

SECTION 2 BILINGUAL ASSESSMENTS

BILINGUAL ASSESSMENT REQUESTS

REFERRAL PROCESSES

REEVALUATIONS

INITIAL REFERRAL, REQUEST FOR REFERRAL, OR REQUEST FOR
CLASSIFIED STUDENT

BILINGUAL TEAM EVALUATION FORM

PROCEDURES FOR CSE PROCESS FOR SPEAKERS OF OTHER LANGUAGES

CSE CHECKLIST CONSIDERING LIMITED ENGLISH PROFICIENCY

MARCH 2011 NYSED MEMORANDUM

BILINGUAL ASSESSMENT Requests

Bilingual Team members and contact information

Leslie Griffith	School Psychologist	leslie.griffith@rcsdk12.org
Maria Gonzalez	School Psychologist	Maria.Gonzalez@RCSDK12.ORG
Alex Miranda-Bermudez	School Psychologist	Alejandro.Miranda-Bermudez@RCSDK
Jennifer Kane	Academic Evaluator	jennifer.kane@rcsdk12.org
Sharon Montoya	Speech-Language Pathologist	Sharon.montoya@rcsdk12.org
Melissa Petri	Speech-Language Pathologist	Melissa.petri@rcsdk12.org
Teresa Stamper-Webster	Speech-Language Pathologist	Teresa.Stamper-Webster@RCSDK12.ORG
Michelle Mercado	Speech-Language Pathologist	Michelle.Mercado@RCSDK12.ORG
Rosa Vargas-Cronin	Speech-Language Pathologist	Rosa.Vargas-Cronin@RCSDK12.ORG
Adelia Muñoz	School Social Worker	adelia.munoz@rcsdk12.org

Language Assessments and Scoring

Indication for Language Proficiency

English

LAB-R This is an ENGLISH proficiency test and scores are on a continuum of 1 to 4.

1, 2, 3 =test by the Bilingual Team

4 =English dominant and may be tested by the school's ESS Team.

NYSESLAT: This is an English proficiency test, which is given once a year in the spring by ESOL teachers, and the scores are on a continuum of 1 to 5.

1, 2, 3= test by Bilingual Team

4, 5= English dominant and may be tested by the school's ESS Team

NYSITELL

The purpose of the NYSITELL is to assess the English language level of new students whose home or primary language is other than English. Scores are indicated on Levels I - VII,

1 Entering (beginning), 2 emerging (low intermediate), 3 transitioning (intermediate) =test by bilingual team

4 expanding (advanced), 5 commanding (proficient)= English dominant and may be tested by the school's ESS Team

SPANISH

PRE-LAS, LAS I, LAS II

The Pre-LAS, LAS 1 and LAS II are designed to measure English and Spanish language proficiency

These tests are on a continuum of 1-5.

1 (non-speaker)=English dominant and may be tested by the school's ESS Team

2 (very limited speaker), 3 (limited speaker), 4 (functional speaker), 5 (proficient/fluent speaker)=test by bilingual team

NOTES:

- If one Bilingual Team member tests a student and determines that this child is English dominant, the remainder of the testing should be completed by the school ESS Team. Sometimes a proficiency score does not match the child's true language dominance/ preference (learning vs language issue).
- If direct testing (cognitive, academic) is not required, school psychologist at the school, would be responsible for a cumulative review and/or rating scale reports (behavior, adaptive, etc.).
- Bilingual team does not translate documents or act as interpreters. Please send your requests for translation and interpreters to Diane Bachmann.
- If the student is non-verbal, please communicate with the bilingual team to determine if it is appropriate for the bilingual team prior to completing the bilingual team referral form.
- If a student has received the same score for 3 years or more, it is more likely due to a learning issue. Looking at student enrollment and instructional language, determine whether the school team should conduct this assessment.

REFERRAL PROCESSESInterim Placements

1. Placement CASE scans Interim Placement Agreement documents/packets to home school.
2. Home school team determines the need for Spanish/bilingual assessment based on language proficiency scores determined by Language Assessors at the time of placement.
3. Home school team completes the process as described below for all referrals.
4. Home school team scans Interim placement agreement packet to bilingual team members.

