An abstract graphic of a circuit board pattern in light green lines on a dark green background, featuring various line widths, right-angle turns, and small circles representing vias or components.

STUDENTS WITH DISABILITIES AND BILINGUAL EDUCATION / ESL SERVICES

**Diana
Saenz**

COLLABORATION BETWEEN
ARD AND LPAC



Disclaimer

- THE CONTENT PROVIDED IN THIS SESSION, OR DISCUSSED DURING THIS SESSION, IS PRESENTED FOR INFORMATIONAL AND EDUCATIONAL PURPOSES ONLY. IT PROVIDES A GENERAL OVERVIEW OF THE LAWS AND REGULATIONS GOVERNING ARD/LPAC COLLABORATION.
- IT IS INTENDED TO RAISE AWARENESS AND SHOULD NOT BE INTERPRETED OR RELIED UPON AS LEGAL ADVICE.
- THIS SESSION DOES NOT REPRESENT LEGAL INTERPRETATION, GUIDANCE OR ADVICE FROM TEA. WHILE EFFORTS HAVE BEEN MADE TO ENSURE ACCURACY, IT IS NOT A SUBSTITUTE TO ANY RULE.

TAC §89.1201 Policy

(b) The **goal** of **bilingual** education programs shall be to enable English language learners to become **competent in listening, speaking, reading, and writing in the English language** through the development of literacy and academic skills in the primary language and English...

(c) The **goal** of **ESL** programs shall be to enable English language learners to become **competent in listening, speaking, reading, and writing in the English language** through the integrated use of second language methods...

...shall **emphasize the mastery of English language skills, as well as mathematics, science, and social studies**, as integral parts of the academic goals for all students to enable English language learners to **participate equitably** in school.

- IDEA §300.306

Determination of Eligibility (b)(1)(iii):
LEP (SLD)

- TEC §29.056

Enrollment of Students in Program (3)(c)(1):

(c) The LPAC may classify a student as LEP if:

(1) the student's ability in English is so limited
or the student's disabilities are so severe
that assessment procedures cannot be
administered

(e) The district may not refuse to provide
instruction in a language other than
English to a student solely because the
student has a disability.

• TAC §101.1005

Assessments of Achievement in Academic Content Areas and Courses

(a) ARD/LPAC select appropriate assessment

(b) ELL participation in 3-8 and EOC testing

(3) in certain cases, ELL with special education services may qualify to be administered an alternative assessment based on alternative standards due to the particular disabling condition.

(e) ARD/LPAC determine appropriate allowable testing accommodations

TAC

- §8 9.1050 ARD Committee (a)

- §8 9.1220 LPAC (a)

- §8 9.1225 Testing and Classification of Students

(f)(2)(c) the student's ability in English is so limited that the administration, at his or her grade level, of the reading and language arts sections of a TEA-approved norm-referenced standardized achievement instrument or other test approved by the TEA is not valid

(f)(4) ARD/LPAC determine appropriate assessment, level of performance, classification, and placement

(k) ARD/LPAC determine appropriate assessment and level of performance to exit

- §8 9.1230 Eligible with Disabilities Students

(a) differentiate between language proficiency and handicapping conditions

(b) ARD/LPAC review educational needs of SpEd/ELL



GUIDANCE RELATED TO ARD COMMITTEE AND LPAC COLLABORATION

[HTTP://TEA.TEXAS.GOV/INDEX2.ASPX?ID=21](http://TEA.TEXAS.GOV/INDEX2.ASPX?ID=21)
47496923

LPAC/ARD Key Members

- Campus Administrator (LPAC/ARD)
- LPAC Representative (L2 acquisition knowledge)
 - Bilingual or ESL Teacher
- ARD Representative (disability knowledge)
 - Diagnostician and/or Special Education Teacher(s)
- General Education Representative (academic knowledge)
 - Teacher of Record and/or Content Teachers



THE LEGAL FRAMEWORK FOR THE CHILD-CENTERED SPECIAL EDUCATION PROCESS

[HTTPS://FRAMEWORK.ESC18.NET/DISPLAY/WEBFORMS/ESC18-FW-CATEGORY.ASPX?FID=119](https://framework.esc18.net/display/webforms/esc18-fw-category.aspx?fID=119)

