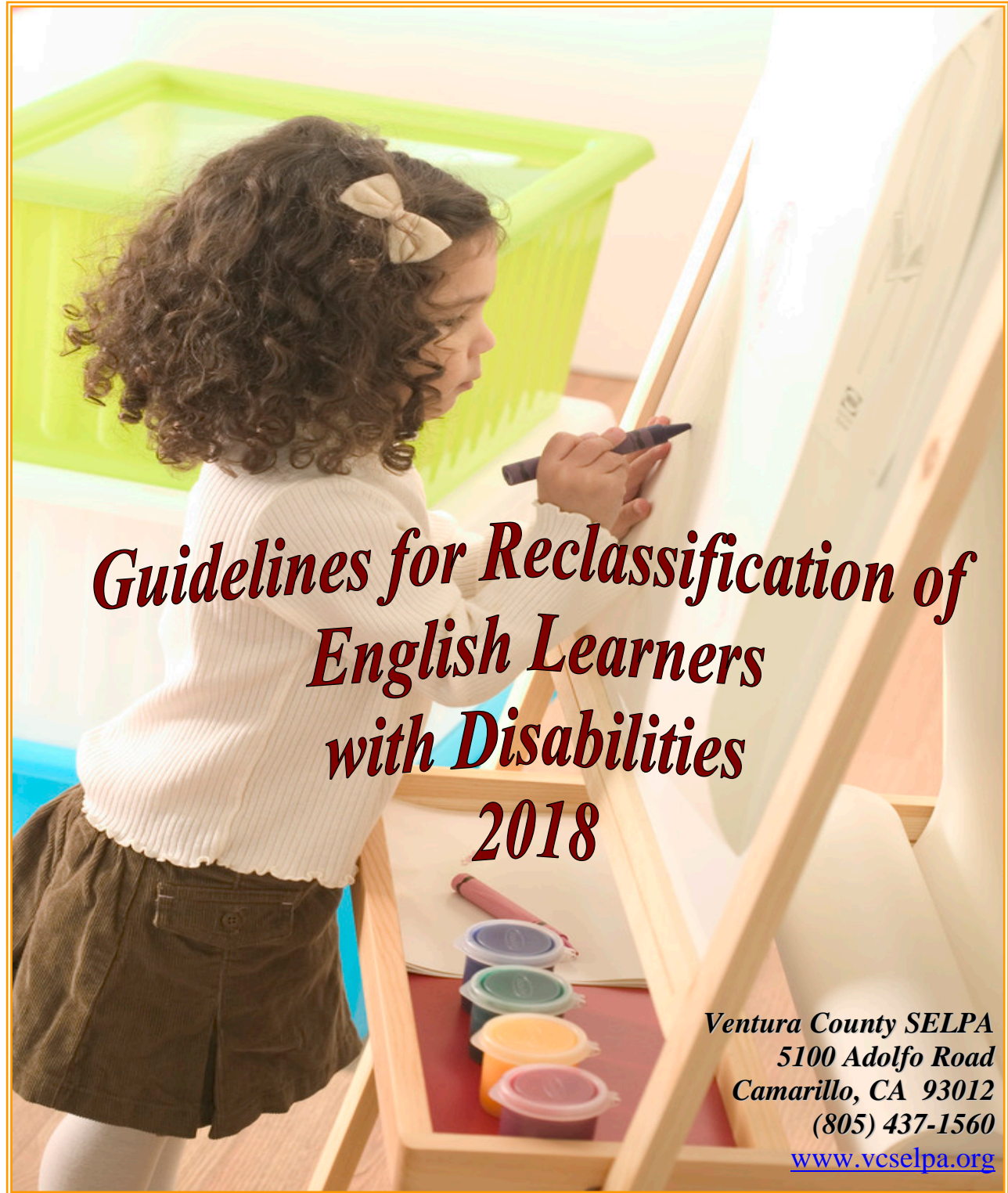




Ventura County Special Education Local Plan Area (SELPA)  
Emily Mostovoy-Luna, Assistant Superintendent



*Guidelines for Reclassification of  
English Learners  
with Disabilities  
2018*

*Ventura County SELPA  
5100 Adolfo Road  
Camarillo, CA 93012  
(805) 437-1560  
[www.vcselpa.org](http://www.vcselpa.org)*

For more information about this document contact:

**Joana V. Della Gatta, Director, Technical Support and Transition at [jdellagatta@vcoe.org](mailto:jdellagatta@vcoe.org)**

## 1. Assessment for Children Entering in Kindergarten



Assessment needs to be conducted within the first 30 days of kindergarten for all students with a language other than English on the Home Language Survey. For students already being served in special education preschool, at the transition to kindergarten IEP meeting, it needs to be noted on the “*English Language Development*” portion of the IEP whether the student will take English Language Assessments of California (ELPAC) *with or without accommodations* or an alternate assessment.

