



ARIZONA DEPARTMENT OF
EDUCATION

Instruction and Services for Dual Labeled Students

**Director Check-In
August 15, 2024**



Topics



- **Definitions**
- **Programming and Compliance Considerations**
- **Instruction Considerations**



Definitions

Frequently Used English Learner and Exceptional Student Services Terms

- **LEA-** Local Educational Agency (a district or charter)
- **LDA-** Language Development Approach
- **ELPS/PI-** English Language Proficiency Standards and their Performance Indicators
- **ELD-** English Language Development; instruction for English acquisition
- **IDEA-** Individuals with Disabilities Education Act
- **IEP-** Individualized Education Program
- **Integrated Instruction-** Content instruction with English language supports based on the PIs of the ELPS
- **LRE-** Least Restrictive Environment
- **Targeted Instruction-** Direct English language instruction driven by the PIs of the ELPS to ELs only

Who are
English
Learners
with disabilities
(commonly
referred to as
“dual-labeled”
students)?

- between the ages of 5 (school age) and 21
- identified as having an EL need as per the Arizona English Language Learner Assessment (AZELLA)
- served under Individuals with Disabilities Education Act (IDEA) Part B

Who are
English
Learners
with disabilities
(commonly
referred to as
“dual-labeled”
students)?

- ELs with disabilities are entitled to **both EL services** and **special education**

Memorandum

June 6, 2024



ARIZONA DEPARTMENT OF EDUCATION

Memorandum

To: Special Education Directors
From: Exceptional Student Services
Date: June 6, 2024
Re: English Learner Requirements for Students with Disabilities in Special Education Programs

As required by the regulations that implement the Individuals with Disabilities Education Act (IDEA) and English Learner (EL) requirements outlined specifically in [A.R.S. 15-752](#), all EL students, including dual-labeled students, are entitled to EL services. These regulations include providing EL services to students who are publicly funded and placed in special education programs such as Emotional Disabilities-Public (ED-P) programs, Approved Private Special Education Schools, and Residential Treatment Centers.

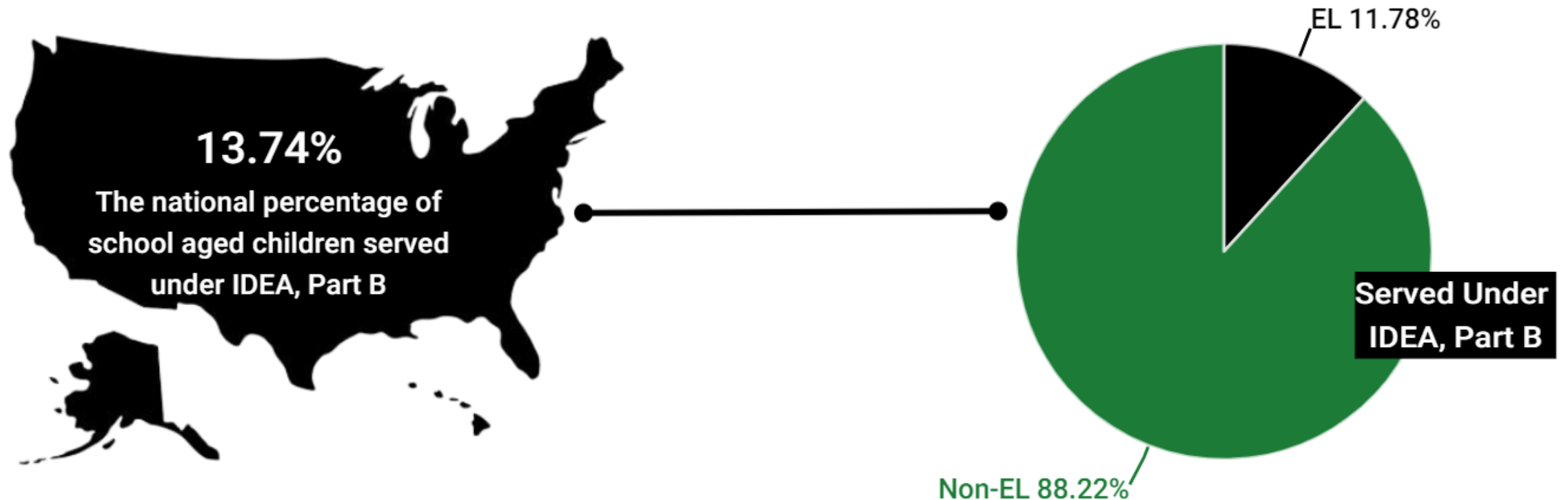
Exceptional Students Services (ESS) is issuing this memo in conjunction with the Office of English Language Acquisition Services (OELAS) to ensure that public education agencies are providing free and appropriate public education (FAPE) to dual-labeled students. As required by the regulations that implement the IDEA, specifically [34 C.F.R. §300.324\(a\)\(2\)\(ii\)](#), whenever a student is identified as having Limited English Proficiency, the team that develops the student's Individualized Education Program (IEP) must consider the language needs of the student and ensure that they are provided any EL services in accordance with EL requirements.