THE BRAIN: STRUCTURE AND FUNCTION

- <https://youtu.be/kMKc8nfPATI>

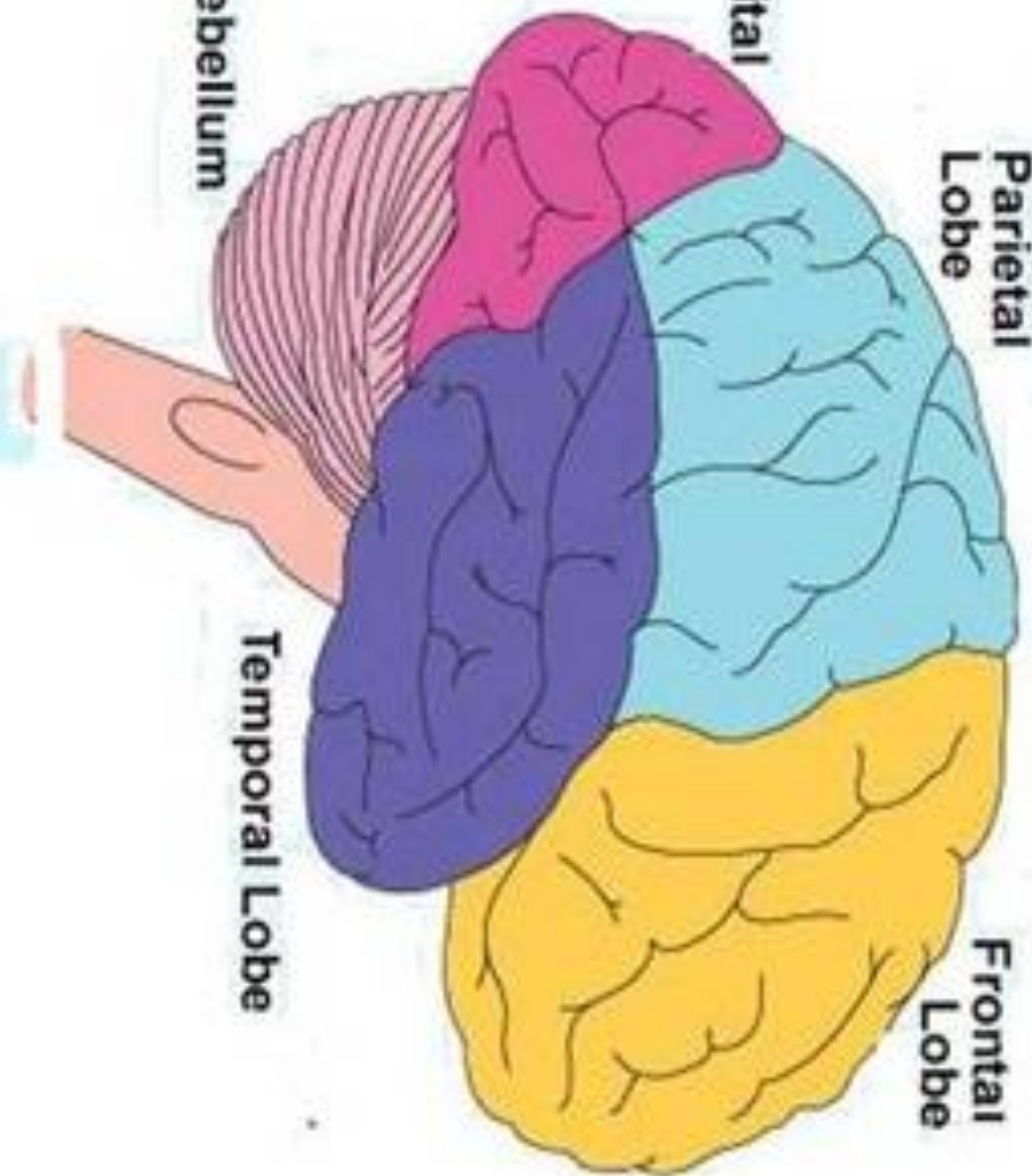
**Occipital
Lobe**

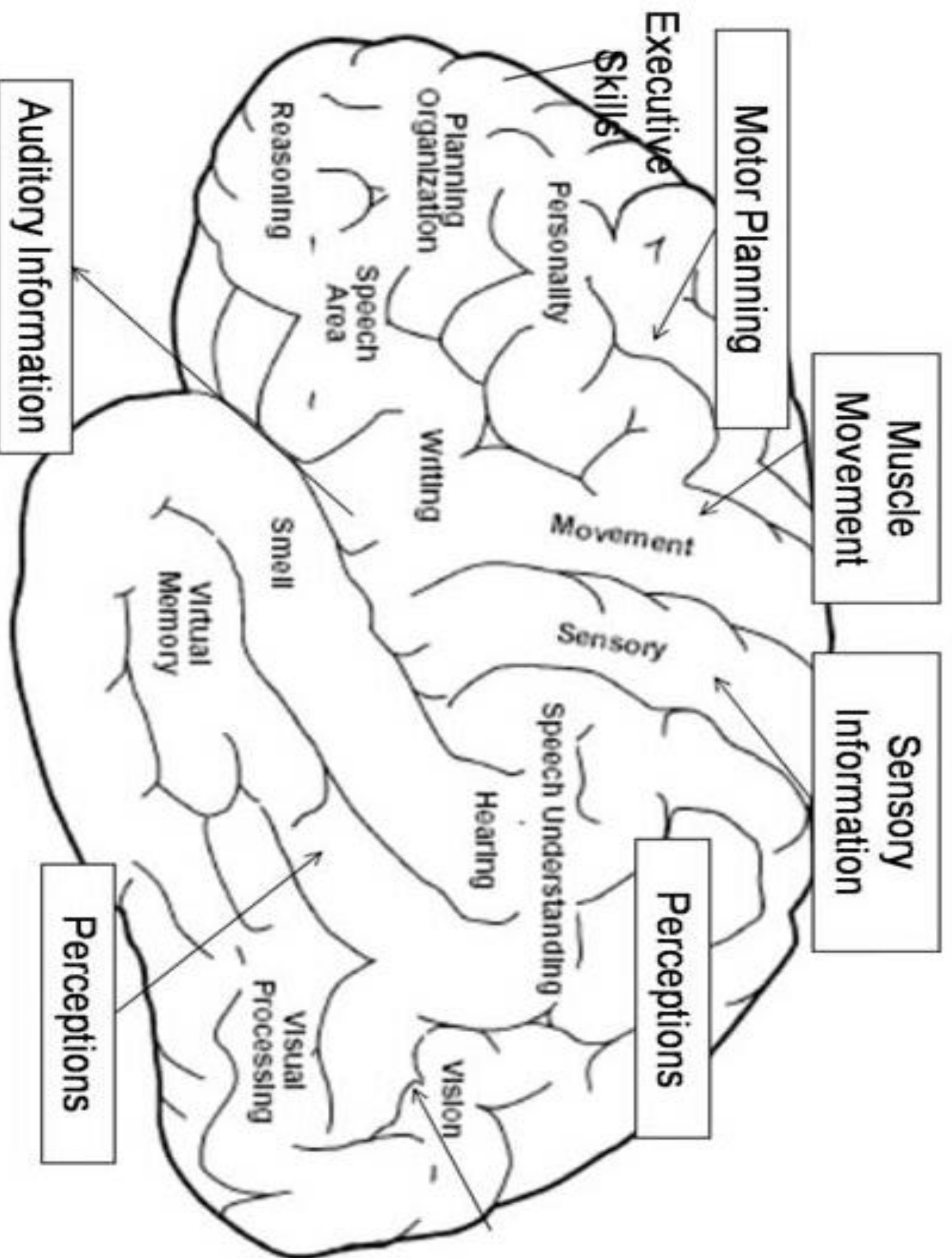
**Parietal
Lobe**

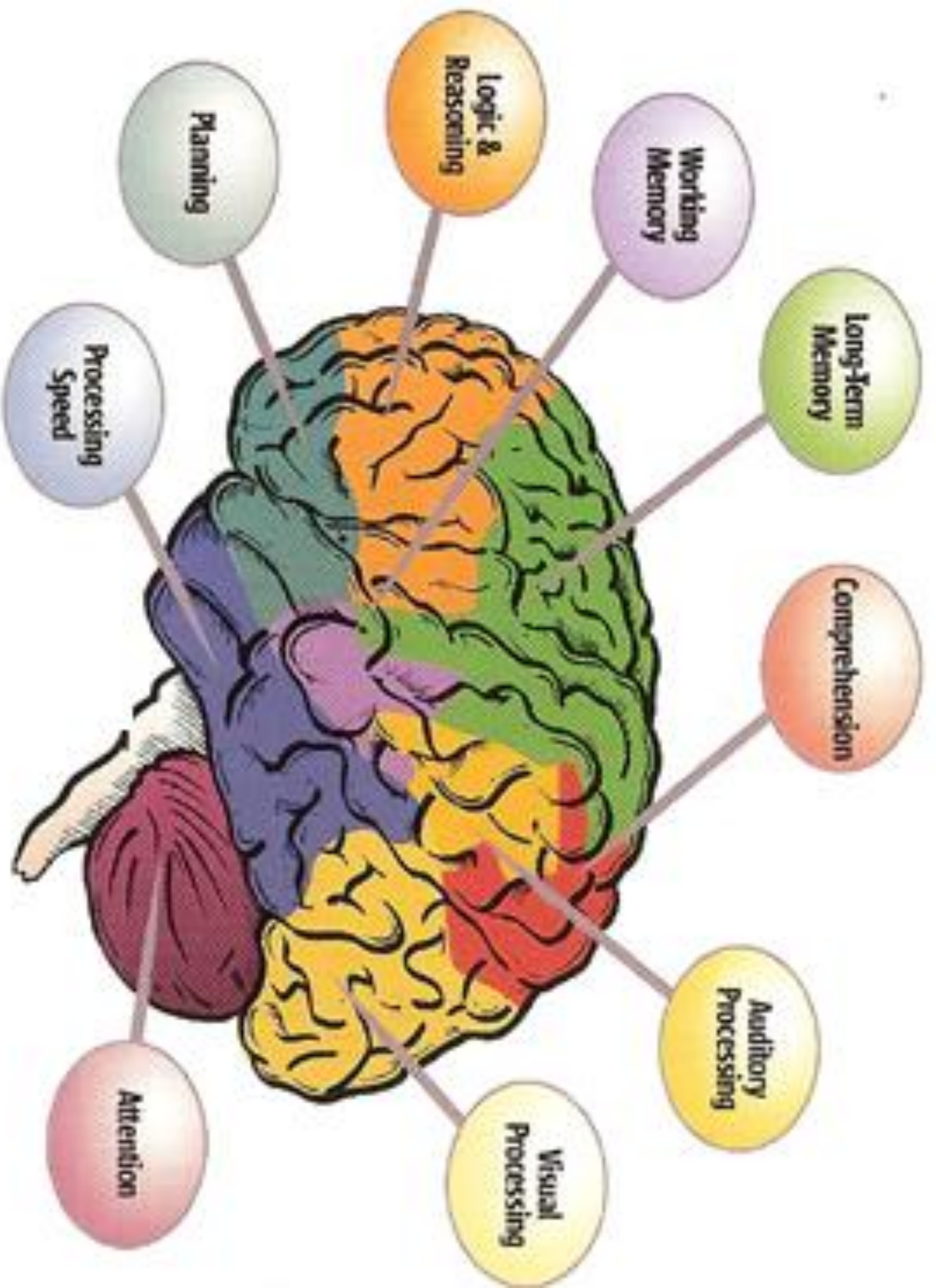
**Frontal
Lobe**

Cerebellum