## 2. Alternate Assessment



If the student cannot meaningfully take all or any portion of the ELPAC, note how ELD level will be determined using alternate assessment. Specify which tool will be used for each portion of the assessment. You must consult with your district Language Assessment Team on this. The IEP team may use “English Language Proficiency Assessment Participation Consideration” worksheet to assist in their decision (Attachment A).

If alternate assessment is used, the student must be assessed in all areas, including, listening, speaking, reading and writing. Use the Ventura County Comprehensive Alternate Language Proficiency Survey for Students with Moderate/Severe Disabilities (VCCALPS).

## 3. The IEP



There are five places that the needs of English Learners (ELs) are addressed on the Ventura County SELPA IEP forms:

There are five forms that address the needs of English Learners (ELs) in the Ventura County SELPA IEP:

**A** Student Information and Services Page- The form requires that the native language be specified. Native language is the CASEMIS designation for the Primary Language of the student. Also, you must indicate whether the student is English Only (EO), English Learner (EL), Initially Fluent English Proficient (IFEP), or Reclassified Fluent English Proficient (RFEP). If RFEP, you need to indicate the date student was reclassified. If they were considered IFEP in preschool, they will need to be reassessed with ELPAC upon entering kindergarten. All of the required information for English Learners must be in SIRAS, entered on the Student info/Student Profile/Personal tab.

**B** Present Levels of Academic Achievement and Functional Performance - In the “Communication” section, if the student is an EL, it should be noted, and the student’s communication ability in both the primary language and English should be discussed. In the “Statewide Assessment” box indicate the score as well as current levels from the most recent language proficiency assessment in Listening, Speaking, Reading and Writing and note date of most recent assessment. If this is a preschooler, the level is noted on the Strategies and Adaptations for Instruction and Assessment Preschool Level.

**C** Annual Goals/Goals and Objectives - For **each goal**, if the student is an EL, the language of instruction for the goal must be noted. For students whose disability impacts language, goals or

goals and objectives for an English Learner must be linguistically appropriate. These goals must reflect the student's current linguistic level. The GoalWizard in SIRAS contains the Common Core ELD standards and their Common Core ELA correlations, which can be sorted by proficiency level. Appropriate goals for preschool students can be found in the Preschool domain of the GoalWizard.

**D** English Language Development Information - This page is automatically generated as a required form for most IEPs whenever the student is designated EL. Note how the student will take ELPAC (with or without supports or accommodations), or alternate assessment. Also indicate type of ELD services to be provided, as well as location and frequency, Linguistically appropriate and strategies for accessing core curriculum OR (for Preschoolers) Strategies & Adaptations for Instruction & Assessment- If the student has a language other than English on the Home Language Survey, s/he must take the Preschool English Language Survey (PELS) as part of the initial assessment for eligibility. Note date taken and EL classification, as well as the goal numbers of linguistically appropriate goals which involve language. On the IEP for Transition to Kindergarten, indicate the name of the English Language assessment recommended for Kindergarten (ELPAC or VCCALPS).

**E** Least Restrictive Environment – If the student is an English Learner, “yes” will be automatically checked under “Special Factors” for “Language Needs of ELs” and direct the user to the ELD Information page and/or the Preschool Strategies page for information about ELD goals, services, and strategies for accessing the core.

(See Appendix B for Proofreading IEPs for ELs)

#### 4. The Reclassification Process



Each district will develop a process for consideration of reclassification of Special Education Students who are ELs. It may be done as part of an IEP meeting, but does not become part of the IEP.

**A Step One:** District person in charge of ELPAC testing (*in collaboration with special education director if appropriate*) compiles results of all special education students who have not met overall reclassification criteria. They are sorted by school sites.

**B Step Two:** The IEP team meets. Team should include district English Learner program personnel. Parent opinion and consultation is required.

**C Step Three:** Using the “*Worksheet for IEP Team Recommendation for Reclassification of Special Education English Learners to Fluent English Proficient*” form (Attachment C), team considers whether disability is impacting performance. See Instructions for completing the form (Attachment D.)