Comprehensive 3 year ReevaluationsDue by October 10, 2017

1. School Team reviews annual comprehensive reevaluation projections for SWD caseload per school.
2. School Team develops a projected schedule for assessment completion/CSE date.
3. School Team reviews the need for bilingual team support by determining language dominance. Language dominance is determined by looking at most recent assessments (listed below) language proficiency scores found under Test Results in Power School.
4. School Team determines language proficiency using the scores indicated in the above section **Language Assessments and Scoring Indication for Language Proficiency**
5. Building team completes assessment form for each student requiring a bilingual evaluation.
6. Building team completes a listing of all students requiring bilingual assessments (listing specific assessments required) with the expected CSE date and submits all materials to CASE of bilingual team members.
7. Building team completes PWN following department procedures and sends to parent.
8. Building team notifies bilingual team when consent is received and logs consent into Frontline process log.

9. Upon completion, the Bilingual team sends required assessments to Building team, submitting an additional copy for the cumulative folder. Summaries of the reports are written in Spanish for the parents and are attached to reports, which are written in English and sent to the building team. Building team sends a copy of reports to parent prior to the meeting. If translation/interpreter is required for parent, the building team completes request for interpreter or translation process.

Initial Referral Request for Initial Referral or Request for CSE Meeting for Classified Student/Reevaluation.

1. Referral process begins utilizing the RCSD process for **Initial Referral Request for Initial Referral or Request for CSE Meeting for Classified Student/Reevaluation.**
2. Submitting staff reviews the need for bilingual team support by determining language dominance/proficiency. School Team determines language dominance/proficiency using the scores indicated in the above section **Language Assessments and Scoring- Indication for Language Proficiency.**
3. Submitting staff determines the need for bilingual assessment and checks the appropriate box on the CSE referral form.
4. Submitting staff completes the Bilingual Team Evaluation Form and submits to the Central Referral Mailbox.
6. Nidia Saltares sends a copy of the referral and the Bilingual Team Evaluation form to CASE of bilingual team. SSA sends PWN to parent or guardian.
7. SSA logs receipt of consent in Frontline and contacts staff submitting the referral.
8. Submitting staff informs the bilingual team when consent is received.
9. Bilingual team sends required assessments to building team, submitting an additional copy for the cumulative folder. Summaries of the reports are written in Spanish for the parents and are attached to reports, which are written in English and sent to the building team. Building team sends a copy of reports to parent prior to the meeting. If translation/interpreter is required for parent, the building team completes request for interpreter or translation process.

BILINGUAL Team Evaluation Form

Referring School:

Staff submitting request:

Telephone number of staff submitting request:

Student information

Student ID#: Click here to enter text.

Student Last Name:

Student First Name: Click here to enter text.

DOB: Click here to enter text.

Language Dominance: Click here to enter text.

Assessment Date: Click here to enter text.

English

Assessment #1 LAB-R(Choose from drop down)

Score/Proficiency level: Click here to enter text.

Assessment #2 NYSESLAT(Choose from drop down)

Score/Proficiency level: Click here to enter text.

Assessment Date: Click here to enter text.

Spanish

(Choose from drop down)

Assessment #1 Choose an item. (Choose from drop down)

Score/Proficiency level: Click here to enter text.

Assessment #2 Choose an item. (Choose from drop down)

Score/Proficiency level Click here to enter text.

Bilingual assessments requested per PWN:

Psychological

Social History

Speech Language

RCSD Procedures for CSE process for Speakers of Other Languages

NYSED Memo March 2011

Bilingual and English as a Second Language (ESL) Services for Limited English Proficient (LEP)/English Language Learners (ELLs) who are Students with Disabilities

Committee on Special Education

When the Committee on Special Education (CSE) develops an individualized education program (IEP) for a LEP/ELL student with a disability, it must consider the language needs of the student as they relate to the student's IEP as well as the special education supports and services a student needs to address his or her disability and to support the student's participation and progress in the general education curriculum. Such considerations include, but are not limited to:

- the student's need for special education programs and services to support the student's participation and progress in English language arts instruction, content area instruction in English and ESL instruction; and
- whether the student needs bilingual special education and/or related services.

