

## **Protecting the rights of students with disabilities and English language learners**

The curriculum team will submit a referral for a child to be considered for special education and/or related services when a child has participated in RTI (Response to Intervention). When a child has been in RTI Tier 2 and 3 or up to a total of 18 school weeks of intervention, with a minimum of 6 school weeks of Tier 3 level reading, without making progress toward benchmarks, but is not on a trajectory to meet end-of-year benchmarks, the instructional support team shall meet to review the child's program and progress, to assure that the child is receiving differentiated needs-based instruction, the child should be referred for an initial evaluation for special education services. (Delaware Department of Education Reg 12.8.4, 2011)

The Special Education Team must convene within forty-five (45) school days or ninety (90) calendar days, whichever is less, of receiving written parental consent, the initial evaluation shall be conducted; and the child's eligibility for special education and related services must be determined at a meeting convened for that purpose. (Delaware Department of Education, 2011)

After the signed referral is received, special education laws require the child to have an initial evaluation in the areas of concern. The evaluation will assess the child's abilities, strengths and weaknesses, by a certified school psychologist, and if needed by a speech and language therapist and occupational therapist. An evaluation is based on a review of assessment data, information from parents, observations by teachers and IEP team, classroom-based, local, State assessments, and psychological/education assessment. This is to determine whether a child has a disability and requires special education instruction and related services.

The evaluation may include individual assessments, observations, and an interview with the child. The evaluation also guides the IEP team in identifying the disability, developing an IEP and determining the nature and extent of the special education and related services that your child may need. Remember, the disability needs to have an educational impact.

The IEP team includes:

- The parent(s) or guardian
- The special education teacher.
- At least one general education teacher.
- School Administrator
- An individual who can interpret evaluation results: school psychologist, speech therapist and or occupational therapist.
- Other individuals, at the discretion of the parent or local school system, who have knowledge or expertise.
- The student, if appropriate.

**Making Initial Qualification Decisions:**

The team must determine if the child has a specific learning disability, as defined in 34 CFR 300.8(c) (10), if:

- The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards:
- Oral expression.
- Listening comprehension.
- Written expression.
- Basic reading skills.
- Reading fluency skills.
- Reading comprehension.
- Mathematics calculation.
- Mathematics problem solving.

The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in 34 CFR 300.309(a)(1) when using a process based on the child's response to scientific, research-based intervention; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CFR 300.304 and 300.305; and the group determines that its findings under 34 CFR 300.309(a)(1) and (2) are not primarily the result of:

- A visual, hearing, or motor disability;
- Intellectual disability;
- Emotional disturbance;
- Cultural factors;
- Environmental or economic disadvantage; or
- Limited English proficiency.

To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in 34 CFR 300.304 through 300.306:

- Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel;

and

- Data-based documentation of repeated assessments of achievement at reasonable

intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents. (Delaware Department of Education, 2011)

If the IEP team determines that the student does not meet the eligibility of a child with a disability under IDEA, then a "NOTICE OF IEP TEAM FINDINGS THAT CHILD IS NOT A CHILD WITH A DISABILITY" will go out to the parent and a meeting will be scheduled to review the results.

**The Special Education Team will complete a Summary of Evaluation form for students being considered as disabled under IDEA.**

*The information listed on this form:*

- Description of the reason for the referral to special education in the first paragraph. State whether a teacher, parent, school counselor or other school official asked for an inquiry to be made into whether the child should be placed in special education classes. Briefly list the reasons given for initiating the investigation.
- Description of any attempts to improve the child's condition and functioning, and what effects, if any, they had. A statement of who performed these interventions, whether it was the child's teacher, intervention team, a school counselor, speech therapist or educational aide.
- Summary all relevant records that support the investigation. You may include the student's attendance history and whether his absences were related to the suspected or diagnosed medical condition, summaries of interviews with his teacher and parents, a school counselor's observations of the student, relevant medical diagnosis information or health history, the student's previous academic grades, his past scores on standardized aptitude tests and any other relevant information.
- Explanation of the school's criteria for establishing a student's eligibility to be enrolled in special education. Comparison of the findings you have summarized to the criteria.
- A written paragraph summarizing your findings of whether the student meets district criteria for special education. Stating the criteria that describe him out of the total number of criteria and whether that qualifies him, by the district's definition, for special education.
- A written paragraph about what will be done to assist the student based on your findings. If the student qualifies for special education, describe the LEA and placement. If he will be in it for only part of the time, state how much and what services, such as occupational therapy, speech therapy or individual tutoring, he will receive. If the student does not qualify for special education enrollment, state the tactics the school, which includes his teacher, school counselor and other officials, will implement to help him perform at grade level.