**D Step Four:** If the team agrees to recommend reclassification as RFEP, the bottom box “The IEP team determines that the primary reason the student does not meet reclassification criteria is due to the disability rather than limited English proficiency and the student no longer needs English Learner services” is checked. The form is sent to the appropriate district or site English Language Reclassification representative.

**E Step Five:** If it is determined through the district process that the student will be reclassified, the Special Education Case Manager and parent will be notified. The student will be noted as an “RFEP” on the subsequent IEP, and the date of district reclassification noted (not the date of the IEP). Once the student is reclassified, ELPAC (or alternate) testing is no longer required, nor is the “*English Language Development Information*” page.

## Additional Resources



All located on the SELPA website: [www.vcselpa.org](http://www.vcselpa.org)

- 1) Guidelines for Assessment for Special Education of English Learners. Ventura County SELPA (2015). *Resources for Teachers and Staff/English Learners*
- 2) Guidelines for Speech-Language Pathologists. Ventura County SELPA (2017). (Chapter XII- “Assessment of English Learners” and Chapter XIII “Interventions for English Learners.”) *Resources for Teachers and Staff/Speech-Language*
- 3) Preschool English Language Survey (PELS). Ventura County SELPA (2012). *Resources for Teachers and Staff/English Learners*
- 4) Ventura County Comprehensive Alternative Language Proficiency Survey for Students with Moderate-Severe Disabilities (VCCALPS). Ventura County SELPA (2018). *Resources for Teachers and Staff/English Learners*
- 5) Meeting The Needs of English Learners with Disabilities Resource Book. Santa Barbara SELPA (2017). *Resources for Teachers and Staff/English Learners*
- 6) CELDT/ ELPAC Information from the CDE: <http://www.cde.ca.gov/ta/tg/el/>

## Attachments



- A. English Language Proficiency Assessment Participation Consideration
- B. Proofreading IEPs for ELs
- C. Worksheet for IEP Team Recommendation for Reclassification of Special Education English Learners to Fluent English Proficient
- D. Reclassification Worksheet Instructions
- E. Assessing Students with Disabilities (from the 2016-17 and 17-18 CELDT Information Guide, CDE)

Date: \_\_\_\_\_

Student \_\_\_\_\_

## English Language Proficiency Assessment Participation Consideration

Alternate assessments provide an alternate means to measure the English language proficiency of students with disabilities whose individualized education program (IEP) teams have determined that they are unable to participate in the ELPAC even with universal tools, designated supports or accommodations. In order to aid an IEP team in its determination of whether a student should use alternate assessments, the following may be considered:

**Circle “Agree” or “Disagree” for each item:**

- |              |                 |  |
|--------------|-----------------|--|
| <b>Agree</b> | <b>Disagree</b> | The student requires extensive instruction in multiple settings to acquire, maintain, and generalize skills necessary for application in school, work, home, and community environment.  |
| <b>Agree</b> | <b>Disagree</b> | The student demonstrates academic/cognitive ability and adaptive behavior that require substantial adjustments to the general curriculum. The student may participate in many of the same activities as their non-disabled peers; however, their learning objectives and expected outcomes focus on the functional applications of the general curriculum. |
| <b>Agree</b> | <b>Disagree</b> | The student cannot address the performance level assessed in the ELPAC, even with accommodations.  |
| <b>Agree</b> | <b>Disagree</b> | The decision to participate in the alternate assessment is <b>not</b> based on the amount of time the student is receiving special education services.   |
| <b>Agree</b> | <b>Disagree</b> | The decision to participate in the alternate assessment is <b>not</b> based on excessive or extended absences.   |
| <b>Agree</b> | <b>Disagree</b> | The decision to participate in the alternate assessment is <b>not</b> based on language, cultural, or economic difference.   |
| <b>Agree</b> | <b>Disagree</b> | The decision to participate in the alternate assessment is <b>not</b> solely based on the deafness/blindness, visual, auditory, and/or motor disabilities.   |
| <b>Agree</b> | <b>Disagree</b> | The decision to participate in the alternate assessment is <b>not</b> primarily based on a specific categorical label.   |
| <b>Agree</b> | <b>Disagree</b> | The decision for alternate assessment is an IEP team decision, rather than an administrative decision.   |

If the answer to any of the statements is “Disagree”, the team should consider including the student in the ELPAC with the use of any necessary accommodations. Specify whether the student will be assessed using the alternate in all domains or which domain(s) of the ELPAC the alternate assessment(s) is replacing.

IEP Team Decision: \_\_\_\_\_ is eligible for participating in the ELPAC.

