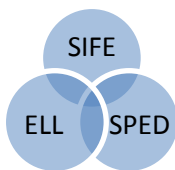


A Framework for advocating on behalf of Students with Interrupted Formal Education (SIFE), English Language Learners (ELLs) and/or Requiring Special Education (SPED).



Students with interrupted learning, ELL needs and SPED are at a higher risk of dropping out due to stress, literacy and academic gaps which lead to high levels of frustration and feeling defeated. The following is a basic framework to navigate these very complex and many times interrelated issues.

Who are Students with Interrupted Formal Education (SIFEs)¹?

Not defined in statutes.

They are newcomers with two or more years of education interrupted in their native country or who may;

1. have attended school in the U. S., returned to their native country for a period of time, then returned to the U.S again;
2. have attended kindergarten in English (second language), 1st and 2nd grade in their first language then jumped back into their second language in 3rd;
3. have attended U.S. schools since kindergarten but have language and literacy gaps due to ineffective instruction or;
4. have attended school in one location for a few months, then moved to another location for a few months, and perhaps had some weeks in between these changes when they do not attend school.

What is the legal definition of English Language Learner (ELL)²?

(1)“Eligible students” means students enrolled in public schools in grades kindergarten to twelve, inclusive, whose dominant language is other than English and whose proficiency in English is not sufficient to assure equal educational opportunity in the regular school program;

(2) “Program of bilingual education” means a program that: (A) Makes instructional use of both English and an eligible student's native language; (B) enables eligible students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet appropriate grade promotion and graduation requirements; (C) provides for the continuous increase in the use of English and corresponding decrease in the use of the native language for the purpose of instruction within each year and from year to year and provides for the use of English for more than half of the instructional time by the end of the first year; (D) may develop the native language skills of eligible students; and (E) may include the

¹ See Margarita Calderón (2008), Senior Researcher at John Hopkins University, available at: <http://www.colorincolorado.org/article/27483/> Retrieved on May 4, 2015.

² See Conn. Gen. Stat. § 10-17 et. seq.

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participation of English-proficient students if the program is designed to enable all enrolled students to become more proficient in English and a second language.

(3) “English as a second language program” means a program that uses only English as the instructional language for eligible students and enables such students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet appropriate grade promotion and graduation requirements.

What is the legal definition of students requiring specialized instruction (SPED)³?

(2) “Child” means any person under twenty-one years of age.

(4) “Special education” means specially designed instruction developed in accordance with the regulations of the commissioner, subject to approval by the State Board of Education offered at no cost to parents or guardians, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings and instruction in physical education and special classes, programs or services, including related services, designed to meet the educational needs of exceptional children.

(5) “A child requiring special education” means any exceptional child who (A) meets the criteria for eligibility for special education pursuant to the Individuals With Disabilities Education Act, 20 USC 1400, et seq., as amended from time to time, (B) has extraordinary learning ability or outstanding talent in the creative arts, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs but which may be provided through special education as part of the public school program, or (C) is age three to five, inclusive, and is experiencing developmental delay that causes such child to require special education.

Some Important Issues to Consider:

- ***Chicken or the Egg Problem:*** Unless children with disabilities develop native language competence, they will most likely have problems learning a second language and will experience difficulty with cognitive development as well.⁴
 - The dropout rates for English language learners are 15-20% higher than the overall rate for non-English language learners. This lack of academic success is also the cause for referrals of English language learners to special education.

³ See Conn. Gen. Stat. Ann. § 10-76a

⁴ See Artiles, Alfredo et.al. (2002) English Language Learners AND Special Education: “Before Assessing a Child for Special Education, First Assess the Instructional Program” A Summary of English Language Learners with Special Education Needs. Center for Applied Linguistics. Available at: <http://www.misd.net/bilingual/ellsandspedcal.pdf>

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- Research shows that ELLs are typically either over-represented or under-represented in district special education programs across the U.S. The ELL population percentages are disproportionate when compared to their English speaking peer populations' percentages.
- Research demonstrates that English language learners with the least amount of language support are most likely to be referred to special education. ELLs receiving all of their instruction in English were almost three times as likely to be in special education as those receiving some native language support.
- **Students are not eligible for SPED** services if their learning problems are primarily the result of environmental, cultural, or economic disadvantage. See 20 USC 1401(30).

Issue/Problem: Is student's poor academic performance due to his/her interrupted learning?

What you may have heard: "We cannot teach the student if he is not in school. The student is not motivated for learning. She did not go to school in her native country and we cannot make up years of academic deficiencies."

Advocacy Question	How can the district make this determination without evaluating whether student requires specialized instruction (i.e. ELL or SPED)?
Law or Regulation	<p><u>ELL Services:</u> See Conn Gen Stat § 10-17 et seq.</p> <p><u>Child Find:</u> Prompt referral to a planning and placement team where the child is suspected of having a disability, and/or student's progress in school has been considered unsatisfactory or marginal as required by 20 U.S.C. §1412(a)(3)(B), 34 CFR §300.11, C.G.S. §10-76d (a)(1), and Conn. Agencies Reg. §10-76d-7(c).</p> <p><u>§504 of the Rehabilitation Act of 1973</u></p>
Initial Steps	<ul style="list-style-type: none"> ● <i>Can student provide chronological account of academic experiences?</i> ● <i>Is the student reporting any traumatic stress?</i> ● <i>Is the student reporting an inability to read or write in their native language?</i> ● <i>Request school records.</i> ● <i>Request language acquisition scores (LAS).</i> ● <i>Obtain any previously conducted evaluations by the school district or community providers.</i>
Advocacy	Referral to Planning and Placement Team Meeting (PPT)

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Strategies	
Other:	

Issue/Problem: How can we determine if a student has a disability under IDEA when he/she may not have achieved literacy in their native language?