If you have any questions, [please email the ESS inbox](#).



ELs with Disabilities Data SY 2020-21

- Approximately 1.6% of all students enrolled in public elementary and secondary schools in the United States and District of Columbia are dual-labeled (approx. 1.5% in AZ).



AZ: ELs with Disabilities Data SY 2022-23

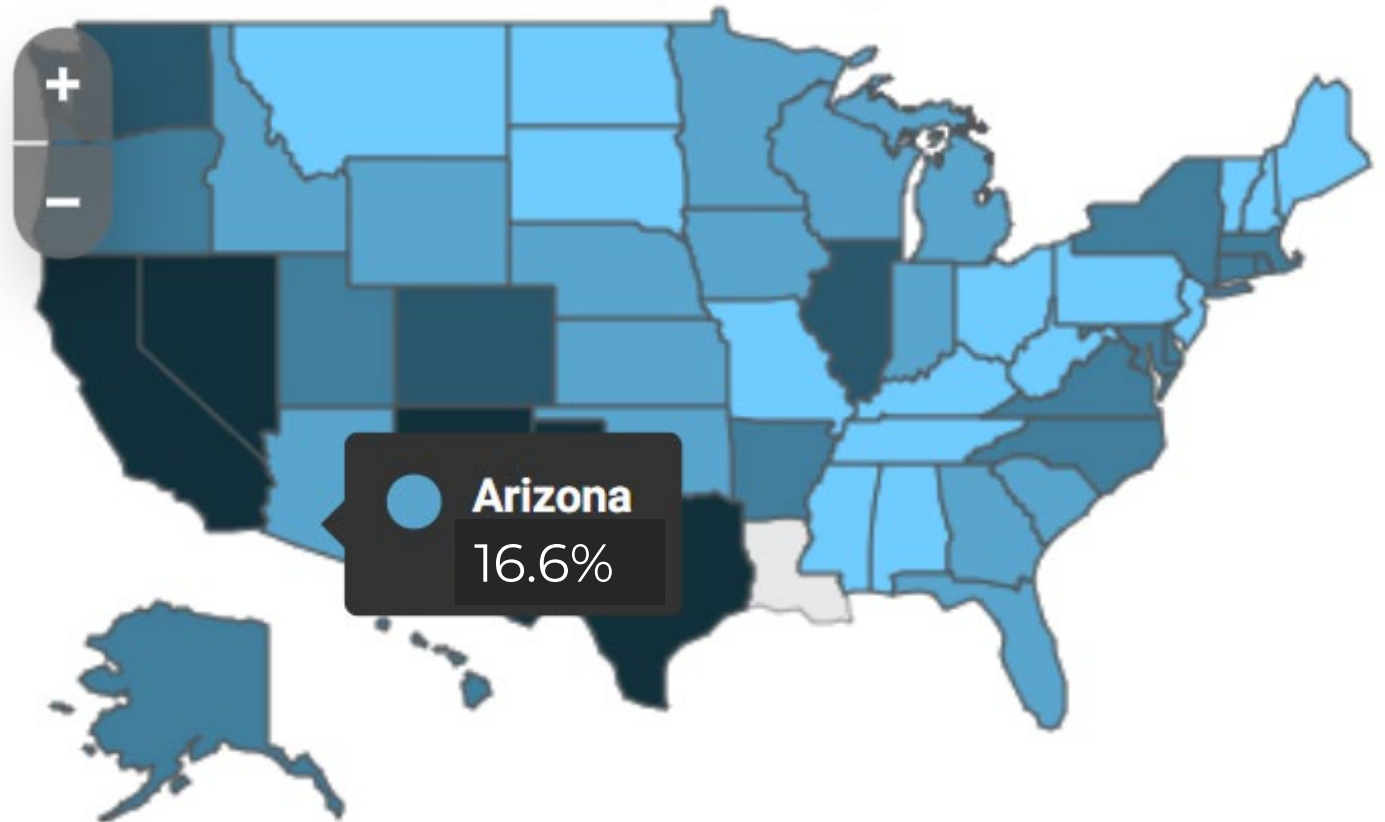
In Arizona, **16.6%** of EL students are dual-labeled (approximately 1 out of every 6 ELs have a disability).