All domains OR Indicate the domain(s) the student will participate in the ELPAC     Listening     Speaking     Reading     Writing

IEP Team Decision: \_\_\_\_\_ is **not** eligible for participating in the ELPAC.



## STEPS FOR PROOFREADING IEPS TO ENSURE COMPLIANCE FOR ENGLISH LEARNERS

1. **SIS** page – Check to see if the student is listed as an English Learner.
2. **Present Levels** page - Communication box should note that student is an EL and discuss the student's communication ability in both the primary language and English. Statewide Assessment box must include the scores and current levels from the most recent CELDT or VCCALPS assessment in all areas, including the Overall level. These scores will transfer to the ELD page.
3. **ELD** page – Be sure that the assessment instrument is listed (ELPAC or VCCALPS) and that the date of most recent assessment is within the last year (or most recent available), not old test dates. Verify that the ELD levels are correct for that date. Note how student will participate in ELD testing this year. If ELPAC, note universal tools, designated supports or accommodations needed. Indicate how student will participate in English Language Development Services. Select ELD program, number of minutes per day of ELD instruction, and location. Note the goals which will contribute to English Language development and strategies for accessing core curriculum.

Note: Preschoolers will not have an ELD page. Instead, use the Strategies and Adaptations for Instruction and Assessment Preschool Level page to note EL level and goals.

4. **LRE** page – Check that it is marked "Yes "under special factors for English Learners. The statement will indicate "See English Language Development Page."

### 5. **Goals or Goals and Objectives** pages

Be sure that:

- Every goal has the **Language of Instruction** marked (English and/or Spanish).
- The goal number(s) listed on the ELD page is the correct number(s) of the linguistically appropriate goals (for goals that involve language). Check to be sure that the goal(s) addresses a weakness indicated on the language proficiency assessment.
- Select goals at the correct ELD level (emerging, expanding, and bridging) on the ELPAC or VCCALPS.
- Use the ELA correlations to the ELD goals to guide your drafting of linguistically appropriate goals for goals that involve language. This will ensure the goals are appropriate for the EL level.
- Linguistically appropriate goals for preschool students can be found in the Preschool domain under the four ELD categories: Listening, Speaking, Reading, and Writing.

Note: To write a linguistically appropriate goal, use the **GoalWizard** in SIRAS. Once you have chosen a target date, setting, and condition, then choose the ELD category in which the student demonstrated a weakness on the English Language Proficiency Assessment. Collaborative, Interpretive, and Productive are domains of language acquisition and have been correlated to the CELDT modes of communication (reading, writing, listening and speaking). See the *Using ELPAC/CELDT Levels to Write Linguistically Appropriate Goals* support document. Select the grade level of the student. Select a goal stem based on the student's proficiency level. Use the ELA correlations to the CCSS, as a basis to draft linguistically appropriate goals for any area that involves language.

**WORKSHEET FOR IEP TEAM RECOMMENDATION FOR RECLASSIFICATION OF  
SPECIAL EDUCATION ENGLISH LEARNERS TO FLUENT ENGLISH PROFICIENT**

**Ventura County SELPA**

For use for consideration of reclassification of English Learners with IEPs who do not meet regular district reclassification criteria.

Student Name _____	D.O.B. _____	Student ID# _____	Date _____
School _____	Grade _____	Case Manager _____	

Description of how disability affects language acquisition (if applicable): \_\_\_\_\_  
 \_\_\_\_\_

Grade First Entered School: \_\_\_\_\_ Years in the U.S.: \_\_\_\_\_ Years in EL Program: \_\_\_\_\_ Current English Learner Instructional Setting: \_\_\_\_\_

**THE TEAM CONSIDERED THE FOUR CRITERIA OF RECLASSIFICATION (EC 313(D)) IN ORDER TO ASSIST THE RECLASSIFICATION TEAM.**

**1. English Language Proficiency Assessment**

**Current School Year Data**    Date: \_\_\_\_\_ Assessment Name:  ELPAC  VCCALPS  Other: \_\_\_\_\_  
 Overall Score/Level: \_\_\_\_\_ Oral Language/Level: \_\_\_\_\_ Written Language/Level: \_\_\_\_\_  
 Listening Score/Level: \_\_\_\_\_ Speaking Score/Level: \_\_\_\_\_  
 Reading Score/Level: \_\_\_\_\_ Writing Score/Level: \_\_\_\_\_

**Yes**    **No**    **Student met language proficiency level criteria as assessed by ELPAC/CELDT.** (Refer to your LEA's reclassification criteria.)  
 (If yes, proceed to section 2. If no, fill out the information required below and consider alternate measures for establishing language proficiency.)

