



## Meeting the Needs of ELs with Disabilities in Your State: Making EL Exit Decisions

Students classified as English learners (ELs) receive English language services through the Elementary and Secondary Education Act (ESEA). The determination that an EL is no longer eligible for EL services and should be exited and monitored, is a decision that can have high stakes consequences. Exiting ELs before they are proficient in English may deny them access to the language development services they need to be successful learning academic content. Students who do not have the English proficiency needed to fully succeed in the general content curriculum are at greater risk of academic difficulties. Exiting students from EL services too late may deny them full access to parts of the general grade-level curriculum that are important for academic success.

Making exit decisions for ELs who have disabilities is particularly complex, especially when a student’s language production and comprehension are affected by a disability. Most states do not have data available on how many ELs with disabilities exit EL services each year. Those states that do have this information report that very few ELs with disabilities exit from EL services (Thurlow et al., 2016b). Low numbers of ELs with disabilities exiting may indicate a need for state education agencies to provide increased support to districts and schools on appropriate decision making.

The purpose of this Brief is to highlight the numbers and characteristics of ELs with disabilities and current decision-making processes for exiting these students from EL services. The Brief concludes with recommendations for states to consider as they support districts and schools in making appropriate exit decisions for ELs with disabilities.

## Who are ELs with Disabilities?

The number of ELs with disabilities varies by state. Across the 50 states, the percentage of ELs with disabilities in 2014-15 ranged from less than 1% of all school-age students with disabilities to 31% of students with disabilities. ELs with disabilities are concentrated in states that have relatively large populations of ELs in general. These states include California, New Mexico, Nevada, Colorado, and Texas (Liu et al., in process).

Based on an NCEO analysis of Consolidated State Performance Report Data, the most common languages are most likely similar to those of ELs overall. For K-12 ELs nationwide, Spanish is the most frequent home language in the majority of states, but many other home languages are represented as well. In a small number of states the most frequent language is something other than Spanish. For example, Iloko is the most common home language spoken by ELs in Hawaii, Nepali by ELs in Vermont, Somali by ELs in Maine, and Yupik by ELs in Alaska. Other languages commonly spoken by ELs across states include Arabic, Vietnamese, Chinese, and Somali (Liu et al., in process). Different areas of the country may have concentrations of different language groups.

## Making Exit Decisions for ELs with Disabilities

**Exit Criteria.** Under Title III (section 3113(b)(2) of the Elementary and Secondary Education Act (ESEA)), reauthorized in 2015, each State must establish and implement standardized entrance and exit procedures for ELs including ELs with disabilities. Consistent with this requirement, the U.S. Department of Education (2014, p. 9) stated that ELs with disabilities can be exited from EL services when they no longer meet the federal definition of an EL. An EL is defined by ESEA (section 8101(20)(D)) as “an individual whose difficulties in speaking, reading, writing, or understanding the English language may be

sufficient to deny the individual – (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society.”

This definition suggests that meeting the state’s established proficiency level on state English language proficiency (ELP) assessments is a major factor in making EL service exit decisions for all ELs. Additional objective criteria may be used as supplemental information in determining whether to exit a student, but these other sources may not take the place of a proficient score on an ELP assessment (U.S. Department of Education, 2016). For example, federal law does not permit teams to exit students from EL services solely because the student has an Individualized Education Program (IEP) (U.S. Department of Education, 2014).

Information about how districts and schools apply these broad criteria for exiting ELs with disabilities from EL services is limited. A 2015 NCEO survey (Thurlow et al., 2016b) indicated that exiting ELs with disabilities often is not addressed in the IEP process, although many states would like to have this information included in IEPs. In the absence of specific information for exiting ELs with disabilities, states’ criteria for exiting ELs, in general, are presumed to apply to ELs with disabilities as well. A majority of states (n=30) seem to rely solely on scores from the state ELP assessment when making EL exit decisions (Linguanti & Cook, 2015). The remaining states use multiple criteria to make exit decisions. When multiple criteria are used, the criteria include scores on academic content assessments, teacher input or evaluations, and other criteria such as parent notification. The number of states relying solely on ELP assessment data appears to have more than doubled from 2007 to 2015 (Thurlow et al., 2016b; Wolf et al., 2008).

**Individuals Involved in Making Decisions.** NCEO reported that more than half of responding states indicated that specific individuals are required to be involved in the decision to exit a student from EL services (Thurlow et al., 2016b). There was no consensus across states about which individuals should make up the decision-making team. Exit decisions most often were made by school and district EL staff, although IEP teams also played a role in this decision for ELs with disabilities. Parent and administrator involvement in exit decisions also was noted by states.