FY23 October 1 Counts

All public school students: **1,132,223**

All ELs: **98,779**

ELs who are dual-labeled students:
16,381





Programming and Compliance Considerations

Documentation



COMPLIANCE: Current EL Status

Required EL Documentation maintained in cumulative files:

- Home Language Survey (HLS) identifies a language other than English
- Results of language proficiency assessments (AZELLA)
- Parental Notification & Consent (PNC)
- Parental Withdrawal (PW) from EL services (if applicable)
- Written Individualized Compensatory Plan (WICP) documenting any language-focused instruction offered outside of the school day

EL forms are provided/communicated in the native language of the parent/guardian



COMPLIANCE: Current EL Status

Possible Additional Documentation for dual-labeled students (must be kept in the Special Education Documentation):

- Alt ELPA results and related documentation- *when applicable*
- Parental Notification and Consent Form for Student Placement in an English Learner Program for Students with Significant Cognitive Disabilities (PNC based on Alt ELPA results)- *when applicable*
- Additional language requirements associated with the Individuals with Disabilities Education Act (IDEA) in both the student's special education evaluation and Individualized Education Program (IEP)



COMPLIANCE: Current EL Status

Special Education Evaluation Documentation:

- Formal assessment information in the review of existing data (RED)
- Impact of language acquisition on progress in the general curriculum
- Rule out language as the primary factor in eligibility determination
- Assessment used to determine legibility provided in a language and form that will yield the most accurate information



COMPLIANCE: Current EL Status

Special Education Individual Education Program (IEP) Documentation:

- Consideration of language needs



ESS/PSM Tools to Assist Teams

Training on Dual Labeled Students



SPECIAL EDUCATION AND ENGLISH LEARNERS

EXCEPTIONAL STUDENT SERVICES/ PROGRAM SUPPORT AND MONITORING

*DISCLAIMER: THIS PRESENTATION REFLECTS CURRENT FEDERAL AND STATE COMPLIANCE REQUIREMENTS INCLUDED IN THE ARIZONA EXCEPTIONAL STUDENT SERVICES MONITORING SYSTEM. IT DOES NOT INCLUDE LOCAL PEA POLICY, PROCEDURE, OR PRACTICE THAT MAY EXCEED COMPLIANCE REQUIREMENTS. UPDATED NOVEMBER 2021



Special Education Documentation

- Consider

It is the responsibility of the Special Education staff to ensure special education documentation is maintained.

It is the responsibility of both the EL Coordinator and the Special Education Coordinator to communicate, collaborate, and support each other, staff, and families to determine and implement what is best for each dual-labeled student.

S

P)

Services



COMPLIANCE: Current EL Status

EL Services- Instructional Requirements:

- Senate Bill 1014 requires ELs to receive Structured English Immersion daily.
 - Weekly minutes must be met if daily schedules flex.
- There are four SBE approved Models of instruction for English Learners
 - Pull-Out, Two-Hour, Newcomer, and
 - 50-50 DLI(*require Bilingual Waivers*)
- LEAs must provide the **required Targeted Instruction** and **Integrated Instruction** (per the SEI/EL Model implemented for the student).
 - *EL Instruction includes documented ELP Standards and language scaffolds*

ALL English learners, including dual-labeled students, are entitled to EL services.

COMPLIANCE: Current EL Status

LEAs must provide the **required Targeted Instruction** and **Integrated Instruction** (per the SEI Model implemented for the student).

