

Chapter 12: Collaborative Planning for English Learner (EL) and Special Education Programs

Contents

Chapter Overview	180
Collaborative Planning	180
Intake Procedures for ELs	181
Data Collection and Record Keeping	182
Working with Interpreters and Translators (Due Process)	182
Pre-Referral and Referral	183
Assessment	183
Eligibility Determination and Evaluation Reports	184
Service Delivery	184
Resources	185
Tools	185

Chapter Overview

Special education programs and English learner (EL) programs are part of a larger educational system and school context. Success in identifying and serving ELs who need special education services requires collaboration across the system. The district should support appropriate pre-referral, referral, and special education evaluation procedures, just as the special education system should complement the larger educational system and school context. This chapter provides a tool that may be useful in the self-assessment process for the coordination of EL and special education services. This chapter covers collaborative planning and seven areas to ensure that a district has systems in place to support a cohesive educational system for ELs who may have disabilities: (a) intake procedures for ELs; (b) data collection and record keeping; (c) working with interpreters and translators; (d) pre-referral and referral; (e) assessment; (f) eligibility determination and evaluation reports; and (g) service delivery.

Collaborative Planning

Collaborative planning is an essential part of establishing EL and special education programs that best identify and serve ELs who require special education services. Tool 12.1 provides a comprehensive self-assessment tool for districts to use to examine their policies and procedures and to develop a plan for improving any areas of need. Recommended steps for collaborative planning using this tool are the following:

1. Form a small work group made up of key staff from special education and EL programs and a district coordinator or administrator.

2. Establish a work schedule for the group to review the district’s status related to each element in Tool 12.1. One way to address the topics is to set up a series of one-hour meetings to address each topic.
3. Part 1 of the Tool deals with review of demographics and other data on the students of concern. For the remaining section of Tool 12.1, the group should determine the following:
 - If a policy or procedure **exists**.
 - If a policy exists but **needs revision** or **needs consistent implementation**.
 - Whether any **action** is needed.
 - The **person responsible** for the element, including any action that is needed.
4. When Tool 12.1 is complete, review the group’s conclusions with key administrators; also determine whether additional training for staff is needed.

Part 1: Who are the Students?

Teams that create procedures for interventions, referral and special education evaluations first need to consider which students the procedures will apply to. In addition to students that are currently identified as English learners, teams are recommended to think more broadly about students that require some degree of adaptation in special education procedures because they previously received EL services but were reclassified as English proficient. There may also be students who speak another language at home but whose parents have opted out of EL services or students that were never identified or offered EL services. School teams should be aware of the language background of these students if they enter an intervention process or are referred for a special education evaluation. Another consideration for the planning team is access to information by parents. Teams may evaluate students that primarily or only speak English but whose parents require interpreters for IEP meetings and consent forms.

A third consideration in identifying students is whether the district has been identified as having racial disproportionality in special education. All states are required to have a system to identify districts that have over-representation of racial and ethnic groups in special education identification rates, discipline rates and rates of placement in restrictive settings. Districts are notified annually if any group exceeds the thresholds established by the state. As noted, these systems are based upon the federal race/ethnicity categories and do not account for language use. Districts that receive notification of disproportionality are recommended to examine the home language and EL status for the groups that are affected, however. Schools may observe different special education rates for students who share the same racial or ethnic group but have different home languages.

Although states are not required to report on racial groups that are **underrepresented** in special education, planning teams are encouraged to examine this information and consider whether there are barriers to identification of disabilities among ELs.

Part 2: Intake or Registration Procedures for ELs

It is important for each district to have a collaborative plan from the start for its intake procedures. This includes completing a Minnesota Language Survey (MNL) for each new student registered in the district and screening English language proficiency when indicated. The *Minnesota Standardized English Learner Procedures*¹ provides complete information regarding the steps involved when identifying ELs.

At the time of enrollment, staff also need to ascertain whether a student previously received special education services and to notify the special education department if that is the case. Special education should also be notified if parents report that their child has a disability or medical problem or if it is readily apparent that that a student has special education needs.

Districts should also think about how their intake procedures might be carried out in their early childhood programs or as part of preschool screening. First languages must be considered and interpreters available for all preschool screening activities. EL intake procedures also need to be followed for children who were identified as having a disability during early childhood and are transitioning to school-aged services.

