**Evaluation and Eligibility Decision Making:**

**Evaluation and Eligibility Determination for English Learners (EL)**

***Handout***

Also sponsored by the Kansas Technical Assistance System Network or TASN.  TASN is the technical assistance arm of the Kansas Department of Education.

**February 7, 2022**

**Created by: Technical Assistance Team and other TASN projects and providers**

**Information to Consider for English Learners during Initial Evaluation and Special Education Eligibility Determination**

1. Consider target student’s background information.
   1. Home language, changes in home language, siblings, etc.
   2. Location of birth, moves, pre-school education, etc.
   3. Developmental history
2. Consider student’s previous schooling in primary language and in English.
3. Consider student’s English acquisition over time.
   1. Baseline and current English proficiency
   2. Results of any progress monitoring of English acquisition
   3. Compare rate and level of English acquisition with English Learner peer(s).
4. Consider language instruction provided to the target student.
   1. Review information on student’s ILP.
   2. Is student being taught in English or primary language or both?
   3. What is the type of program being provided for language instruction?
   4. How has that program been adjusted to meet individual student needs?
5. Consider universal screening results for student and EL and classroom peers.
   1. Is student being taught to read in English or primary language or both?
   2. Is screening being conducted in English or primary language or both?
6. Consider General Education Interventions (GEIs) provided.
   1. Are student’s teachers repeatedly linking to L1 in the classroom?
   2. What were the results of GEI progress monitoring?
   3. How do results of GEIs for targeted student compare to results of GEIs for other English Learners (Els)?
7. For RTI evaluations, consider dual discrepancy for the target student compared to English Learner peer(s) with regard to skill development.
   1. Does target student differ from English Learner peer(s) with regard to level of performance? (Use screening data.)
   2. Does target student differ from English Learner peer(s) with regard to rate of learning? (Use progress monitoring data.)
   3. Consider input of experienced teacher of ELs regarding (a) and (b).
8. For Patterns (PSW) method of evaluation, conduct non-biased assessment.
9. For either method of evaluation, consider conducting nonverbal assessment with low cultural loading.
   1. Multi-dimensional test examples: the Universal Nonverbal Intelligence Test (UNIT), the Leiter-Revised, and the Kaufman Assessment Battery for Children-II (KABC-II) when administering the nonverbal subtests using the pantomimed administration specified by the test authors.
   2. Uni-dimensional test examples: the Test of Nonverbal Intelligence-Third Edition (TONI-III), the Comprehensive Test of Nonverbal Intelligence (C-TONI), the Naglieri Nonverbal Ability Test (NNAT), and Raven’s Progressive Matrices (RPM).
10. How do the target student’s progress and needs differ from those of other ELs?
11. Apply two-prong test of eligibility to data collected (see Indicators Document).

**Quality Indicators for Nondiscriminatory Assessment**

* Assess initially with authentic and alternative procedures.
* Establish an appropriate basis for comparison.
* Assess and evaluate the learning ecology/environment.
* Assess and evaluate the student’s opportunity for learning.
* Ensure the test norms are adequate.
  + What is the test supposed to measure?
  + What does the professional literature have to say about how diverse students perform on the test?
* Consider how linguistic and/or cultural factors impacted the validity of the test/procedure.
* Support conclusions through data convergence and multiple indicators. Look for multiple data sources.

*(adapted from S. Ortiz, 2008 and 2014)*

**Quality Indicators for Assessing English Learners**

* Ensure parent involvement.
* Conduct bilingual assessment.
* Assess and evaluate the student’s developmental language proficiency in both L1 and L2. What are the family’s patterns of use of L1 and L2?
* Ensure the evaluator has knowledge related to second language acquisition.
* Use alternative assessment procedures. Use both formal and informal assessment.
* Minimize the use of standardized tests. Assessments should be conducted in both the student’s L1 and L2.
* Correlate standardized assessment results with informal assessment and intervention outcomes, referral reason, and student’s acculturation and bilingual development, as well as academic achievement history.

*(adapted from M. Villegas-Gutierrez, 2015)*

**Considerations When Applying Decision Rules**

The following are six important questions and/or exclusionary factors to consider when applying decision rules to a Cultural and Language Diverse (CLD) student’s performance:

1. Can the CLD student’s learning and/or behavior problems be attributed to exclusionary factors such as:
   * Socio-cultural differences (e.g., world view, low level of acculturation)?
   * Economic disadvantage?
   * Lack of instruction/inconsistent schooling?
   * Inappropriate instruction?
   * Ecological/environmental issues in the classroom?
   * Typical second language acquisition stages?
   * Lack of social/academic language exposure?  
     If yes to any of the above, then the student should not be considered for RTI Tier II/Tier III or special education but should receive educational supports by way of regular classroom accommodations, bilingual services, and/or other school district programs for which the student qualifies.
2. Has consideration been given to the influence that past and/or present instructional programs have had on current academic performance?

If not, ensure that the CLD student has received an adequate opportunity to learn as this is a prerequisite to RTI and/or special education services.

1. Is the student’s English proficiency high enough to yield accurate levels of performance?

If not, assess for language loss, language shift or attrition. Monitor progress in both languages and make decisions based on student’s stronger language.

1. Are adjustments for pace of instruction, oral responses, test taking, and interventions implemented to achieve optimum performance due to slower mental processing in the CLD student’s less proficient language?

If not, make adjustments for slower auditory memory, slower reading speed, and slower oral comprehension.

1. Are multiple measures of performance taken so as not to make decisions based on only one aspect of performance?

If not, make frequent progress monitoring probes especially when phonemic awareness is emphasized.

1. Are culturally responsive research-based interventions implemented with integrity/fidelity by a professional competent in the oral and written skills of the student’s language being assessed and who also has knowledge and understanding of the second language acquisition process and student’s cultural and linguistic background?

If not, collaborate with a bilingual/bicultural professional knowledgeable about acculturation, second language acquisition, and culturally responsive instructional practices to develop or select suitable research-based interventions.

(adapted from Figueroa and Newsome, 2006)

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**Resources**

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