Pull-Out SEI Model	Targeted Instruction 60/50 minutes daily	Integrated Instruction 60/50 minutes daily	Remainder of the academic school day is taught in English.
	Instructional Grouping: <i>ELs Only</i>	Instructional Grouping: ELs with non-ELs	ELs with non-ELs
Two-Hour SEI Model	Targeted Instruction 120/100 minutes daily	Integrated Instruction The rest of the academic school day; minimum of one class/period	Remainder of the academic school day is taught in English.
	Instructional Grouping: <i>ELs Only</i>	Instructional Grouping: ELs with non-ELs	ELs with non-ELs
Newcomer SEI Model	Targeted Instruction 120/100 minutes daily	Integrated Instruction 120/100 minutes daily	Remainder of the academic school day is taught in English.
	Instructional Grouping: <i>ELs Only</i>	Instructional Grouping: <i>ELs Only</i>	ELs with non-ELs

***The proportions above are representative of a general 6-hour academic school day for a traditional 5-day week (does not account for lunch, specials, block scheduling, shortened academic week, etc.). It is the responsibility of the LEA to ensure that the minimum minutes are addressed daily/weekly.*

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***The proportions above are representative of a general 6-hour academic school day for a traditional 5-day week (does not account for lunch, specials, block scheduling, shortened academic week, etc.). It is the responsibility of the LEA to ensure that the minimum minutes are addressed daily/weekly.*



COMPLIANCE: Current EL Status

Who must provide Targeted and Integrated Instruction to dual-labeled students?

- State Board Rule requires that ELs are provided **Targeted Instruction** and **Integrated Instruction** by an appropriately **SEI/ESL/BLE endorsed*** teacher (“a teacher of record”).
 - *SEI endorsed special education teacher*
 - *SEI endorsed teaching staff (interventionist, Title 1, Title III, etc)*
 - *SEI endorsed general education teacher*

**possession of a certificate of completion of the SEI coursework is acceptable*



Program Implementation

Sample Scenarios



Program Implementation: Sample Scenarios

Sample Scenario #1: Katie	Possible plan?					
<ul style="list-style-type: none"> • 2nd Grade EL (PL=Intermediate) • Level A (20% or less time outside of the gen-ed classroom, per IEP) • GenEd teacher is SEI endorsed • SpEd teacher is SEI endorsed • 4 ELs total in class (PE, B, I) • Two-Hour SEI Model <ul style="list-style-type: none"> • (REQ: 120 T.I. / I.I. daily) • ***4-day school week schedule <ul style="list-style-type: none"> • (REQ: 150 T.I. / I.I. daily) 	<p>-Targeted Instruction: 150 minutes daily during Walk-to-Read with Katie’s teacher, Ms. B (Targeted Teacher); 23 ELs from all 2nd and 3rd grade classrooms go with Ms. B.</p> <p>-Integrated Instruction: 60 minutes daily with homeroom teachers; they all designated Social Studies and Writing as Integrated Instruction blocks.</p> <p>-IEP: Katie attends resource, twice a week for 20 minutes daily, for speech therapy for communicative output. Ms. B and the SP communicate regularly to identify skills and strategies being taught to Katie to build connections between the two.</p>					
<p>Walk-to-Read ELD Targeted Instruction 150 min</p>	<p>S.T. 20 min</p>	<p>Soc Stud (I.I.) 30</p>	<p>Math 60 min</p>	<p>Specials 45 min</p>	<p>Science 30 min</p>	<p>Writing (I.I.) 30 min</p>