Part 3: Data Collection and Record Keeping

The collection of relevant information (i.e., data) and having a process for keeping records of relevant information are another critical aspect of collaborative planning. Ensuring that each student's cumulative records consistently has the following information will assist collaborative planning:

- Minnesota Language Survey information
- Results of initial evaluation for English learner services, if warranted
- Information on progress in the development of learning English for those students receiving EL services
- Information on exit from EL services, when this occurred and data on monitoring of EL skills after exit from services

For true collaborative planning, the district must go beyond simply ensuring that relevant information is kept in students' cumulative record. Information on first language and EL status also should be readily available in the event that a student who has been exited from EL services is later referred for a special education evaluation. EL staff should have access to special education information, including Individualized Education Programs (IEPs) and any relevant special education assessment data.

Part 4: Working with Interpreters and Translators (Due Process)

Interpreters and translators may be needed to communicate with parents and ensure due process. Districts should have a system that supports easy access to interpreting and/or translation in languages that are commonly spoken by families in the district. In addition, there should be an established back-up system for less common languages or for situations when the regular interpreter isn't available. When possible, the same interpreters are used consistently in special education.

Multilingual staff who function as interpreters, translators and/or cultural liaisons need up-to-date job descriptions and other staff should be aware of their roles in different settings. Multilingual staff, their supervisor and special education staff should discuss and make decisions about which tasks an interpreter/liason will carry out independently and which tasks will only be done with a licensed staff person.

Staff should be made aware of the roles played by cultural interpreters, translators, and cultural liaisons in the district and should receive training on how to communicate with parents and students via interpreters.

Districts are recommended to ask parents about their preferred language and mode of communication. Documentation of oral interpretation should be kept in special education files, as well as copies of any written translations.

Part 5: Pre-Referral and Referral

Collaboration during pre-referral and referral processes is critical. EL teachers and other staff such as cultural liaisons should routinely participate in intervention procedures for students having a home language other than English. Procedures should also include parent contact during the pre-referral process, using an interpreter if needed.

EL staff should have access to information and training about recognizing possible disabilities so that they are able to facilitate appropriate referrals for pre-referral and referral processes. This means, for example, that EL staff are included in the same staff development opportunities as their general education colleagues on topics related to special education.

Intervention procedures should emphasize the collection of background information. Any forms that the district uses should include data elements relevant to English learner status, including first language, language proficiency level. During the development of the special education evaluation plan, information should be available to special education staff about the student's first language and the student's current level of English proficiency.

Part 6: Comprehensive Evaluation

Attention should be paid to collaborative processes that will ensure that assessments and assessment processes are most appropriate for ELs suspected of having a disability. At the most basic level, this means that districts consider their EL population when they purchase standardized tests.

It also means that there is collaboration in the sharing of data. For example, special education staff should have access to existing data from any EL assessments. Similarly, teams that include special educators and EL educators should have access to pre-referral assessment information, including standardized assessments. These teams also must be able to review information about the student's educational history and personal background, as well as gather additional background information if it is needed. Teams should be able to use information on the student's first language and English language skills to plan for language use during assessments. They should also be given the discretion to use both formal and informal procedures with ELs suspected of having disabilities.

Interpreters are an important part of the assessment process for ELs suspected of having disabilities. Staff should always try to work with interpreters who have experience or training in special education. Further, it is critical that special education staff have been trained on how to work with interpreters effectively during assessments.

The data collected during the assessment process should be broad, and include more than standardized tests. Observations that are conducted should take place in settings that include EL peers as well as other peers. In

addition, parent information should be gathered as part of the assessment process, using an interpreter if needed.

If a specific learning disability is suspected, it is important to gather information from EL educators as well as other educators. Further, the use of information processing materials recommended by the Minnesota Department of Education in *Determining the eligibility of students with specific learning disabilities: A technical manual* (or similar materials) should be considered. See the Resources section for a link to the full text.

Part 7: Eligibility Determination, Evaluation Report

It is most important that EL staff be involved in decisions for eligibility services for ELs with suspected disabilities. A representative from EL staff must be part of the team making decisions about eligibility for special education service.

