



Montana
Office of Public Instruction
Elsie Arntzen, Superintendent

Sample Referral Procedure #2
Critical Data for EL Students of Concern
July, 2022

District:

School:

This is meant to be a team process. There should be multiple team members involved in the data collection process, general education staff, ELL staff, and as appropriate special education staff.

The data from the form should be examined as a whole, while giving the most weight to the five “Red Flags” and intervention data.

Each of the following is provided to allow the team to consider the impact that is possible. Each team can discuss the extent that they believe this impacts their student and possibly chart the data on the provided chart. This provides a visual with regards to the number and severity of factors that may be impacting the student. Note, the first few examples point to more intervention, but that is not always the case. The team should discuss and agree about the severity of the issue ranging from a need for more intervention, to neutral, to a need for a special education evaluation for each item. The numbers correspond to the numbers on the rating chart and the items are in the order of the form.

Students Primary Language (1) : Take into consideration the transparent or non-transparent nature of the primary language. If the primary language is transparent in nature (meaning phonetically predictable like Spanish) it is more difficult to become accustomed to a non-transparent language like English. So, place a mark on the chart based upon the likely impact (e.g., a transparent language coming to English would indicate a need for more time and interventions).

Other languages spoken by the student (2): If the student has multiple languages that he/she speaks, it is reasonable to expect average to above average rate of learning English. So, place a mark on the chart based upon the likely impact (e.g., if the student has learned multiple languages and is struggling to learn English, it is likely a better understanding of the presenting problem is needed and then intervention is needed).

If the student is experiencing **multiple languages spoken in the home (3)** and is a 6-year-old or younger, it can have an impact on the usage of language. So, place a mark on the chart based upon the likely impact (e.g., if the student is older and still struggling between the languages, place a mark to indicate an evaluation may be necessary). For numbers 2 and 3, the impact is greater (more positive) if multiple languages were learned prior to age 6. The impact tapers off after this age.

RED FLAG: If the student has not received the **(4) expected years of education** in the primary language, that student will not (in all likelihood) have the structures of language relative to academic learning and the experience of how to function in a school setting (expectations). So, place a mark on the chart based upon the likely impact (e.g., if the student has mild/moderate issues learning English place a mark ranging from more interventions to neutral, yet if the issues are extreme place a mark in the range leading toward a possible evaluation).

Parental education in primary language (5) can impact the student’s vocabulary and language structures. And, limited vocabulary and knowledge of language structures slows the rate of learning and makes some content much more difficult to access. So, place a mark on the chart based upon the likely impact (e.g., if the parent has limited literacy in their language place a mark in the range of more intervention needed or if the parent is well educated and literate in their primary language place a mark in the possible evaluation range).

RED FLAG: If the **student did not learn to read in the primary language (6)**, then we are trying to teach *the process of reading while teaching a new language, which slows the learning process. So, place a mark on the chart based upon the likely impact (e.g., if the child did not learn to read in their primary language place a mark in the more intervention range or if the student did learn to read in their primary language place a mark in the possible evaluation range).

RED FLAG: Years learning English (7): The research is very clear that a student who is receiving a strong ELL program takes an average 5-7 years to have the academic language needed to “compete” /learn in the education setting at a rate that is comparable to non-ELL students. This does not mean that a student with less than this period of time cannot be evaluated for special education eligibility, but instead indicates a need for more data to support or negate the decision to evaluate a student for special education eligibility. So, place a mark on the chart based upon the likely impact (i.e., if the student has less than 5-7 years, evaluations can occur, yet the fewer the number of years the more supportive data that is needed). Place your mark in the range based upon the number of years and the strength of the data collected.

Attendance History (8): Any student who has three or more unexcused absences per year or a total of 15 absences per year or more (excused or not) is outside the norm and is negatively impacted in the learning. So, place a mark on the chart based upon the likely impact (e.g., if the student has good attendance then the mark goes toward the possible evaluation and if the student has poor attendance it goes toward the more interventions needed).

Approach taken with regards to ELL services (9): Has the student received direct services, indirect services, no services? What was the intensity of the services? Does the school have strong overall usage of SIOP or GLAD strategies? Are there bilingual programs? So, place a mark on the chart based upon the likely impact (e.g., if the student has had intensive and consistent ELL services the mark goes more toward the possible evaluation and if the services have not been consistent and/or intensive the mark goes more toward more interventions needed).