Program Implementation: Sample Scenarios

Sample Scenario #2: Joe	Possible plan?
<ul style="list-style-type: none">• 5th Grade EL (PL= Basic)• Level B (21-60% outside of the gen ed classroom, per IEP)• GenEd teacher has certificate of completed SEI coursework• SpEd teacher is ESL endorsed• 2 ELs total in class (B, I)• Pull-Out SEI Model<ul style="list-style-type: none">• (REQ: 60T.I. / 60 I.I. DAILY)• 5-day school week schedule	<p>Targeted Instruction: Joe and other EL are provided (2) 30-minute sessions daily with GenEd teacher while non-ELs work on something else.</p> <p>Integrated Instruction: The GenEd teacher designates ELA as the Integrated Instruction block. Joe stays with GenEd teacher for the first 20 minutes of ELA, then attends resource for 45 minutes for specialized ELA instruction and learns alongside non-EL peers receiving similar services. The SpEd teacher incorporates PIs from the ELPS, along with language scaffolds to support Joe's access to content. The GenEd teacher meets once a week with the SpEd teacher (10 min) to discuss Joe's progress and brief on upcoming ELA and ELP Standards along with appropriate language scaffolds. The GenEd teacher shares plan for Intermediate EL so that SpEd teacher can adjust scaffold(s) for Joe.</p>



Program Implementation: Sample Scenarios

Sample Scenario #3: Laura	Possible plan?
<ul style="list-style-type: none">• 11th Grade EL (PL= P/E)• Level C (self contained, per IEP)• SpEd teacher is ESL endorsed• Pull-Out SEI Model<ul style="list-style-type: none">• (REQ: 50T.I. / 50 I.I. DAILY)• 5-day school week schedule	<p>Targeted Instruction: Laura, alongside 2 other dual-labeled students, receives Targeted Instruction during two 25-minute blocks (50 total) daily with the SpEd teacher.</p> <p>Integrated Instruction: Laura joins a group of peers (ELs with non-ELs) receiving specialized ELA and Math instruction with the SpEd teacher for a total of 100 minutes daily.</p> <p>IEP: Laura receives additional specialized instruction per her IEP.</p>

INSTRUCTIONAL COMPONENTS FOR EL and SpEd COMPLIANCE

	EL	SpEd
Minutes	Meet the SEI minutes per SEI Model implemented (TI/II)	Meet service requirements of IEP
Groupings	<p>ELs only during Targeted Instruction</p> <p>ELs with non-ELs during Integrated Instruction</p>	
Standards	<p>PIs/ELPS drive Targeted Instruction</p> <p>PIs/ELPS support language and access to content instruction</p>	Standards relevant to specialized instruction/services outlined in IEP
Staff	SEI qualified staff delivers Targeted and Integrated Instruction (SEI completed coursework/SE/ESL/BLI Endorsement)	appropriate staff for specialized instruction/services



Pause



Resources

**US Department of Education:
EL Toolkit #6**



Resources for BEST PRACTICES to support ELs with Disabilities:

US Department of Education English Learner Toolkit – Chapter 6

Updated November 2016

CHAPTER 6



TOOLS AND RESOURCES FOR ADDRESSING ENGLISH LEARNERS WITH DISABILITIES

ESSA
UPDATE
INCLUDED*

This is the sixth chapter of the English Learner Tool Kit, which is intended to help state and local education agencies (SEAs and LEAs) meet their obligations to English Learners (ELs). This tool kit should be read in conjunction with the U.S. Department of Education Office for Civil Rights' (OCR) and the U.S. Department of Justice's (DOJ) Dear Colleague Letter on "English Learner Students and Limited English Proficient Parents," published in January 2015, which outlines SEAs' and LEAs' legal obligations to ELs under civil rights laws and other federal requirements. The Dear Colleague Letter can be found at <http://www2.ed.gov/about/offices/list/ocr/ellresources.html>.

TOOLS AND RESOURCES FOR ADDRESSING ENGLISH LEARNERS WITH DISABILITIES



US Department of Education English Learner Toolkit – Ch. 6 ELs with Disabilities

5 Tools/Resources:

1. Policy recommendations
2. Considerations of language differences vs disabilities
3. Developing an IEP
4. How to use data from the Office of Civil Rights
5. Selecting appropriate accommodations



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Tool #2 CONSIDERING THE INFLUENCE OF LANGUAGE DIFFERENCES AND DISABILITY ON LEARNING BEHAVIORS

Comparison of Language Differences versus Disabilities

Example:

Speaking/Oral Fluency		
Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
Student lacks verbal fluency (pauses, hesitates, omits words)	Student lacks vocabulary, sentence structure, and/or self-confidence	Speech is incomprehensible in L1 and L2; may be due to hearing or speech impairment
Student is unable to orally retell a story	Student does not comprehend story due to a lack of understanding and background knowledge in English	Student has difficulty retelling a story or event in L1 and L2; may have memory or sequencing deficits
Student does not orally respond to questions, or does not speak much	Lacks expressive language skills in English; it may be the silent period in 2nd language acquisition	Student speaks little in L1 or L2; student may have a hearing impairment or processing deficit