The team must ensure that it includes information from parents in the evaluation. Further, the team must base its decisions on a variety of data sources, including formal and informal procedures, as well as background information and other information provided by EL staff. Teams must address federal and state exclusionary factors, such as EL proficiency and lack of opportunity learn. Teams should make comparisons to similar EL peers when determining eligibility for special education services. When a specific learning disability is suspected, teams should refer to the *Determining the eligibility of students with specific learning disabilities: A technical manual*. See the Resources section for a link to the full text.

Reporting also must be collaborative in nature. Specifically evaluation reports must include all types of information that were collected. They also must describe any modifications in administration of standardized tests that were implemented. Finally, in results that are presented, evaluation reports should include information on the validity of test results given the student's language and cultural background.

Part 8: Service Delivery

Service delivery reflects the collaboration of EL and special education divisions through district processes, coordination through IEP teams, and in the provision of services. For example, at the district level, there is a plan for the delivery of sufficient EL services in locations throughout the district. Further, the district ensures that special education services are located in buildings where students also have access to EL services. When these services are not available, the district has a plan for meeting both the special education and EL service needs of students.

Coordination is reflected in the IEP process. EL personnel are involved in annual IEP meetings. In addition, EL services and special education goals and services are coordinated and complementary. Further, EL services are described in the IEP section on general education adaptations. Also, access to first language support to benefit from special education is considered, and when appropriate, included as a service on the IEP. The IEP team always considers the appropriate language of instruction for ELs with disabilities.

In terms of services, the IEP team always considers the need for the students to interact with peers from similar cultural backgrounds. This occurs even when students receive intensive special education services. Coordination

between EL services and special education services is reviewed periodically as the student matures and his or her needs change.

Resources

Books and Articles

- Linquanti, R., Cook, H. G., Bailey, A. L., & MacDonald, R. (2016). Moving toward a more common definition of English learner: Collected guidance for states and multi-state assessment consortia. Washington, DC: Council of Chief State School Officers.

MDE Resources

- Minnesota Department of Education. (2017, July). [Minnesota Standardized English Learner Procedures](https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=mde072042&RevisionSelectionMethod=latestReleased&Rendition=primary). Available at https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=mde072042&RevisionSelectionMethod=latestReleased&Rendition=primary.
- Minnesota Department of Education. (2017, August). [Determining the eligibility of students with specific learning disabilities: A technical manual](https://education.mn.gov/MDE/dse/sped/cat/sld/). Available at <https://education.mn.gov/MDE/dse/sped/cat/sld/>.

USDE Resources

- U.S. Department of Education. (2016, June). [Policy statement on supporting the development of children who are dual language learners in early childhood programs](http://www2.ed.gov/about/inits/ed/earlylearning/files/dll-policy-statement-2016.pdf). Available at <http://www2.ed.gov/about/inits/ed/earlylearning/files/dll-policy-statement-2016.pdf>.
- U.S. Department of Education. (2016, September). [Non-Regulatory guidance: English learners and Title III of the Elementary and Secondary Education Act \(ESEA\), as amended by the Every Student Succeeds Act \(ESSA\)](http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf). Available at <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf>.

Tools

- **Tool 12.1: Collaborative Planning Tool**

Endnotes

¹ Minnesota Department of Education. (2017). [Minnesota standardized English learner procedures: Minnesota Language Survey](https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=mde072042&RevisionSelectionMethod=latestReleased&Rendition=primary). Retrieved from https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=mde072042&RevisionSelectionMethod=latestReleased&Rendition=primary.

Tool 12.1: Collaborative Planning for EL and Special Education Programs

Part 1: Identification of Students

Item	Comments
1. Review data on the home language of students enrolled in the district.	
2. Cross-reference home language data with special education data (determine the native languages of students that currently have an IEP).	
3. Identify which students with IEPs are currently also classified as English learners.	
4. Identify students with IEPs that were previously classified as English learners but have been exited from EL services.	
5. Consider whether ELs of various racial and ethnic backgrounds are more or less likely to be identified as having disabilities (over- or under-representation).	
6. Look at enrollment trends as well as information about immigration and refugee resettlement and consider the potential impact on special education procedures.	