If the student doesn't qualify or meet the minimum requirement under IDEA to be considered for a special education, the team may consider the student for a 504 Plan. The IEP team must send a Notice of Meeting (IEP) Notice - 10 days in advance of an IEP meeting. There is a written notice inviting the parent to participate in the meeting and

any decisions made regarding the student's special education identification, evaluation, educational placement, provision of FAPE and/or disciplinary actions.

### **Writing the IEP**

The special education and related services will determine the student needs; generally the IEP team will look at the child's evaluation results, such as classroom tests, individual tests given to establish the student's eligibility, and observations by teachers, parents, paraprofessionals, related service providers, administrators, and others. This information will help the team describe the student's "present levels of educational performance" -in other words, how the student is currently doing in school. Knowing how the student is currently performing in school will help the team develop annual goals to address those areas where the student has an identified educational need.

The IEP team will discuss specific information about the child. This includes:

- the child's strengths;
- the parents' expectations of their child's education;
- the results of recent evaluations or reevaluations; and
- how the child has done on state and classroom assessments.

In addition, the IEP team will consider the "special factors" below.

It is important that the discussion of what the child needs be framed around how to help the child:

- advance toward the annual goals;
- be involved in and progress in the general curriculum;
- participate in extracurricular and nonacademic activities; and
- be educated with and participate with other children with disabilities and nondisabled children.

The IEP team will then write the child's IEP, primary IEP form shall be used for students beginning with preschool (age 3)-7<sup>th</sup> grade and a Secondary IEP form for students 8<sup>th</sup> grade(or 14 years of age) through 12<sup>th</sup> grade.

When an IEP is being developed for a student of transition age, the IEP Team will administer a survey to help the student plan their transition services. The survey includes questions regarding the child's strengths, interests, and preferences, postsecondary goals, high school courses of study needed to assist the child in reaching those goals, and plans to make application to high school and career technical education programs. Full transition services planning will apply by the end of the 9th grade, or prior to the child's 15th birthday, whichever comes first, unless determined appropriate at a younger age by the IEP Team, and the IEP shall be updated annually and include:

- Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- The transition services (including courses of study) needed to assist the child in reaching those goals.
- Transfer of rights at age of majority: Beginning not later than 1 year before the child reaches the age of 18, the IEP shall include a statement that the child has been informed that the child's rights under Part B of the Act will transfer to the child on reaching the age of 18
- The IEP team will use the secondary IEP forms developed by DOE on IEP Plus.
- The Secondary IEP form shall be used beginning in the 8th grade, or earlier, if the IEP team agrees.
- The requirement that public agencies use the DOE's IEP forms does not prohibit or prevent an IEP team from including on an IEP any information, service or other notation the team determines necessary to provide FAPE to a child with a disability. (Delaware Department of Education, 15 DE Reg. 352 (09/01/11) 2011)

Both IEP forms will include the services and supports the school will provide for the child. The IEP team will decide if the child needs a particular device or service (including an intervention, accommodation, or other program modification); the IEP team will write this information in the IEP on IEP Plus. The team will also consider if a child has behavior that interferes with their learning. The IEP team will consider positive and effective ways to address that behavior. The team will discuss the positive behavioral interventions, strategies, and supports that the child needs in order to learn how to control or manage his or her behavior. In cases where the above intervention were not successful, the team will conduct a FBA (Functional Behavioral Assessment) to create a PBIP (Positive Behavior Intervention Plan)

In addition, the IEP team will determine the following information from the team's analysis of the collected data and enter it into IEP Plus:

- Intervention plans, accommodation and modification to the curriculum and classroom environment
- A description in measureable terms of the student's present level of academic achievement and functional performance including how the student's disability affects his or her involvement and progress in the general education curriculum.
- Create trimester benchmarks and annual goals related directly to the areas of need identified in the present level of performance. They are prioritized in order of greatest need and be stated in objective, measurable terms.
- A description of how the student will progress toward meeting the trimester and annual measurable goals described, how they will be measured; and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of bi-weekly assessments or other periodic reports cards)
- A statement of the special education and related services (speech and language, occupational services, and nursing services)

- A statement regarding the students participation in regular education and activities with non-disabled students
- A statement of necessary accommodation in order to be successful on Statewide assessment.
- The start day of the services and modifications, the frequency, location, and duration of services and modifications.
- A statement designating whether or not it is necessary to place the child who is transported from school by bus into the charge of a parent other authorized responsible person.

Then the team will have to decide what types of placements are appropriate. Placement decisions must be made according to IDEA's least restrictive environment requirements-commonly known as LRE. These requirements state that, to the maximum extent appropriate, children with disabilities must be educated with children who do not have disabilities.

