided by families. IEP teams must also consider the linguistic, cultural, and educational background of an English learner.

This document provides IEP teams with a series of guiding questions to engage in meaningful and productive conversations when an EL student is suspected of having a disability. The following considerations and recommendations are not an exhaustive list of considerations; the unique needs of every individual student must be considered during every comprehensive special education evaluation.

Considerations and Recommendations

- [Emerging English proficiency](#) is considered an exclusionary factor for all special education evaluations. Teams must remember that exclusionary factors are addressed after all new and existing assessment data and other information have been analyzed before the IEP team makes its eligibility decision. An IEP team may not find a student to be a “child with a disability” if any of the exclusionary factors listed in state or federal legislation are the **determinant reason** for the decision that the student meets special education eligibility criteria. [34 CFR § 300.306\(b\)](#); [Wis. Stat. § 115.782\(3\)\(a\)](#). IEP teams may assess, consider, and discuss one or more exclusionary factors **AND** still determine that a student has a disability and need for special education.
- Consider the amount of time the student has been learning English. Although a student may develop adequate English to interact socially within 1-3 years, it is not unusual to take up to 5-7 years for some students to develop academic language proficiency that allows them to function effectively in an educational setting (Cummins, Harley, & Swain, 1990). This does not mean that students cannot be evaluated until they are fully English

¹ Misidentification of ELs may consist of over-identification or under-identification and can vary by Local Education Agency ([Chapter 6 of OELA EL Toolkit](#)).

proficient. Rather, language must be considered as a possible factor impacting student achievement for students who have not yet achieved full English proficiency.

- Determine if the reason for a comprehensive special education evaluation is based on the student's suspected disability and the need for specially designed instruction, and not the student's English language proficiency.
- Involve parents, guardians, and family members. Gather as much information on the student's language use history as possible, establishing the first language(s) learned, the language(s) most often spoken in the home, what other languages may be spoken in the home and by whom, if there was preschool experience, and the language(s) used by the student. The home language survey given to all students upon enrollment in the district may also be a source of information about the languages used by the student.
- Consider the effectiveness and fidelity of the services and supports that a student has already been provided (i.e., quality, duration, frequency, timeliness, etc.) whether through the district's language instruction education program, universal instruction, and any interventions the student had been receiving. English learners should be provided with content instruction that is attentive to language development standards and be served by teachers who are trained in English as a Second Language (ESL) strategies.
- Ensure assessments and other evaluation materials used to assess a child are selected and administered so as not to be racially or culturally discriminatory and are provided and administered in the language and 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 do so as required by: [34 CFR § 300.304\(c\)\(1\)](#); [Wis. Stat. § 115.782\(2\)\(a\)3](#).
- Monitor student progress in comparison to English learners with similar background and English language proficiency (ELP) levels. This can help IEP teams differentiate between language acquisition and effects of a disability. IEP teams may need to disaggregate student data to make such comparisons.
- Consider if the student demonstrates better progress in academic areas or courses with lower language use requirements. Consider the student's historical progress when receiving instruction in their home language compared to their progress when instructed in English. Consider if rates of progress increase over time as the student gains additional English language skills.

- When determining if a student has a disability, conduct additional observations in multiple educational settings. This is particularly important for English Learners who may be served in different settings (e.g., general education classroom, ESL pullout, bilingual classroom) and who may interact both with monolingual English-speakers and speakers of their home language throughout the school day.
- For all disability identifications, it is essential to include an educator with foundational knowledge in first and second language instruction and second language acquisition (e.g.: speech and language pathologist, ESL/bilingual teacher, world language teacher) if the student is identified as an English learner under [20 USC 7801 \(20\)](#).

Guiding Questions for IEP teams evaluating an English Learner

Use the questions below to gather information and guide conversation with students, parents, guardians, teachers, and other school personnel members to create a balanced view of the whole student. The questions are not meant to serve as a checklist or survey to be completed by stakeholders (parents/guardians, school personnel, etc.). Rather, they are meant to suggest information that the IEP team may want to gather prior to conducting a special education evaluation and to provide possible topics of conversation when the IEP team meets to determine special education status.

Information from Parents or Guardians²

- What are the strengths and interests of the student?
- Are the parents or guardians concerned about the student’s progress?
- Is this student’s progress different from that of siblings?
- What language do parents/guardians primarily use when communicating with the student?
- What language is primarily spoken by the student in the following settings:
 - Home (parents, caregivers, siblings)
 - School (school personnel, peers)
 - Community (peers, adults)

² When conducting information-gathering interviews with the parents and guardians of EL students, consider using culturally responsive interview techniques, as described here: <https://www.nasponline.org/professional-development/a-closer-look/culturally-responsive-interviewing-proactive-strategies-for-bipoc-students>

Physical and Mental Health

- Does the student have a significant birth, developmental, or health history?
 - Has the child experienced any physical trauma (i.e., related to accidents, etc.) that may impact their health?
- Does the student have a medical diagnosis?
- What are the results of the most recent vision and hearing screening?
 - Does the student wear glasses? How often?
- Can any social or psychological factors (e.g., refugee or immigrant status; mental health concerns; racial or ethnic bias) be identified?

Language History

- What is the student's first language? Home language?
- How many years has the student been exposed to English? In what settings (e.g., school, home, community, siblings, television)?
- Is the student's acquisition of English slower than expected? (Refer to ACCESS scores and growth percentiles. See also [Analyzing EL Growth Data in WISEdash for Districts](#)).
- Is there a difference across languages used by the student between proficiency in interpretive, or receptive, communication versus expressive communication, either as demonstrated by language proficiency test scores or participation in classroom activities?