Part 2: Intake or registration procedures for ELs

Policy and Procedures: **Yes** – district has effective policy or procedure; **No** – district has no policy or procedures; **Needs Revision** – policy or procedure needs revision; **Needs Implementation** – policy or procedures needs to be consistently implemented

Item	Policy/ Procedure	Action	Person Responsible
1. The Minnesota Language Survey is given to all parents when they register new students.			
2. Students whose Minnesota Language Survey indicates they may need EL services are referred on for screening.			
3. Parents who do not speak English have access to an interpreter when they come to register their children for school.			
4. When a new EL student enrolls who has readily apparent special needs or who previously received special education services, the special education department is notified.			
5. When a new EL student enrolls who has readily apparent special needs, a special education staff person is available to assist with English language proficiency screening as needed.			
6. EL screening and intake procedures are carried out when children transition from Early Childhood Special Education (ECSE) programs to school-aged services.			
7. (Optional) Early Childhood programs: first languages are considered and interpreters are available in preschool screening.			

Part 3: Data collection and record keeping

Policy and Procedures: **Yes** – district has effective policy or procedure; **No** – district has no policy or procedures; **Needs Revision** – policy or procedure needs revision; **Needs Implementation** – policy or procedures needs to be consistently implemented

Item	Policy/ Procedure	Action	Person Responsible
1. Minnesota Language Survey data is kept in students' cumulative records.			
2. Results of initial evaluation for EL services eligibility are kept in cumulative records.			
3. Information about progress in EL services is kept in cumulative records.			
4. When a student exits from EL services, data are placed in the cumulative records.			
5. Special education staff keep records of students referred and placed in special education, identifying race/ethnicity, first language and EL status and periodically review referral and placement rates to identify potential over- or under-identification.			
6. EL staff have access to IEPs and relevant special education assessment data.			

Part 4: Working with Interpreters and Translators to Provide Due Process

Policy and Procedures: **Yes** – district has effective policy or procedure; **No** – district has no policy or procedures; **Needs Revision** – policy or procedure needs revision; **Needs Implementation** – policy or procedures needs to be consistently implemented

Item	Policy/ Procedure	Action	Person Responsible
1. The district asks parents their preferred language and mode of communication (for special education or for general communication purposes).			
2. Special education files document parents' preference regarding language and mode of communication for special education materials.			
3. Once the referral decision has been made, the district has a system for informing parents and obtaining consent in the parents' preferred language or mode of communication.			
4. Special education files document oral interpretation of documents, including in-person interpretation and telephone contacts.			
5. Copies of written translations are placed in special education files.			
6. Staff have access to translated due process forms.			
7. District or schools have a system in place for easily accessing interpreting or translation services (i.e., a list or pool of interpreters, a designated person for making arrangements with interpreters, a contract with an agency).			
8. Multilingual staff have up-to-date job descriptions that define their responsibilities. Cultural liaison roles and interpretation/translation roles are clearly delineated.			
9. The district has a system to evaluate language proficiency when hiring multilingual staff.			
10. Interpreters and other staff are trained on the <i>Code of Ethics for Educational Interpreters of Spoken Languages</i> .			
11. The district has determined which tasks related to special education will be carried out by the interpreter/liaison independently and which tasks will be done with a licensed staff member.			
12. Staff have had training on the roles of district interpreters or liaisons and how to effectively communicate with parents and students via an interpreter.			

Item	Policy/ Procedure	Action	Person Responsible
13. Whenever possible, the same interpreters are used consistently for special education evaluations and meetings.			
14. Staff talk with interpreters in advance to explain the purpose of the interaction and review materials that will be used.			
15. Interpreters have access to training on special education, either on-the-job or through workshops and classes.			

Part 5: Pre-Referral Interventions, Referral and Evaluation Planning

Policy and Procedures: **Yes** – district has effective policy or procedure; **No** – district has no policy or procedures; **Needs Revision** – policy or procedure needs revision; **Needs Implementation** – policy or procedures needs to be consistently implemented

Item	Policy/ Procedure	Action	Person Responsible
1. District or building has pre-referral procedures and/or a pre-referral team.			
2. Existing district pre-referral forms include necessary data elements for EL (or district uses an EL addendum to their pre-referral form).			
3. EL staff are included in pre-referral/referral determinations of all students whose first language is not English, including students who have been exited from EL or whose parents have opted out of EL services.			
4. Parent contact is made during interventions, using an interpreter if needed.			
5. For schools using tiered interventions, levels of EL support have been defined.			
6. EL staff have access to training or information on recognizing possible disabilities in order to facilitate appropriate referrals (for example, EL teachers are included in staff development opportunities for mainstream staff on topics related to special education such as behavior management or information processing).			
7. EL teachers are able to make referrals for special education evaluations without a required waiting period.			
8. Information about student’s first language and current level of English proficiency is available and considered when developing the special education evaluation plan.			