**Previous School Year Data**    Date: \_\_\_\_\_ Assessment Name:  ELPAC  VCCALPS  Other: \_\_\_\_\_  
 Overall Score/Level: \_\_\_\_\_ Oral Language/Level: \_\_\_\_\_ Written Language/Level: \_\_\_\_\_  
 Listening Score/Level: \_\_\_\_\_ Speaking Score/Level: \_\_\_\_\_  
 Reading Score/Level: \_\_\_\_\_ Writing Score/Level: \_\_\_\_\_

**Current School Year Primary Language Data**    Date: \_\_\_\_\_ Assessment Name:  VCCALPS  Other: \_\_\_\_\_  
 Overall Score/Level: \_\_\_\_\_ Listening Score/Level: \_\_\_\_\_ Speaking Score/Level: \_\_\_\_\_  
 Reading Score/Level: \_\_\_\_\_ Writing Score/Level: \_\_\_\_\_

**Yes**    **No**    **N/A**    The student did not meet the LEA assessment threshold criteria for reclassification, but has an overall performance on CELDT/ELPAC in the upper end of Intermediate/Moderately Developed. The IEP team reviewed other informal measures of proficiency (such as teacher, parent, EL expert observations/reports) and determined it is likely the student is proficient in English.

**Yes**    **No**    The IEP team has determined that the student's disability impacts his or her ability to manifest English proficiency.  
 Areas impacted:    Listening     Speaking     Reading     Writing

If yes, explanation: \_\_\_\_\_

(Possible indicators: Student has similar academic deficits and error patterns in English as well as primary language; error patterns in listening, speaking, reading, and writing are typical of students with that disability versus students with developing second language; VCCALPS scores indicate overall proficiency level of Bridging.)

(If either of the above are checked "yes", indicate "yes" to the following statement):

**Yes**    **No**    **The IEP team has determined the student has demonstrated an appropriate level of English Language Proficiency commensurate with his/her abilities.** (If yes, proceed to section 2. If no, stop here.)

**2. Teacher's Evaluation of Student Academic Performance**

Evaluation was based on:  Classroom performance  District-wide assessments  Progress toward IEP Goals  Formative Assessment

Other: \_\_\_\_\_

**Yes**  **No** **Student met academic performance indicators set by district.** (If yes, proceed to section 3, if no, consider the following):

**Yes**  **No** The IEP team has determined that the deficit is due to the disability, and unrelated to English Language proficiency.

If yes, explanation: \_\_\_\_\_

(If the above is checked "yes," indicate "yes" to the following statement):

**Yes**  **No** **The IEP team has determined the student has demonstrated an appropriate level of academic performance commensurate with his/her abilities.** (If yes, proceed to section 3. If no, stop here.)

**3. Comparison of Performance in Basic Skills - grades 3 and above**

Assessment(s) taken:  **SBAC**  **CAA**  **Other** \_\_\_\_\_ Date(s): \_\_\_\_\_

English Language Arts/Literacy Score(s)/Level(s): \_\_\_\_\_

(Note: Score in English Language Arts/Literacy (ELA) must be in a range of scores that corresponds to a performance level or a range within a performance level determined by the LEA to be considered for reclassification. Each district may select an exact cut point.)

**Yes**  **No** **Student met performance criteria.** (If yes, proceed to question 4, if no, check all that apply):

**Yes**  **No** Student's Basic Skills assessment scores appear to be commensurate with his/her intellectual ability.

**Yes**  **No** Error patterns noted mirror the patterns of errors made by students with the same disability versus a language difference.

**Yes**  **No** Student has received ELD services for more than three years and academic progress in ELA is commensurate with that of peers who manifest similar disabilities who are not English learners.

(If any of the above are checked "yes," indicate "yes" to the following statement):

**Yes**  **No** **The IEP team has determined that the student has demonstrated an appropriate level of performance in ELA Basic Skills commensurate with his/her abilities.** (If yes, proceed to section 4. If no, stop here.)

**4. Parent Opinion and Consultation**

**Yes**  **No** **The parent/guardian participated in this discussion.** Parent comments: \_\_\_\_\_

\_\_\_\_\_  
(If no, an opportunity for parent consultation must be given before a final decision will be made.)