LEP/ELL students are entitled to certain testing accommodations during the period of time that they are designated LEP/ELL pursuant to Part 154 and for up to two years immediately after they have achieved proficiency on the New York State English as a Second Language Achievement Test (NYSESLAT). However, it is still the responsibility of the CSE to identify in the student's IEP any individual testing accommodations needed by the student as a result of his or her disability, which may include, but are not limited to, the same testing accommodations that the student is entitled to as a LEP/ELL or former LEP/ELL student.

To ensure that the IEPs for LEP/ELL students are appropriately developed, personnel with knowledge of second language needs and how these needs relate to the student's disability should be invited to participate in CSE meetings.

Further, section 154.3(l) of the Regulations of the Commissioner of Education allows the CSE to determine whether the required Part 154 services can be met by participation in general education classes or must be met, in part or in total, through special education programs and services (e.g., a bilingual special class; a special class with ESL instruction provided by appropriately qualified staff in the special class; bilingual counseling). It does not authorize the CSE to determine that a LEP/ELL student with a disability will not receive any services pursuant to Part 154. This section of the Regulations also provides that a student with a disability who is also receiving services pursuant to Part 154 would be counted as both a LEP/ELL student and a student with a disability for purposes of calculating State aid pursuant to section 3602 of the Education Law.

Even if the students are in special classes in the school district, they are entitled to receive ESL and, as appropriate, bilingual education programs of the district. For a student with a disability placed by the CSE in an out-of-district program (e.g., BOCES, approved private school), the CSE should consider how bilingual and/or language arts instructional programs, as such terms are defined in section 154.2 of the Regulations of the Commissioner of Education, can be made available to the student in the out-of-district placement, including, but not limited to consideration of whether the student could participate in the sending public school district's free-standing ESL program.

RCSD Procedures for CSE process for Speakers of Other Languages

1. When an English Language Learner (ELL) is referred to the committee on special education (CSE), the building Education Support Services (ESS) team will determine language dominance using the following current assessments (no older than 6 months):
 - NYSITELL
 - NYSESLAT
 - LASStudents who are not deemed proficient in English will be assessed in their native, dominant language for evaluation purposes for the CSE.
2. The CSE will convene to determine appropriate program for the ELL student. The CSE membership will include:
 - General Education Teacher
 - Special Education Teacher
 - Parent
 - Student, if appropriate
 - Interpreter, if required
 - English as a New Language (ENL) Teacher or Bilingual Program Teacher
 - LEA Representative
3. The CSE must consider the student's level of English language proficiency, using the CSE checklist: Considering Limited English Proficiency before Classification of an English Language Learner as a discussion guide.

CSE checklist: Considering Limited English Proficiency before Classification of an English Language Learner

- Has the dominant language in the home been considered?
- Has the child's primary language of communication been considered?
- Were the cultural values and beliefs of the parents considered in planning for the child's education before referral?
- Was sufficient time to adjust to a new environment, language, classroom, community, and family situation provided before the referral?
- Has the opportunity to learn in the 1st language been provided?
- Is there evidence of whether or not the student had prior success when schooled in home language?
- Are prior school experiences, attendance and/or interrupted formal schooling documented?
- Did interventions provided prior to the referral include native language instruction and ESL methodology?
- Did the instructional plan incorporate a variety of research based instructional strategies for ELL? (including RTI specific for ELL)
- Is there a member of the CSE team who has expertise regarding the student and understands how language develops as well as strategies that can be used when education a student with English as a second language?
- Does the CSE Team have access to assessment data to determine if it is accurate and culturally and linguistically unbiased?
- Does the assessment information use a variety of methods and environments? (such as the use of multiple mediums to present information, culturally relevant information, a low stress environment for language performance)
- The assessments must demonstrate that the disability is evident in the dominant language or rule out limited language proficiency as the cause of learning difficulties.
- Descriptive data, not test scores, should decide if the student qualifies for special education.
- Standardized test results must be cross validated with performance based measures.
- If both performances are low and parents are also concerned about their child's communication skills, then the student most likely has a disability.
- Do the Present Levels of Performance statements in the IEP address both how the student uses his or her native language and how the student uses English?
- Do progress monitoring activities measure progress toward the mastery of English?
- Do the goals delineate in which language they will be addressed and who will be responsible for measuring the outcomes?
- Was there collaboration between general, special education, English as a second language and bilingual education teachers, if appropriate, during the referral process.
- Has the district communicated with the parents prior to the referral and clearly explained the referral process, evaluations in the language they understand?
- Have parents been actively involved in the referral process?
- Is there an interpreter who is knowledgeable about special education terms present at the CSE meeting for the parents and student?
- Are the CSE team members trained in how to use an interpreter effectively?
- Was the evaluation process that was used clearly defined in the native language and in English during the reviews and reevaluation?



