Differentiating Second Language Learning from Potential Disabilities

When ELLs experience academic problems, school personnel often face the challenge of differentiating between typical behaviors of second language learners and behaviors that indicate the need for referral for exceptional student education services. Both the over-identification and under-identification of ELLs as handicapped have been reported nationally. For example, ELLs who are not really disabled may be misidentified as having a specific learning disability or other mild handicap because of below grade level school performance, while ELLs who are actually disabled may not be referred for special services because their lack of success in school is attributed solely to their limited English proficiency (U.S. Department of Education, 2003).

ELLs who speak English without an accent and can communicate in social situations in English may still have difficulty with cognitive academic tasks in English. This does not imply that they are potentially disabled (Wilen, 2004). ELLs are not learning or language disabled if they demonstrate learning or language problems in English only. It is important to obtain information about native language skills in differentiating between normal second language learning and potential handicaps (Wilen, 2004).

Similarities Between Second Language Learning and Students with Handicapping Conditions

There are often similarities in the behavior manifested by typical English language learners and by students with mild handicapping conditions in school environments where instruction is provided primarily in English. Some examples appear below:

- Errors in word usage
- Difficulty with word retrieval
- Limited vocabulary
- Mispronunciations of words
- Difficulty with abstract concepts in English
- Difficulty with phonemic awareness
- Poor grammar and syntax in English
- Below grade level reading, writing and/or spelling
- Short attention span
- Distractibility
- Confusion
- Difficulty remembering directions
- Difficulty completing assignments
- Limited class participation
Culturally and Linguistically Diverse Learners and Exceptional Student Education

- Low frustration tolerance
- Failure to follow school rules and procedures (Wilen & Diaz, 2004).

Data Collection and Intervention in Distinguishing Second Language Acquisition from Handicapping Conditions

Educators can better meet the needs of English language learners if they understand their respective cultural and linguistic backgrounds and the impact of their prior life experiences on current performance in school (Wilen, 2004). Review of prior school records and performance and interviews with students and parents can provide important background data. Background data should include:

- Developmental History
- Pertinent Medical History
- Educational History and Outcomes Data
- Cultural and Linguistic History (Wilen, 2004)

Below are key questions to ask in differentiating between the normal process of second language acquisition and handicapping conditions in English language learners:

**Key Questions in Differentiating between Second Language Acquisition and Disabilities**

- Were language milestones delayed in the first language before the second language was introduced?
- Is there a history of medical or sensory problems?
- Were academic and/or language difficulties noted in the first language before exposure to the second language?
- What were the child’s competencies like in the first language before the second language was introduced?
- Has there been consistent schooling?
- Has there been effective instruction?
- How have the school and classroom teachers positively supported the child’s social/emotional adjustment?
- Have there been interventions designed to meet the child’s needs and if so, what was the response to these interventions?
- Have interventions been redesigned if they did not work initially?
- Has there been enough opportunity for practice in the second language?
- How do this child’s language and academic skills compare with siblings and peers from similar language backgrounds who have been in the United States for similar amounts of time?
- What type of support has this child received from the home to facilitate the development of language and academic skills?
• Have there been significant stressors and life events which may have interfered with language and academic development?


Collaborative Problem-Solving for ELL Students
Schools often use collaborative problem solving with ELLs who manifest learning and/or behavior problems. This occurs when the classroom teacher seeks assistance in planning interventions and in meeting the student’s needs. For ELLs, in addition to teachers, administrators and support staff, members of collaborative problem-solving teams may include the bilingual school psychologist, the bilingual social worker, the speech/language pathologist, ESOL personnel and others who have special expertise in meeting the needs of culturally and linguistically diverse students. Collaborative Problem-Solving teams should document their proceedings and the outcomes of said proceedings and interventions with ELLs on forms developed for that purpose, and place them in the ELLSEP folder. Samples of student work should be obtained and evaluated in both the native language and in English. Particular attention should be given to interventions attempted and whether the student is responding positively to interventions and making progress. The National Association of Bilingual Education and ILIAD project (2002) have recommended the use of Teacher Assistance Teams as a strategy for determining appropriate referrals of ELLs to special education. They have developed a checklist, which can be used to evaluate the effectiveness of such teams. An adapted version of this checklist appears next and is a valuable tool for administrators and guidance counselors to use in evaluating the teams in their buildings.
Culturally and Linguistically Diverse Learners and Exceptional Student Education

Evaluation of Collaborative Problem-Solving or Teacher Assistance Teams for English Language Learners