## Recommendations

The evidence suggests that states lack specific criteria for exiting ELs with disabilities from EL services, and that there may be variability in who is involved in making exit decisions. We provide seven recommendations for states to consider as they determine ways to support districts and schools in making exit decisions for ELs with disabilities.

**Create policies and procedures that specifically address exit criteria for ELs with disabilities.** Specific exit policies and procedures are needed to ensure that ELs with

disabilities are not exited from EL services solely because of their special education status. ELs with disabilities should continue to receive both EL services and special education for as long as those services are needed.

Policies and procedures also should explicitly address ELs with the most significant cognitive disabilities. A memo sent from the U.S. Department of Education on June 28, 2017 (<http://www.titlei.org/news-and-resources/blogs/others/u-s-department-of-education-update-on-english-language-proficiency-assessments>) clarified that “a State may develop alternate ELP achievement standards for the alternate ELP assessment.” States will want to have considered their policies in light of this provision so that they are able to identify those students in this group who meet each state’s requirements for exit from EL services (Thurlow et al. 2016a). ELs with significant cognitive disabilities should receive English language development instruction regardless of the severity of their disability.

**Ensure that educators are incorporating English proficiency development goals for ELs with disabilities.** Because ELs with disabilities should continue to receive special education services even if they are no longer receiving EL services, it is important that IEP forms and annual IEP reviews give continued attention to the English language development of these students. Doing so will ensure that supporting the development of academic English language skills remains a priority.

**Monitor the English development of ELs with disabilities before they are exited from EL services.** There are benefits to continuously monitoring the English development progress of ELs with disabilities while they are still receiving EL services. Monitoring English development enables practitioners to make data-informed instructional decisions. If a district or school is using a multi-tiered system of supports to identify struggling students, regularly reassessing a student’s English proficiency development and monitoring content learning is considered good practice (Gersten et al., 2007, 2008). Regardless of whether educators use a multi-tiered system of supports, a plan for providing extra supports can be created for ELs with disabilities who are not making expected progress in learning English. Monitoring growth in English also can support increased communication between families and professionals about student progress in the classroom and the student’s possible need for additional support.

**Encourage districts and schools to collect multiple sources of information to document students’ progress in learning English and to act as supplemental information for determining exit from EL services.** Some ELs with disabilities have disabilities that affect language acquisition. These students include, for example, those who are deaf, those who are blind, or those who have significant speech-language impairments. ELs with some disabilities may have difficulty showing their English skills on a traditional standardized assessment that measures each of the four language modalities (listening, speaking, reading, and

writing). Federal guidance (34 CFR § 200.6(h)(4)ii, 2016) indicates that an EL may receive a total score even if unable to participate in all domains because of a disability. Specifically:

If an English learner has a disability that precludes assessment of the student in one or more domains of the English language proficiency assessment required under section 1111(b)(2)(G) of the Act such that there are no appropriate accommodations for the affected domain(s) (e.g., a non-verbal English learner who because of an identified disability cannot take the speaking portion of the assessment), as determined, on an individualized basis, by the student’s IEP team, 504 team, or by the individual or team designated by the LEA to make these decisions under title II of the ADA, as specified in paragraph (b)(1) of this section, a State must assess the student’s English language proficiency based on the remaining domains in which it is possible to assess the student.

When a student is exempt from a particular domain of the ELP assessment, he or she may still be able to demonstrate skills in the classroom under non-standardized conditions. Documenting a student’s language skills in other settings can be an important piece of supplemental information.

**Collaborate in decision making.** It is difficult for any one individual to have extensive knowledge and expertise about a student’s English development and that student’s disability-related needs, as well as how these areas intersect. A decision-making team that includes EL educators, special educators and related service providers, general education teachers, school administrators, and parents is more likely to have the collective knowledge and skills needed to make appropriate exit decisions. This team is also more likely to establish consistent language development and content achievement expectations for ELs with disabilities. States may want to consider giving guidance to districts on the composition of such teams.

**Disaggregate data on redesignated ELs with disabilities.** All ELs who are exited from EL services must be monitored for each of the four years after exiting EL services to ensure that they were not exited prematurely. Exited students with disabilities are included in this monitoring and their results should be examined as a disaggregated group, as required by ESEA section 3121 to determine whether these students have sufficient English skills to access the general curriculum.

**Collect data on ELs with disabilities as a group.** Gather data on the number of students with disabilities who enter and exit English language development services. Collecting information on additional student characteristics, such as disability category and home language, will help in understanding the population. Progress monitoring data on both academic and language skills also will help check on the extent to which special education and EL services are meeting the student’s academic and language needs.

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