Part 6: Comprehensive Evaluation

Policy and Procedures: **Yes** – district has effective policy or procedure; **No** – district has no policy or procedures; **Needs Revision** – policy or procedure needs revision; **Needs Implementation** – policy or procedures needs to be consistently implemented

Item	Policy/ Procedure	Action	Person Responsible
1. The district’s EL population is considered when purchasing standardized tests.			
2. Special education staff periodically review assessment tools with cultural liaisons and/or EL staff.			
3. Special education staff access existing EL assessment data.			
4. Teams have access to pre-referral and intervention assessment materials, including standardized tests.			
5. Evaluation teams review existing information about students’ educational history and personal background and gather additional background information if needed.			
6. Evaluation teams use information on student’s first language and English language skills in order to plan for language use during assessment of various domains.			
7. For evaluations, staff try to always work with designated interpreters who have experience and/or training in special education whenever possible.			
8. Special education staff have had training on ways of working with interpreters effectively during evaluations.			
9. Evaluation teams have discretion to use both formal and informal procedures with EL.			
10. Observations are conducted in settings with EL peers as well as with other peers.			
11. Parent input is gathered as part of the evaluation, using an interpreter if necessary.			
12. For students with learning disabilities, teams use the information processing materials found in the Minnesota Department of Education document <i>Determining the eligibility of students with specific learning disabilities: A technical manual</i> or similar materials.			

Item	Policy/ Procedure	Action	Person Responsible
13. Data on information processing is gathered from EL teachers as well as other teachers as appropriate when considering eligibility for specific learning disability services.			
14. The school has a process for reviewing previous evaluation reports when students that have been identified as having a disability elsewhere move into the district.			

Part 7: Eligibility Determination, Evaluation Report

Policy and Procedures: **Yes** – district has effective policy or procedure; **No** – district has no policy or procedures; **Needs Revision** – policy or procedure needs revision; **Needs Implementation** – policy or procedures needs to be consistently implemented

Item	Policy/ Procedure	Action	Person Responsible
1. The team includes information from parents in the evaluation.			
2. The team bases eligibility determination on a variety of data sources, including formal and informal procedures as well as background information and data provided by EL staff.			
3. Teams refer to the Minnesota Department of Education policy memorandum on eligibility determination for EL students.			
4. EL staff are involved in eligibility decisions.			
5. Teams make comparisons with similar EL peers when determining eligibility.			
6. Teams address federal exclusionary factors (lack of English proficiency, lack of instruction in reading or math cannot be “determinant cause”).			
7. Teams address exclusionary factors found in state criteria.			
8. Evaluation reports summarize all types of information that were considered.			
9. Evaluation reports describe any modifications made in the administration of standardized tests.			
10. When presenting results of standardized tests, the evaluation report also includes information on the validity of the test for students of the given language and cultural background.			
11. The contents of the evaluation report are conveyed to parents in their preferred language and manner.			

Part 8: IEP Development and Implementation

Policy and Procedures: **Yes** – district has effective policy or procedure; **No** – district has no policy or procedures; **Needs Revision** – policy or procedure needs revision; **Needs Implementation** – policy or procedures needs to be consistently implemented

Item	Policy/ Procedure	Action	Person Responsible
1. The district has a plan for the delivery of sufficient EL services in locations throughout the district.			
2. Special education services are located in buildings where students also have access to EL services. If not available, the district has a plan for meeting both needs.			
3. EL staff are involved in annual IEP meetings.			
4. EL services and special education goals and services are coordinated and complementary.			
5. Coordination with EL services is described in the IEP section for general education adaptations.			
6. IEP team considers the appropriate language of instruction for ELs with disabilities.			
7. For students who need instruction in functional skills, the team considers the context where the skills are utilized and the appropriate language of instruction (first language vs. English).			
8. When students are placed in intensive special education programs, the team considers the students' need for interaction with peers of similar cultural background.			
9. Coordination between EL and special education services is reviewed periodically as the student matures and his/her needs change.			