**The IEP team determines that the primary reason the student does not meet reclassification criteria is due to the disability rather than limited English proficiency and the student no longer needs English Language Development services.**  **Yes**  **No**

Name of ELD Representative who provided input for this discussion: \_\_\_\_\_

Other team members who participated in the decision-making process:

Special Ed Provider \_\_\_\_\_ LEA Representative \_\_\_\_\_

This worksheet will be forwarded to the appropriate site or district English Language Reclassification representative. The final decision will be made according to district policy. Parent and Special Education Case Manager will be informed of the decision.



**Worksheet for IEP Team Recommendation for Reclassification  
of Special Education English Learners to Fluent English Proficient**

This form is to be used for the IEP team to consider whether or not to recommend to the district or site level Reclassification team or process that the student be reclassified as Fluent English Proficient (RFEP). It is to be used when the student has not met regular reclassification criteria set by the district, and the team wants to consider whether or not the student's disability is impacting their performance on any of the four criteria for reclassification as per Ed Code 313(D). This form would not be used for a preschool student.

This form can be completed as part of an IEP meeting but only with input from a representative from the department responsible for English Language Development per district policy.

1. **English Language Proficiency (ELP) Assessment:** This section considers English language proficiency using an objective assessment instrument. Performance on the English Language Proficiency Assessments of California (ELPAC), California English Language Development Test (CELDT) or alternate form of English Language Proficiency assessment (Ventura County Comprehensive Alternate Language Proficiency Survey – VCCALPS).

In a letter dated 1-2-18 entitled “Interim Reclassification Guidance for 2017-2018,” the California Department of Education provided guidance for reclassification. Local educational agencies (LEAs) **may elect to use results of the Summative ELPAC to determine whether or not a student has met the English language proficiency assessment criterion**, in addition to the existing reclassification criteria. While the threshold scores are preliminary, LEAs may locally determine their own ELPAC threshold scores, in combination with the general performance level descriptors provided at <https://www.cde.ca.gov/ta/tg/ep/elpacgpld.asp>, for reclassification purposes until the SBE approves the final threshold scores and new reclassification guidance for the 2018–19 school year and beyond. If the student met those criteria, check “Yes” and move to question #2.

If the student *did not meet* the LEA's threshold level of proficiency on the assessment (ELPAC/CELDT/VCCALPS), consider the next two questions. To assist in making a decision fill out the data for the previous year's ELP assessment as well as the primary language assessment data for the current year for students who took an alternate assessment.

- a. If the student's overall proficiency is in the upper end of Intermediate/Moderately Developed, the team may review other informal measures of proficiency such as teacher and parent reports or observation by an expert in English Language Development. Check “Yes” if the team feels it is likely the student is proficient in English.
- b. If the team feels that the student's disability impacts his or her ability to demonstrate English proficiency, check “Yes” and explain. Possible indicators are that the student demonstrates similar academic deficits in English as well as the primary language, that the student's language development is low in both languages, error patterns in speaking, reading, and writing are typical of other non-ELs with similar disabilities or very high scores on the VCCALPS.

**If either of the questions above are checked “Yes,” the team may check “Yes” to “The IEP team has determined the student has reached an appropriate level of English Language Proficiency commensurate with his/her abilities” and proceed to #2. If “No,” stop here.**

2. **Teacher’s Evaluation of Student Academic Performance:** Check the sources of data used by the teacher to evaluate academic performance. If the student met the academic performance indicators set by the district, check “Yes” and proceed to section #3.

If the student *did not meet* the performance indicators set by the district, the team should consider whether it believes that the deficit in academic performance is due to the disability, unrelated to English Language proficiency. Indicators would be similar to those under question #1, for example, the student demonstrates similar deficits as other students with the same disability, or student shows similar performance errors in primary language as well as English. If the team feels that the causative factor is the disability rather the acquisition of English, check “Yes.”

**If the team checks “Yes” to the above question, the team will also check “Yes” to the statement “The IEP team has determined the student has reached an appropriate level of academic performance commensurate with his/her abilities” and progress to section #3. If “No,” stop here.**

3. **Comparison of Performance in Basic Skills:** Indicate the Basic Skills assessment(s) the student has taken and date(s). Local education agencies (LEAs) may identify local assessments they are going to use to determine whether English Learners are meeting academic measures that indicate they are ready to reclassify. LEAs may identify cut scores or a range of scores on the assessment to determine skill levels. Check with your district to see which local assessment (if any) and the cut point that the district uses. If the student has met the cut point/range in English Language Arts/ Literacy (ELA), check “Yes” and proceed to question #4.