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Tool #2 CONSIDERING THE INFLUENCE OF LANGUAGE DIFFERENCES AND DISABILITY ON LEARNING BEHAVIORS

Comparison of Language Differences versus Disabilities

2nd Example:

Writing

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
Errors made with punctuation/capitalization	The error patterns seen are consistent with the punctuation and capitalization rules for L1; student's work tends to improve with appropriate instruction in English	Student consistently or inconsistently makes capitalization and punctuation errors even after instruction; this may be due to deficits in organization, memory or processing



ESS/PSM Tools to Assist Teams

Language Impact Grid



Impact of English Language Acquisition

The probing questions listed below are not meant to be reviewed and/or documented in isolation. Some or all questions may have to be reviewed to determine if the student's English language acquisition is impacting progress toward the general curriculum.

What is the Student's Language Proficiency?	
Is Language Acquisition Impacting the Student's Progress in the General Curriculum?	
What are the Student's Language Acquisition Needs?	
How is the Student's Language Acquisition Manifesting in the Classroom?	



Tool #2 CONSIDERING THE INFLUENCE OF LANGUAGE DIFFERENCES AND DISABILITY ON LEARNING BEHAVIORS

Comparison of Language Differences versus Disabilities

By determining the root of each student's difficulties:

- IEP teams can collaborate to determine how to meet the specific needs of ELs with disabilities
- educators can select the most appropriate and effective teaching and learning strategies to use



Tool #3 DEVELOPING AN IEP FOR AN ENGLISH LEARNER WITH A DISABILITY

IEP Teams are required to consider language needs and then determine what additional supports and services may be needed to meet those needs.

Tool #3 provides examples of best practices to help meet this requirement.



Tool #3 DEVELOPING AN IEP FOR AN ENGLISH LEARNER WITH A DISABILITY

National Center on Educational Outcomes (NCEO): Guidance on Standards-Based IEPs in Special Education (**Best Practices**)

- An IEP should include specific language learning goals for a second language, in addition to special education services and supports. (*per the English Language Proficiency Standards)
- A well-crafted standards-based IEP for ELs with disabilities should contain goals for teaching and learning the complex academic language needed to learn the content standards.
- Incorporating language learning goals into the IEP requires close collaboration between general education, special education, and English as a Second Language or bilingual education teachers.



Tool #3 DEVELOPING AN IEP FOR AN ENGLISH LEARNER WITH A DISABILITY

**A checklist
IEP teams
may use
help develop
the IEP**

Framing Questions	Yes	No
1. Has the dominant language in the home been considered?		
2. Has the child's primary language of communication been considered?		
3. Have the cultural values and beliefs of the parents been considered in planning for the child's education?		
4. Does the instructional plan incorporate a variety of instructional strategies?		
5. Is there a member of the IEP Team who has expertise regarding the student and understands how language develops as well as strategies that can be used when educating a student with English as a second language?		
6. Does the IEP Team have access to assessment data that is accurate and unbiased?		
7. Does the assessment information use a variety of methods and environments?		
8. Does the "present levels" statement in the IEP address both how the student uses his or her native language and how the student uses English?		
9. Do progress monitoring activities measure progress toward the mastery of English?		
10. Do the goals delineate in which language they will be addressed and who will be responsible for measuring the outcomes?		
11. Is there collaboration between general and special education as well as English as a Second Language and bilingual education if appropriate?		
12. Is an interpreter for the parents and the student present at the IEP meeting?		



Tool #5 SELECTING APPROPRIATE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Remember, testing accommodations are needed for ALL students with disabilities. K-2 students are often forgotten.

Ensure that all types of assessments and necessary accommodations are addressed for students with disabilities.



Tool #5 SELECTING APPROPRIATE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

“Dos” and “don’ts” when selecting accommodations

Do...select accommodations based on specific individual needs in each content area.

Don’t...assume certain accommodations, such as extra time, are appropriate for every student in every content area.