March 2011

To: District Superintendents
Superintendents of Public Schools
Superintendents of State-Operated and State-Supported Schools
Superintendents of Special Act School Districts
Principals of Public, Nonpublic and Charter Schools
New York City Department of Education
Impartial Hearing Officers
Special Education Parent Centers
Regional Special Education Technical Assistance Support Centers
Bilingual/English as a Second Language (ESL) Technical Assistance Centers
Special Education Parent Centers
Early Childhood Direction Centers
Commissioner's Advisory Panel for Special Education Services
Organizations, Parents and Individuals Concerned with Special Education

From: Rebecca H. Cort *Rebecca H. Cort*
Associate Commissioner, Office of Special Education

Jean C. Stevens *Jean C. Stevens*
Associate Commissioner, Office of Curriculum, Instruction and Standards

Subject: Bilingual and English as a Second Language (ESL) Services for Limited English Proficient (LEP)/English Language Learners (ELLs) who are Students with Disabilities

The purpose of this memorandum is to clarify State policy regarding English as a Second Language (ESL) services for LEP/ELL students who are also identified as having disabilities. Part 154 of the Regulations of the Commissioner of Education establishes the State's requirements for services for students with limited English proficiency. The purpose of Part 154 is to ensure that all LEP/ELL students are provided opportunities to achieve the same educational goals and standards as the general student population. Each school district, in its comprehensive plan developed pursuant to section 154.3 of the Regulations of the Commissioner of Education, must provide assurances that each LEP/ELL student, including a student with a disability, has access to receive appropriate instructional and support services.

Committee on Special Education

When the Committee on Special Education (CSE) develops an individualized education program (IEP) for a LEP/ELL student with a disability, it must consider the

language needs of the student as they relate to the student's IEP as well as the special education supports and services a student needs to address his or her disability and to support the student's participation and progress in the general education curriculum. Such considerations include, but are not limited to:

- the student's need for special education programs and services to support the student's participation and progress in English language arts instruction, content area instruction in English and ESL instruction; and
- whether the student needs bilingual special education and/or related services.

LEP/ELL students are entitled to certain testing accommodations¹ during the period of time that they are designated LEP/ELL pursuant to Part 154 and for up to two years immediately after they have achieved proficiency on the New York State English as a Second Language Achievement Test (NYSESLAT). However, it is still the responsibility of the CSE to identify in the student's IEP any individual testing accommodations needed by the student **as a result of his or her disability**, which may include, but are not limited to, the same testing accommodations that the student is entitled to as a LEP/ELL or former LEP/ELL student.

To ensure that the IEPs for LEP/ELL students are appropriately developed, personnel with knowledge of second language needs and how these needs relate to the student's disability should be invited to participate in CSE meetings.

ESL Program

ESL programs should be considered general education core instruction for all LEP/ELL students. In the first instance, each LEP/ELL student with a disability must be provided the opportunity to participate in the district's ESL program. This may mean that special education services, accommodations, program modifications and/or supplementary supports and services, for example, may be needed to support that student's participation and progress in the ESL program. It may also mean that the CSE may recommend that the ESL program be provided to the student in his/her special class(es).

When the CSE has determined that the student cannot, because of his/her disability, participate in the district's general bilingual education program or free-standing ESL program, it must consider specially designed instructional programs provided by appropriately qualified staff that would:

- (1) support the development of the student's skills in the areas of understanding, speaking, reading, writing and communicating in English, through the integration of academic content appropriate for the student's

¹ These accommodations include time extension; separate location; third reading of listening selection (English language arts (ELA) exams only); bilingual glossaries (all exams except foreign language); simultaneous use of English and alternative language editions (not allowed for ELA and Foreign Language examinations); oral translation for lower incidence languages (not allowed for ELA and Foreign Language examinations); and writing responses in the native language (not allowed for ELA examinations).