What you may have heard: “We cannot get a true measure of the student’s abilities due to cultural or environmental factors.”

Advocacy Question	Is the inability to learn or poor academic performance on account of interrupted learning? What evaluations should I request?
Law or Regulation	<p><u>ELL Services:</u> See Conn Gen Stat § 10-17 et seq.</p> <p><u>IDEA:</u> Students are not eligible for services if their learning problems are primarily the result of environmental, cultural, or economic disadvantage. See 20 USC 1401(30).</p>
Evaluations in General	<ul style="list-style-type: none"> - Evaluation and placement procedures must be conducted in the child’s dominant language; - Assessment results must be considered by individuals knowledgeable about the child, assessment, and placement alternatives; - Interpreters adversely affect validity and reliability
Specific Asks	<ul style="list-style-type: none"> ✓ English language proficiency assessment (LAS) <ul style="list-style-type: none"> i. Given within at least the last 6 months ✓ Language assessments/evaluations should include: <ul style="list-style-type: none"> Spontaneous conversation samples to see how well a student understands and speaks the two languages with different people and in different settings and contexts; Cloze-tests (exercise, test, or assessment consisting of a portion of text with certain words removed) to assess the student’s background knowledge and knowledge of vocabulary and grammatical structures. Involve parents and family in referral and assessment processes; interview to gain an understanding of: <ul style="list-style-type: none"> i. language use and development ii. language preference iii. the level of proficiency in L1

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	<ul style="list-style-type: none"> iv. the student’s sociological background <ul style="list-style-type: none"> 1. child-rearing practices 2. family structure 3. levels of acculturation 4. beliefs about intelligence, disability and education 5. the family’s communication styles 6. literacy practices v. developmental and medical history vi. social and emotional functioning <ul style="list-style-type: none"> ✓ Verbal IQ test become measures of the student’s language proficiency... Use non-verbal measurements (i.e. Test of Non-Verbal Intelligence TONI-4). Others include: <ul style="list-style-type: none"> ○ Naglieri Nonverbal Abilities Test ○ Raven's Standard Progressive Matrices ○ Universal Nonverbal Intelligence Test ✓ Consider other potential disabilities on account of adverse childhood experiences (i.e. traumatic stress) <ul style="list-style-type: none"> ○ Psychiatric or Neuro-psychological evaluation in dominant language by culturally competent evaluator.
Other:	

Issue/Problem: Is the Individualized Education Plan (IEP) adequately designed to address complex needs?

Advocacy Question	What are some potential IEP or section 504 services/accommodations for students who may have experienced interrupted learning and receive ELL services?
Potential Accommodations	<p>Instruction needs to address both the student’s linguistic and cultural characteristics and their disabilities⁵:</p> <p>May include</p> <ul style="list-style-type: none"> i. Sheltered academic instruction ii. Mediating scaffolds – peer support iii. Task scaffolds – reduce the information students must generate independently iv. Material scaffolds – learning prompts v. Comprehensible input – language appropriate to the student’s English language proficiency

⁵ Id.

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	<p>Other models suggest⁶:</p> <ol style="list-style-type: none"> 1. Activate prior knowledge. 2. Provide a print rich environment. 3. Engage students in hands-on learning so students are physically involved. 4. Keep the amount of new vocabulary in control. 5. Give frequent checks for communication. . 6. Allow students to work in cooperative groups. 8. If possible, build the native language content and literacy instruction in order to build on English. 9. Use teaching strategies that weave together language and content instruction, such as the SIOP model (Sheltered Instruction Observation Protocol). Start with the concrete then build to the abstract. Try to relate material to students' prior knowledge and experience. What they don't have you can try to create for them through visuals or by using technology.
<p>Evaluations in General</p>	<ul style="list-style-type: none"> - Evaluation and placement procedures must be conducted in the child's dominant language; - Assessment results must be considered by individuals knowledgeable about the child, assessment, and placement alternatives; - Interpreters adversely affect validity and reliability
<p>Specific Asks</p>	<ul style="list-style-type: none"> ✓ English language proficiency assessment (LAS) <ol style="list-style-type: none"> ii. Given within at least the last 6 months ✓ Language assessments/evaluations should include: <p style="margin-left: 40px;">Spontaneous conversation samples to see how well a student understands and speaks the two languages with different people and in different settings and contexts;</p> <p style="margin-left: 40px;">Cloze-tests (exercise, test, or assessment consisting of a portion of text with certain words removed) to assess the student's background knowledge and knowledge of vocabulary and grammatical structures.</p> <p style="margin-left: 40px;">Involve parents and family in referral and assessment processes; interview to gain an understanding of:</p>

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	<ul style="list-style-type: none"> i. language use and development ii. language preference iii. the level of proficiency in L1 iv. the student’s sociological background <ul style="list-style-type: none"> 1. child-rearing practices 2. family structure 3. levels of acculturation 4. beliefs about intelligence, disability and education 5. the family’s communication styles 6. literacy practices v. developmental and medical history vi. social and emotional functioning <ul style="list-style-type: none"> ✓ Verbal IQ test become measures of the student’s language proficiency...Use non-verbal measurements (i.e. Test of Non-Verbal Intelligence TONI-4). Others include: <ul style="list-style-type: none"> ○ Naglieri Nonverbal Abilities Test ○ Raven's Standard Progressive Matrices ○ Universal Nonverbal Intelligence Test ✓ Consider other potential disabilities on account of adverse childhood experiences (i.e. traumatic stress) <ul style="list-style-type: none"> ○ Psychiatric or Neuro-psychological evaluation in dominant language by culturally competent evaluator.
Other:	