What type of placements is there? Depending on the needs of the child, his or her IEP may be carried out in the regular class (with supplementary aids and services, as needed), in a special class (where every student in the class is receiving special education services for some or all of the day), in a special school, at home, in a hospital and institution, or in another setting. The school will meet its obligation to ensure that the child has an appropriate placement available by:

- providing an appropriate program for the child on its own;
- contracting with another agency to provide an appropriate program; or
- utilizing some other mechanism or arrangement that is consistent with IDEA for providing or paying for an appropriate program for the child.

The law also clearly states that special classes, separate schools, or other removal of children with disabilities from the regular educational environment may occur only if the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

After the IEP is written, parents must receive a copy of the IEP, Prior Written Notice, Summary of Evaluation, Evaluation Results, Meeting Notes, Parental Consent to Release Information Form (Medicaid Form) and Procedural Safeguards. The IDEA also stresses that everyone who will be involved in implementing the IEP must have access to the document. This includes the child's:

- regular education teacher(s);
- special education teacher(s);
- related service provider(s) (for example, speech therapist); or
- any other service provider (such as a paraprofessional) who will be responsible for a part of the child's education.

Each of these individuals needs to know what his or her specific responsibilities are for carrying out the child's IEP. This includes the specific accommodations, modifications,

and supports that the child must receive, according to the IEP. The IEP will be implemented 10 days after it is developed, except if the meeting is held over the summer or a vacation period. There may be a short delay when there are circumstances that require extra time such as arranging transportation. The child's IEP should be in effect at the beginning of each school year.

### **Special Education Best Practices**

- Create IEP based on the data collected in the referral process.
- Review the student's accommodations/modifications, services and needs with the teaching staff.
- Demonstrate and discuss how to provide the students accommodations for students who require
- Collaborate and share with staff ideas on effective strategies to improve the student's academic progress in the general education classroom.
- Provide the teacher with strategies to use on students who demonstrate behavioral problems in the classroom.
- Model how both teacher play an active role in instruction, planning, assessment and behavior management.
- Assist the general education teacher by co-instructing students on regular academic subjects in the general education classroom, and differentiate curriculum to meet students' individual needs.
- Monitor the student progress in the general education classroom.
- Responsible for working one-on-one or in small group in the regular education classroom and special education classroom to address the specific academic needs.
- Preview academic vocabulary, a math and reading concepts, review a student's knowledge in a subject area before a test.
- Provide a small group setting for core content tests. After the administration of the assessment, reteach difficult concepts from the test.
- Progress monitor the student's academic performance and evaluate the effectiveness of instruction using EASYCBM.com , Treasures "Formative Progress Reporting" and Read 180 assessments.
- Use the data from the progress monitoring results to develop efficient and appropriate targeted instructional techniques and goals.
- Instruct the special needs students in basic life skills such as shopping, budgeting, cooking and self-care.
- Meet with related specialist to receive updates on students progress in therapy and make adjustments is needs.
- Have related services specialists meet with teachers and parents to go over best practices for therapy services.

- Maintain close relationships with parents, meeting with them regularly to give updates on their children's progress and make necessary adjustments throughout the year.

b) Describe the process by which students with English language learners are identified and evidence that the school is effective in providing the right resources and services for these students.

### **English Language Learners Identification Process:**

#### **Procedures for Identifying English language:**

##### **STEP 1-Initial Inquiry**

The school secretary is responsible for distributing and collecting home language surveys (survey can be parent's native language) during enrollment. Then forward the surveys to the Special Education Department.

The home language survey shall be based on the following four questions.

1. What is the language most frequently spoken at home?
2. Which language did your child learn when he/she first began to talk?
3. What language does your child most frequently speak at home?
4. What language do you most frequently speak to your child?

If the parent doesn't self-identify, the general education can submit a referral to the Special Education Department expressing his or her concerns regarding the student's language acquisition skills. The Special Education Department will contact the parents and meet with them to address the teacher's concerns. During the meeting, the team will decide if the student should be assessed for ELL services.

##### **STEP 2-English Language Proficiency Assessment**

The Special Education Team will review the surveys. If any questions from the home language survey are answered "other than English," they will be forwarded to the ELL teacher. The ELL teacher must give the W-APT (WIDA-ACCESS Placement Test) to the student. The test can be found at: <http://www.wida.us/assessment/w-apt/index.aspx>.

At the beginning of the school year, identification, screening and parental notification of eligible students must be given within 25 days of enrollment. Once the school year is underway, the window for identification, screening and parental notification of eligibility is within two weeks of enrollment.