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<tr>
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<th>Consistently</th>
<th>Inconsistently, Needs Improvement</th>
<th>Not at all, Need a Plan</th>
<th>Does not Apply to my Setting</th>
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<tr>
<td>• Team provides a variety of inputs to support teacher in determining ways to assist student.</td>
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<td>• Team helps improve teaching and learning by focusing on adapting classroom instruction for needs of individual student.</td>
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<td>• Members of the team are appointed on a rotating basis according to specific needs of the student.</td>
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<td>• Team meetings are scheduled regularly.</td>
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<td>• Team documents proceedings of meetings.</td>
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<tr>
<td>• School personnel bring documentation of student’s current level of academic performance and/or behavior to meeting.</td>
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<td>• School personnel bring documentation of the techniques and interventions they have used to address the area of concern and results.</td>
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<tr>
<td>• Parents are included in the team process and provide information pertinent to student’s history and development.</td>
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<tr>
<td>• Information is obtained on how the student uses his or her native language.</td>
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</table>

Adapted from: National Association for Bilingual Education (NABE) & ILIAD Project (2002). Determining Appropriate Referrals of English Language Learners to Special Education: A Self-
Guidelines for Exceptional Student Education (ESE) and English Language Learners (ELLs) Students

- The Multicultural, ESOL and Program Services and Exceptional Student Education Departments (2009) have developed *Guidelines for Exceptional Student Education (ESE) and English Language Learner (ELL) Students* (available at http://www.broward.k12.fl.us/esol/Eng/ESOL/ESE.htm) which include guidelines for referring ELLs who may be in need of ESE services and for identifying and serving ESE/ELL students.

- These guidelines contain information on:
  - definitions of key terminology,
  - language classification and ESE evaluation/reevaluation,
  - Individual Educational Plan (IEP)/English Language Learner Student Educational Plan (ELLSEP) procedures,
  - use of interpreters and translators including checklists for interpreters and users of interpreter services,
  - procedures for exiting from ESOL and dismissal from ESOL, and
  - questions and answers.

- It is important to remember that the Individuals with Disabilities Education Act (IDEA) 2004 contains a special rule for eligibility determination in 614 (6) (5) as follows:

  “(5) Special rule for eligibility determination.--In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is--

  (A) lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965);

  (B) lack of instruction in math; or

  (C) limited English proficiency.”
Language Classification

- All students evaluated by the Multicultural & ESOL Program Services Education Department or the school-based language assessor will receive a language classification on the Initial Language Classification Assessment Form. If the student is unable to be classified (U), then the Special Populations Language Dominance Questionnaire School Form and Special Populations Language Dominance Questionnaire Parent Form, should be attached to the Initial Language Classification Assessment Form.


IEP/ELLSEP Procedures

Any A1, A2, B1, B2, C1, or U-LY ELL in grades PreK-12 must have an ELLSEP folder. In addition, if the student is ESE/ELL, an Individual Educational Plan (IEP) is needed.


ELL Committee

For ESE/ELL students, the ELL Committee will consist of:

1) An administrator or designee

2) The ESOL teacher

3) The home language teacher (if any)

4) The classroom/subject area teacher(s)

5) An ESE representative (e.g., ESE Specialist, ESE teacher/provider)

6) Guidance counselors, school social workers, school psychologists or other educators as appropriate for the situation.

Exiting ESOL/Dismissal from ESE

In order to exit an ESE/ELL student from the ESOL program, an ELL Committee meeting must be held. The committee’s decision to exit the student from the ESOL program may be based on traditional or alternative exiting criteria as noted below:

a) The committee's decision to exit from the ESOL program may be based on traditional exiting criteria as defined in the Multicultural, ESOL and Program Services Department Handbook.

b) The committee may also consider other factors for exiting from the ESOL program for ESE/ELL students who do not meet the traditional exiting criteria. These factors include consideration of at least TWO of the following:

- extent and nature of prior educational and social experiences; and student interview;
- written recommendation and observation by current and previous instructional supportive services staff;
- level of mastery of basic competencies or skills in English and/or home language according to appropriate local, state and national criterion-referenced standards;
- grades from current or previous years;
- test results other than those from the district assessments of listening/speaking/reading/writing.

Students in the ESE program may be exited from the ESOL program using alternative criteria. In order to exit an ESE/ELL student from the ESOL Program, an ELL Committee meeting must be held. The Committee’s decision to exit the student from the ESOL program may be based on traditional Exit criteria by grade as discussed in Unit 5 or alternative exiting criteria as noted below and are also defined in ESOL procedures:

When an ESE/ELL student is being dismissed from the ESE program, in addition to the regular ESE requirements for paperwork for dismissal, an ELLSEP folder continues to be required for the student.