Assessment



ASSESSING ENGLISH LANGUAGE LEARNERS WITH DISABILITIES

Alternate assessment eligibility (MSAA, Alt-ELPA) is an **IEP team decision** and **requires the parent to be a participant** in the decision process.

Alternate Assessment Participation Guidelines and Annual Eligibility Determination

The Arizona Department of Education offers an alternate assessment based on alternate achievement standards in compliance with the U.S. Department of Education's federal regulations and guidance. A student must have an Individualized Education Program (IEP) to be considered for participation in an alternate assessment. All students must participate in state assessments. IEP teams should consider the testing windows that will occur during the student's IEP year and include suitable instructional time before administration windows. For example, an IEP team that determines eligibility before the close of the Student Selector Application in the fall has carefully considered the instructional time prior to test administration. An IEP team making the determination in the spring is documenting the preparation for the assessment during the following school year.

Arizona's Alternate Assessments:

- ELA and Mathematics Grades 3 - 8 and 11 – Multi-State Alternate Assessment (MSAA)
- Science Grades 5, 8, and 11 – Science Alternate Assessment through MSAA
- English Language Proficiency Grades K-12 for English learners with the most significant cognitive disabilities – Alt ELPA

IEP Teams will discuss and determine participation and eligibility annually using this process. The IEP team determines eligibility for alternate assessment participation, not a specific alternate assessment. Student learner status and grade level will inform which assessment(s) the student will be administered.

Student Name _____ District ID _____ SSN _____
 Date of Birth _____ Grade _____ School _____
 Case Manager _____

Grade	ELA/Math	Science	Alt ELPA
K			X
1			X
2			X
3	X		X
4	X		X
5			X
6			X
7			X
8			X
9			X
10			X
11			X
12			X

Alternate English Language Proficiency Assessment Participation Decision Documentation

The following definition serves as the basis for the Alt ELPA participation guidelines. English learners with the most significant cognitive disabilities are students

- who are not proficient in the English language and who have been identified as having an English language acquisition need;
- who meet the federal definition of an English learner (ESEA §8101(20))*;

The following should not be considered in the eligibility determination process:

1. A disability category or label
2. Poor attendance or extended absences
3. Native language/social/cultural or economic difficulties
4. Expected poor performance on the general education assessment
5. Academic and other services received
6. Educational environment or instructional setting
7. Percent of time receiving special education services
8. English learner (EL) status except for determining eligibility for alternate assessment
9. Low reading level/achievement level
10. Anticipated disruptive behavior
11. Impact of test scores on accountability system
12. Administrator decision
13. Anticipated emotional duress
14. Need for accommodations, e.g., assistive technology

Evidence shows that the decision for participating in the alternate assessment is based on the following:

Parent Notification

Alternate Assessment Participation

Following IEP team review of participation guidelines, the student is eligible for and will participate in the following assessments:

MSAA ELA, Mathematics, and Science

Yes School year _____ (List the current school year if this IEP meeting is on or before November 30. List the following school year if the IEP meeting is on or after December 1.)

No (The student will participate in statewide achievement tests)

Alt ELPA

Yes, the student is eligible for alternate assessments and has been determined an English learner. (The student must also take MSAA if enrolled in a tested grade.)

No, the student will participate in AZELLA.

No, the student is not an English learner.

Potential Consequences

Are there any effects or local policies that would preclude completion requirements for a regular high school diploma for the student participating in testing?

Yes No



ASSESSING ENGLISH LANGUAGE LEARNERS WITH DISABILITIES

The **LEA's Alternate Assessment District Test Coordinator** is the point of contact between **ADE** and the **LEA**.

Alternate Assessment District Test Coordinators are the only ones with access to Alt ELPA information; therefore, they should be involved in ongoing communication with EL Coordinators/EL Point of Contacts to ensure all ELs are accounted for and receiving EL services.



ASSESSING ENGLISH LANGUAGE LEARNERS WITH DISABILITIES

For questions specific to:

AZELLA	Alt-ELPA Alternate Assessment
AZELLA@azed.gov	AlternateAssessment@azed.gov



Questions



Thank you!

ESS Related Questions

ESS Specialist

[Contact your ESS Specialist](#)

EL Related Questions

oeleas@azed.gov

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