The student should be compared to other students of a similar age, same language background, and similar length of time learning English and receiving ELL services, with regard to **rate of growth on the WIDA ACCESS Test (10)**. Is this growth rate significantly different than that of peers? So, place a mark into the chart based upon the likely impact (e.g., the team needs to discuss the impact with regards to whether they believe normal language learning supports an evaluation or supports a need for more interventions. For example, normal language learning and a presenting problem of learning math would likely support a need for an evaluation).

Intervention Description (11): The team needs to determine (well in advance of talking about special education, unless there is a clear medical condition impacting the student or high likelihood of an intellectual disability) what exactly is the concern. That is, don't just look at reading; look at the components of reading. Then, create a targeted intervention that will be delivered with pre-testing, progress monitoring, and post-testing (with other students who are peers with regard to language and educational history). With that you will have growth curves specific to the core issues to compare between students. If this student's growth curve is similar to that of the other students, when given a targeted intervention, then a special education evaluation is likely not the answer (but instead more targeted interventions). So, place a mark on the chart based upon the likely impact (e.g., if the interventions haven't been targeted to a specific need then the mark goes more toward the need for more interventions and if the interventions have been targeted (and the results are poor compared to peers) then the mark goes more toward the possible evaluation).

Expectations in the general education classroom (12): All students should be expected to complete assignments, no matter the level of their language development. So, a student might have to begin by drawing pictures, progress to pictures and single words, then to 2-3 word phrases, then to short sentences. It is impossible to determine whether or not a student has a specific learning disability if they have not been required to provide output regarding their learning (and had the requirements increased with language development in mind). So, place a mark on the chart based upon the likely impact (e.g., if the student hasn't had consistent expectations of work production then the mark goes more toward the need for more intervention and if the student has had consistent work production (not just expectation) then the mark goes more toward the possible evaluation).

Classroom observation (13): If the student has a history of being engaged in the learning process yet is not appearing to learn at the rate of their peers, then that provides data to support a learning difficulty. However, a lack of engagement does not provide any specific data. So, place a mark on the chart based upon the likely impact (e.g., if the student is engaged and making efforts the mark goes more toward the possible evaluation and any other behavior will likely lead to a neutral mark).

Comparison Student Data (14) was covered in item 11. You will place a mark on the chart based upon the comparison of the growth curves from the data gathered (i.e., if the curve is similar to the other students or indicates better growth (indicating positive response to intervention) place the mark on the chart to indicate a need for further intervention and if the curve indicates a notably slower growth (lack of response to intervention) place the mark on the chart to indicate a need for evaluation).

RED FLAG AREAS: The parent interview (15) will tell you when the student began school, the normal age students begin school where they were, students performance in school, retentions, highest grade studied, difficulties, family history of learning, and behavioral norms for students/children. Several of these areas have been addressed above. The key is looking for data that would either support the student is a capable learner historically (and therefore a special education evaluation is not supported) or the student has a history of learning issues (and therefore a special education evaluation is supported). Try to create a score as noted above based upon the totality of the data in this area and place the mark appropriately.

Developmental History (16): As noted in item 15, is the data supporting a history of issues or not. So, place a mark on the chart based upon the likely impact (e.g., if there is a history of developmental delay(s) place the mark more toward the possible evaluation, otherwise place the mark from neutral to more intervention needed).

Analysis Matrix

FACTORS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Data supports referral																
Between Neutral and Supports Referral																
Neutral																
Between Neutral and More Interventions																
Data supports more intervention(s)																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Red Flag Areas

Directions

- 1) Complete the matrix by placing the marks into the appropriate squares as the discussion occurs.
- 2) As the team discusses each of the 16 points of data, they need to place a check mark into the appropriate section of the matrix (e.g., if for factor one the team determined the data supports more intervention(s), place a check mark into the corresponding square).
- 3) Then, analyze the matrix as a whole. That is, do the majority of the check marks appear to be above or below the neutral line (above supporting a referral and below supporting more intervention(s)). If it is unclear, discuss the red flag items and use them as a "tie" breaker.

Adapted from Kent School District:

<http://www.langdevopps.com/files/Evaluating-the-Data-from-Critical-Data-for-ELLs-of-Concern.pdf>

The EL Critical Data Process by Steve Gil: <https://www.stevegillell.com/downloads>