If the student *did not meet* the cut point/range for English Language Arts/Literacy, check all of the following boxes that apply. **If any of those boxes are checked “Yes,” the team may also check “Yes” to the statement “Considering the disability, the IEP team has determined that the student has reached an appropriate level of performance in ELA Basic Skills commensurate with his/her abilities.” and progress to section #4. If “No,” stop here.**

4. **Parent Opinion and Consultation:** There must be evidence that the parent participated in the discussion. It is not required that the parent agrees that the student be reclassified, but they must have the opportunity to participate in the discussion. Check “Yes” if the parent or guardian participated in the discussion, and note their comments, if any. Parent participation is required as a part of the reclassification process, but parent agreement is not a part of the process.
5. **Summary Statement:** If all the criteria are met, the team can check the “Yes” box in the summary statement “The IEP team determines that the primary reason the student does not meet reclassification criteria is due to the disability rather than limited English proficiency and the student no longer needs English Language Development services.”

If the student did not meet **all of the above criteria**, the box is checked “No.” The team can consider reclassification again at another time.

If the box is checked “Yes” the form is sent to the appropriate site or district level English Language Reclassification representative for recording and/or a final decision as per district policy.

If district policy permits the IEP Team to make the decision to reclassify, then the box on the English Language Development Information page that indicates that “The IEP team has decided to recommend the student for reclassification as Fully English Proficient based on alternative measures

of English Language Proficiency and performance in basic skills” should be checked. If the box is checked, it is not necessary to complete the bottom half of the ELD page.

If district policy does not allow the IEP Team to make the final decision, the Special Education Case Manager and parent will be notified of the final decision by the appropriate district office personnel. In this case, all information on the ELD Information page should be completely filled out.

In either of the above scenarios, the district office will finalize the reclassification paperwork, and enter the date of reclassification in the district’s student information system. This information must also be entered into SIRAS. For Q districts, the information will be entered automatically into SIRAS via the Bridge operated by the County Office of Education. Non-Q districts will need to enter the reclassification information in SIRAS.

Once a student has been reclassified, IEPs in subsequent years will note the student as an RFEP and show the date of reclassification *by the district* noted (not the date of the IEP meeting). ELPAC/VCCALPS testing is no longer required, nor is the **English Language Development Information** form. Place the **Worksheet for IEP Team Recommendation for Reclassification of Special Education English Learners to Fluent English Proficiency** in the EL portion of the cumulative file. It is not a numbered page of the IEP document.

# Assessing Students with Disabilities

In accordance with the ED guidance issued in July 2014, the ED requires that all English learners with disabilities participate in the state ELP assessment. Federal law requires that all English learners with disabilities participate in the state ELP assessment in the following ways, as determined by the IEP team:

- In the regular state ELP assessment without accommodations
- In the regular state ELP assessment with accommodations determined by the IEP team
- In an alternate assessment aligned with the state ELP standards, if the IEP team determines that the student cannot participate in the regular ELP assessment with or without accommodations

## Federal Guidance for Learners with Disabilities

In July 2014, the ED issued new guidance in the form of frequently asked questions (FAQs) regarding English learners with disabilities. The FAQs address:

- General obligations (e.g., all English learners must be assessed)
- Role of the IEP team
- Accommodations and alternate assessments
- Exit from English learner status
- AMAOs

The ED guidance can be found at

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/q-and-a-on-elp-swd.pdf>.

## Role of the IEP Team

The IEP team is an essential component in establishing the appropriate academic and functional goals, determining the specifically designed instructional program to meet the unique needs of all English learners with disabilities, and making decisions about how students can participate in the state ELP assessment.

In accordance with the new ED guidance, the IEP team is responsible for:

- Making decisions about the content of a student's IEP, including whether a student must take a regular state assessment (in this case, the ELP assessment), with or without appropriate accommodations, or an alternate assessment in lieu of the regular ELP assessment (ED, July 2014, FAQ #4).
- Developing an IEP for each student with a disability, including each English learner with a disability, at an IEP team meeting, which includes school officials and the child's parents/guardians. The Individuals with Disabilities Education Act (IDEA) regulation in 34 *Code of Federal Regulations (CFR)* Section 300.321(a) specifies the participants to be included on each child's IEP team. It is essential that IEP teams for English learners with disabilities include persons with expertise in second language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between limited English proficiency and a disability (ED July 2014, FAQ #5).
- Ensuring that limited English proficient parents/guardians understand and are able to meaningfully participate in IEP team meetings at which the child's participation in the annual state ELP assessment is discussed. If a parent whose native language is other than English is participating in IEP meetings, the IDEA regulations require each public agency to take whatever action necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter (34 *CFR* section 300.322[e]). When parents themselves are LEP, Title VI of the Civil Rights Act of 1964 also requires that the LEA effectively communicate with parents in a manner and form they can understand, such as by providing free interpretation and/or translation services (ED July, 2014, FAQ #6).
- Ensuring that all English learners, including those with disabilities, participate in the annual state ELP assessment, with or without accommodations, or take an appropriate alternate assessment, if necessary (section 1119[b][7] of the ESEA and section 612[a][16][A] of the IDEA). An IEP Team cannot determine that a particular English learner with a disability should not participate in the annual state ELP assessment (ED July, 2014, FAQ #7).