##### **STEP 3 W-APT Identifying Criteria**

Once the test has been administered, the ELL teacher will review the results/date and determine if the student is eligible for service by doing the following:



A. W-APT criteria to classify students in grades 1-12 as ELL is a composite score lower than 5.0.

B. Identification of ELLs for Kindergarten W-APT Option #1. The Kindergarten Listening and Speaking Test is an oral proficiency test intended for students in pre-K through 1st semester of grade 1. (It cannot be given earlier than May prior to entering kindergarten.)

➤ Criteria for Option 1:

If combined Listening and Speaking raw score is less than 29, the student will be deemed eligible for language assistance services and must be administered the annual

ACCESS for ELLs® assessment.

C. Identification of ELLs for Kindergarten W-APT Option #2. The Kindergarten Reading and Writing Tests are diagnostic tests intended for students in 2nd semester kindergarten through 1st semester of grade 1.

➤ Criteria for Option 2:

If combined Listening and Speaking raw score is less than 19, the student will be deemed eligible for language assistance services and must be administered the annual

ACCESS for ELLs® assessment

If combined Listening and Speaking raw score ranges from 19 to 28, the Reading and

Writing portions need to be administered. If the Reading score is lower than an 11 and the Writing score is lower than a 12, the student is classified as ELL and must be

administered the annual ACCESS for ELLs® assessment

(All students identified as limited English proficient (LEP) on the placement test are included in the spring administration of the annual ACCESS assessment.)

#### STEP 4 Record Data

Once a student has been identified as an ELL student, the ELL teacher will go into ELL 2.0 system in IMS and select the "General Information" tab to enter the student's home primary language. Then select the "Placement Test" tab and enter in the test information. **The data entered into the system helps aid in educational planning and preparation for state and federal reporting.**

#### STEP 5 Parental Communication (See Attached Letters)

All parents or guardians will be notified of eligibility for programs for ELLs, **change in placement, notification of yearly ACCESS, and their right to exit student from the program by the ELL teacher and/or special education team.**

#### STEP 6 Language Acquisition Plan

**The ELL teacher will determine the student's grade appropriate educational setting giving consideration to all placement criteria and adequate support (ESL/bilingual) to gain English language proficiency as well as access to core content. Measurable benchmarks and goals will be create based on the data obtained from the ACCESS for ELL assessment. The student will use "Connected McGrawHill ELL" curriculum at <http://connected.mcgraw-hill.com/connected/login>, to provide assistance with oral communication, phonics, speaking and writing skills. Monthly assessments will be administered to ensure that they are progressing towards achieving English language proficiency and grade level content expectations.**

**The students will have full access to all programs, services and extra-curricular activities. General education and special education teachers work closely with the student in developing this plan. Parent will be informed of their child's progress throughout the year.**

#### STEP 7 Yearly Proficiency Assessments

Students in grades K-12 must be given the ACCESS (Assessing Comprehension and Communication in English State-to-State) , if identified as ELL using the W-APT assessment in May by a trained administrator. This large-scale test addresses the academic English language proficiency standards that help with instructing and evaluating the progress of English language learners.

#### STEP 8 Exiting From ELL Services

Any student who achieves a score on the annual English language proficiency assessment that is higher than the eligibility cut-off score in listening, speaking, reading and writing established by the Department of Education shall be transitioned as fully English proficient and placed in a regular classroom by the ELL teacher.

For at least two school years following the identification of the student as fully English Proficient, the Special Education Team will monitor the academic performance of the student. Students who experience academic difficulty in the regular classroom during the transition period, may be assessed and re-enter an ELS program or shall be provided with additional

Instructional services as necessary and appropriate by the Special Education Department or ELL teacher.

**"The Special Education Department will maintain documentation of the following: the identification results; determination of the potential ELL status of students; and, referrals of such students for language proficiency assessment."**

### **English Language Learning Specialist:**

#### **Best Practices;**

- Meet with general education teacher to monitor the student's ELLs' progress and bring to attention any areas of concern regarding the students' language growth.
- Will collaborate with the early childhood teacher(s) to develop strategies to maximize their ELL students' language growth and will provide guidance to facilitate the successful implementation of strategies.
- These strategies include, but are not limited to: providing scaffolds for language development, linking literacy to home and community, using ELL students' families as language models, creating background knowledge, building pre-literacy skills and creating a safe, validating and welcoming environment for language learning.
- Group English Language Learners together in classes in a way that reflects the school population (i.e. there should be a mix of ELL and English-speakers, and the class make-up should reflect the diversity of the school).
- To facilitate language development, ELLs should be paired with English-speakers in the same class together and throughout parts of the day such as small groups and centers.
- Use strategies to help young children expand their language skills and vocabulary in everyday experience by reading books and print. Link the pictures and words.
- Monitor the student ELL growth through monthly assessments and adjust benchmarks and goals if needed.