Educational History

- How many years has the student attended school in the US?
 - Did the student attend 4K and kindergarten in the US?
 - In what language(s) has instruction been delivered?
- Does the student enjoy school?
- What is the student's current and past school attendance?
- Did the student attend school in a country other than the US?
 - How many years did the student attend school there?
 - Did the school have any academic concerns?
 - Did the student receive additional services or interventions? If so, what were they? Were the services helpful to the student?
- If the student attended school in another country, are there differences between the school curricula of that country and the U.S.?
 - When does formal literacy instruction begin?
 - Are there differences in instructional approaches?
 - What were the daily and annual school schedules?
- If the student attended school in another country, how are students with disabilities viewed and served in that country?
- Is this student a student with limited or interrupted formal education (SLIFE)?

Current Educational Information

- In what language does the student receive most of their universal instruction?
- What types of language support does the student receive?
 - Does the student receive the support needed to access the universal curriculum (e.g., sheltered instruction, instruction in home language, etc.)?
 - Is the student provided with support related to both expressive (speaking, writing, representing) and interpretive, or receptive, (listening, reading, viewing) communication modes?
 - Is the student provided with opportunities to regularly practice and develop receptive and expressive language, both social and academic?
- How much language support does the student receive during the school day? Is support limited to certain subjects or times of the day?
- Are culturally relevant teaching practices and instructional materials used in the student's learning environments? Are connections made between the content being learned and the student's background knowledge, lived experiences, and interests?
- Is there a difference in the student's academic performance by subject or learning environment?
- How might language use in the classroom be affected by the student's EL status and cultural background? Consider:
 - Impact of English language proficiency level
 - Impact of affective, or emotional, factors (i.e., feelings of anxiety, self-confidence, etc. related to using English in the classroom context)
 - Impact of cultural norms related to language use and social interactions (e.g., eye contact, adult-centered communication vs child-centered communication, etc.)
- Is the student's academic progress similar to their like peers?
- Is the student's [functional performance](#) within age or grade level expectations?
- Does the student demonstrate difficulties in the areas of concern in both their home language and English?
- If the student is receiving interventions, is there evidence the interventions have been proven effective for English learners?
 - In what language is the student receiving interventions?

Analyzing and Summarizing Team Discussion

Once the team has completed its comprehensive evaluation and gathered data related to the guiding questions and a full picture of the whole child has been developed, use the following considerations to analyze and summarize the data to determine what next steps might be (e.g.: additional support through MLSS, ESL/bilingual services, specially designed instruction).

- What does the data gathered say about the student?
- What are the student's strengths?
 - Consider information from parents and educators.
 - Include hobbies and interests.
- What are the student's needs?
- Is there evidence that might point to a disability?
 - Do needs appear across all languages, including the student's home language?
- Could the observed behaviors or concerns be attributed to a non-disability related cause, such as the student's EL status or schooling background?
 - Does the student demonstrate more progress when receiving instruction and intervention in their home language compared to instruction provided in English?
- Is the student receiving universal instruction and interventions that are appropriate for ELs (i.e., culturally relevant, asset-based, and responsive to linguistic needs)?
- Is there evidence that other factors or impairments may be impacting academic progress?
- Based on this information, what are the next steps addressing the student's needs?
 - Develop IEP?
 - Revise and update the EL Plan to include appropriate language support?
 - Provide support through existing MLSS?

For additional guidance on analyzing and making decisions about data related to ELs, please consult the following resources:

- WIDA Focus Bulletin: [Identifying ELLs with Specific Learning Disabilities: Facts, Advice, and Resources for School Teams](#)
- Wisconsin Department of Public Instruction: [Culturally Responsive Problem Solving](#)
- Chapter 6 of OELA EL Toolkit: [Tools and Resources for Addressing English Learners with Disabilities](#)

Further resources on special education evaluation and IEP development for ELs can be found in Chapter 11 of DPI's [English Learner Policy Handbook](#).

Resources

Arizona State Department of Ed: [Identifying and Supporting English Learners with Disabilities](#)

¡Colorín Colorado!: [Some Myths Regarding ELLs and Special Education | Colorín Colorado](#)

Regional Education Laboratory At West Ed: [Identifying and supporting English learner students with learning disabilities: Key issues in the literature and state practice](#)

United States Department of Education: [Chapter 6 Tools and Resources for Addressing English Learners With Disabilities](#)

U.S. Office of Special Education Programs: [Meeting the needs of English learners with and without disabilities: Brief 2, Evidence-based Tier 2 intervention practices for English learners](#)

WIDA: [WIDA English Language Development Standards Framework, 2020 Edition](#)

WIDA: [Focus on ELL Identifying Specific Learning Disabilities](#)

Wisconsin Department of Public Instruction: [Comprehensive Special Education Evaluation](#)

Wisconsin Department of Public Instruction: [Addressing Bias in a Comprehensive Special Education Evaluation](#)

Wisconsin Department of Public Instruction: [Special Education and Multilingual Learners](#)

Wisconsin Department of Public Instruction: [English Learner Policy Handbook, Chapter 11 English Learners with Disabilities](#)

Wisconsin Department of Public Instruction: [Speech and Language Assessment - Linguistically Culturally Diverse: Spanish Speaking](#)

Additional Reading

Hamayan, Else V., Barbara Marler, Cristina Sanchez-Lopez, and Jack Damico. "Special Education Considerations for Multilingual Learners: Delivering a Continuum of Services." 3rd ed., Baltimore: Paul H. Brookes Publishing Co., 2013.



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