According to *California Code of Regulations*, Title 5 (5 *CCR*) sections 11511 and 11516 through 11516.7 (Division 1, Chapter 11, Subchapter 7.5) as well as *EC* Section 313, the initial and annual administration of the CELDT are the responsibilities of the LEA. Most students with disabilities are able to participate effectively on the CELDT. For those students whose

disabilities preclude them from participating in one or more domains of the CELDT, their IEP teams may recommend accommodations or an alternate assessment. (See *EC* Section 56385, 5 *CCR* 11516.5 through 11516.7, and the “Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments” [November 2015] at <http://www.cde.ca.gov/ta/tg/ai/caasppmatrix2.asp>.)

Modifications are alternate means of assessing the ELP of students with disabilities. Because such alternate means of assessments fundamentally alter what the CELDT measures, students receive the lowest obtainable scale score (LOSS) on each domain affected. Caution should be used when interpreting results because the LOSS on one or more domains may lower the Overall performance level on the CELDT. The LOSS on the CELDT will be used to calculate the AMAOs for Title III accountability purposes. If the student is not reclassified, the LOSS will be entered as the Most Recent Previous Scale Score(s) at the next year’s administration of the CELDT.

In accordance with Title 34, *Code of Federal Regulations* (34 *CFR*) 300.304 through 300.305, initial identification for determining whether a student is a student with a disability takes into consideration existing data, which include LEA and statewide assessments. For those who participate in programs for students with disabilities, the LEA may be a school district, an independent charter school, the county office of education, or a state special school.

When a student is not able to take the CELDT (the entire test or any portion of it), that information is shared at the IEP team meeting. IEP team members may determine that alternate assessments are appropriate and necessary. Per the ED, the alternate assessment must be aligned with the ELD Standards. The results of alternate assessments and/or the CELDT are part of current levels of performance in the IEP. The scores or performance levels are a part of the information considered by the team to develop linguistically appropriate goals (*EC* sections 56341.1[b] and 56345[b][2]).

Because of the unique nature of individual students’ disabilities, the CDE does not make specific recommendations as to which alternate assessment instruments to use. However, the appropriate alternate assessment must be identified annually in a student’s IEP. The LEA must ensure that the IEP team includes an individual who can interpret the instructional implications of evaluation results (e.g., an ELD specialist to interpret CELDT results) (34 *CFR* Section 300.321[a][5]). Identified English learners with disabilities must take the CELDT with any accommodations specified in their IEPs or take appropriate alternate assessments as documented in their IEP every year until they are reclassified.



The sample worksheets provided in the past to assist LEAs and schools in planning for the administration of the CELDT to students with an IEP or Section 504 plan have been condensed into a user-friendly checklist, which is found on pages 15 and

16. Other documents that may assist LEAs in determining how to assess individual students are (1) guidelines for reviewing IEPs and Section 504 plans on page 17; and (2) the Participation Criteria Checklist for Alternate Assessments on page 18.

## Selective Mutism

Although the CDE does not make specific recommendations about accommodations or alternate assessments, there have been an increased number of inquiries regarding students identified as selectively mute. Therefore, additional information is being provided for local consideration.

Selective mutism (SM) is an anxiety disorder that is classified under “mental disorders” in the *Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders*, (DSM-5). Because of its classification, SM meets the eligibility criteria for necessary accommodations through a Section 504 plan.

A student with SM consistently fails to speak in certain situations (e.g., school); however, the student speaks at other times (e.g., at home or with friends). SM may cause significant interference with educational or communicative functioning. Studies have demonstrated that immigrant and language minority students are at a higher risk of developing SM than native-born students. This diagnosis excludes students who may be uncomfortable with a new language and may select not to speak in specific environments. A nonverbal period of time is to be expected in students acquiring a new language and should, therefore, not be mistaken as SM.

Additional information regarding SM can be found at the following Web sites:

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3538870/> and

<http://www.asha.org/public/speech/disorders/selectivemutism/>.