- age, grade level, English language skills, and level of English proficiency;
and
(2) develop the cognitive skills of the LEP/ELL student.

This does not mean, however, that specially designed instruction (e.g., specialized reading instruction or supplemental instruction provided in a resource room) can replace a student's right to access the district's free-standing ESL program as a result of issues such as scheduling or availability of staff to provide such services.

Section 154.3(k)(2) of the Regulations of the Commissioner of Education gives parents the option to "withdraw their children only from participation in a bilingual education program," but not from ESL services. It does not give a CSE or any other district personnel the authority to determine that a student with a disability will not receive any ESL instruction unless the student has been re-designated English proficient pursuant to Part 154 of the Regulations of the Commissioner of Education.

Further, section 154.3(l) of the Regulations of the Commissioner of Education allows the CSE to determine whether the required Part 154 services can be met by participation in general education classes or must be met, in part or in total, through special education programs and services (e.g., a bilingual special class; a special class with ESL instruction provided by appropriately qualified staff in the special class; bilingual counseling). It does not authorize the CSE to determine that a LEP/ELL student with a disability will not receive any services pursuant to Part 154. This section of the Regulations also provides that a student with a disability who is also receiving services pursuant to Part 154 would be counted as both a LEP/ELL student and a student with a disability for purposes of calculating State aid pursuant to section 3602 of the Education Law.

Even if the students are in special classes in the school district, they are entitled to receive ESL and, as appropriate, bilingual education programs of the district. For a student with a disability placed by the CSE in an out-of-district program (e.g., BOCES, approved private school), the CSE should consider how bilingual and/or language arts instructional programs, as such terms are defined in section 154.2 of the Regulations of the Commissioner of Education, can be made available to the student in the out-of-district placement, including, but not limited to consideration of whether the student could participate in the sending public school district's free-standing ESL program.

Declassification from LEP/ELL Status

Part 154 of the Regulations of the Commissioner of Education establishes that for a student to be declassified from LEP/ELL status and therefore no longer be eligible to receive mandated bilingual education or free-standing ESL programs, the student must score proficient on the NYSESLAT. Scoring proficient on the NYSESLAT is the sole criterion for exiting LEP/ELL status in New York State. Therefore, until a LEP/ELL student, including a student with a disability, scores proficient on the NYSESLAT, the district is responsible to address the student's language needs pursuant to Part 154 of the Regulations of the Commissioner of Education and the student is, for accountability reporting purposes, a LEP/ELL student. This is true regardless of whether the student

attends the public school or has been placed in an out-of-district program by the CSE. The school district does not have the authority to cease providing the Part 154 services to these students when, for example, the CSE believes that the student's disability is the sole determinant factor for the student's score on the NYSESLAT.

Committee on Preschool Special Education

To ensure that the IEPs for LEP preschool students are appropriately developed, personnel with knowledge of second language needs and how these needs relate to the student's disability should be invited to participate in Committee on Preschool Special Education (CPSE) meetings. CPSEs and approved preschool programs are reminded that the requirement to consider the language needs of LEP/ELL students when developing IEPs is a federal law requirement based on the Individuals with Disabilities Education Act (IDEA), applying to preschool students as well as school-age students. While the mandated services of Part 154 of the Regulations of the Commissioner of Education are applicable only to school-age students (K-12), the requirement that the language needs of the student as such needs relate to the student's IEP be considered in the IEP development process applies to students ages 3-21.

Resources for Further Information

Questions regarding this memorandum may be directed to Alexia Thompson in the Office of Special Education at (585) 344-2002 or to the Office of Bilingual Education and Foreign Language Studies at (518) 474-8775.

For technical assistance relating to the education needs of LEP/ELL students, you may contact the following regional centers funded by the New York State Education Department:

- Regional Special Education Technical Assistance Support Centers (RSE-TASC) - <http://www.p12.nysed.gov/specialed/techassist/rsetasc/locations.htm>
- Bilingual/ESL Technical Assistance Center (BETAC) - <http://www.p12.nysed.gov/biling/bilinged/betac.html>

To ensure dissemination to appropriate individuals within a school district, we ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, CSE and CPSE Chairpersons, Guidance Counselors and Directors of Pupil Personnel and Parent Teacher Associations.