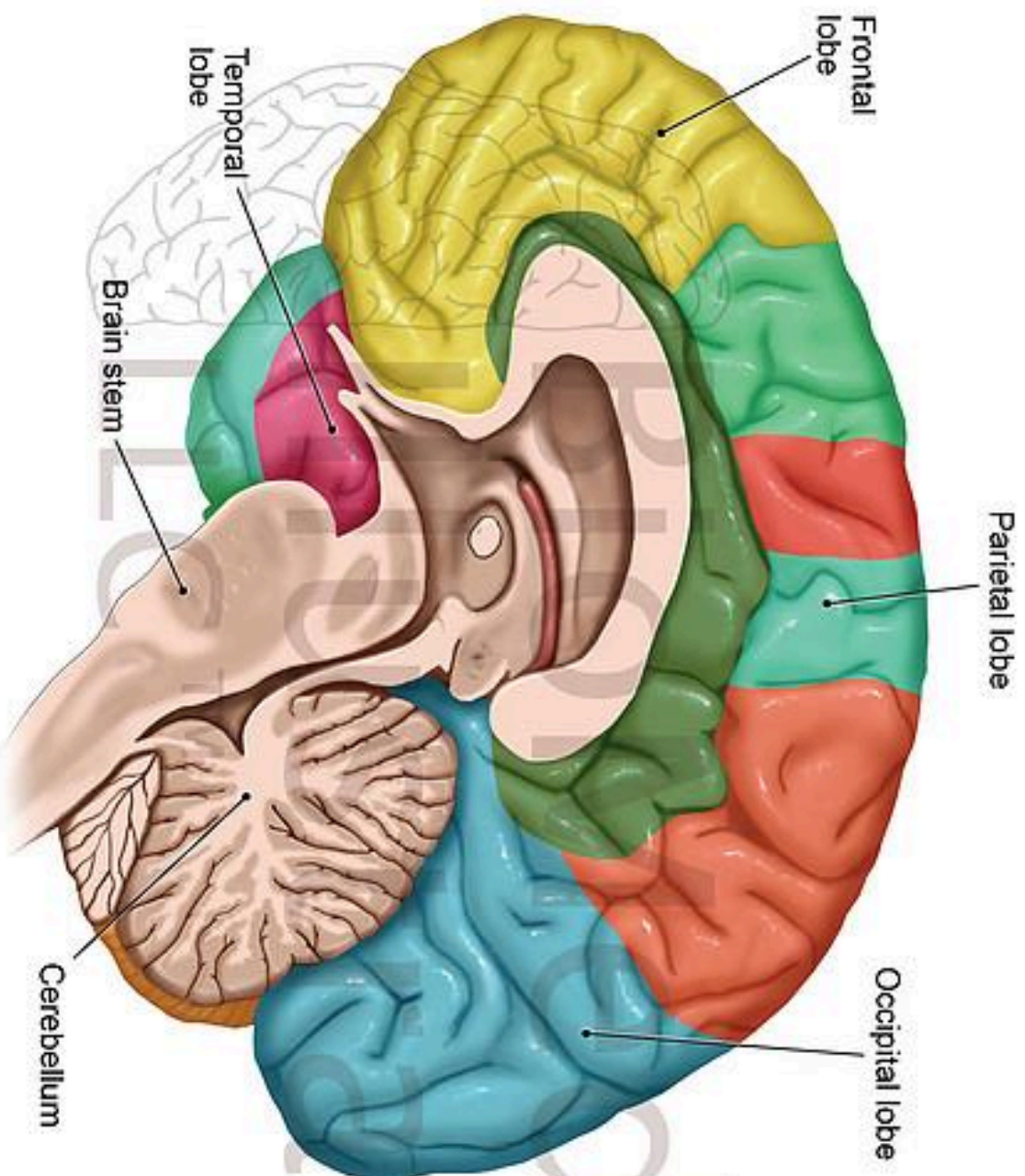
Temporal Lobe







Brain Anatomy & Functions



Cerebral Functions

- Higher Mental Function:**
Problem Solving, Thinking, Planning, Judgement, Emotional Expression, Creativity, Behavioral Control
- Motor Functions:**
Orientation, Head and Eye Movements, Posture
- Broca's Area:**
Control of Muscles for Speech Production & Ability to Comprehend Grammatical Structure
- Motor Functions:**
Initiation of Voluntary Muscles, Movement
- Sensory Functions:**
Sensation from Skin and Muscles
- Sensory Association Functions**
- Visual Functions:**
Coordination of Eye Movements, Perception, Image Recognition, Association, Visual Memory
- Association Area:**
Short Term Memory, Equilibrium, Emotion

Cerebellar Functions

- Motor Functions:**
Coordinates Voluntary Movements: Posture, Balance, Coordination, & Speech

WHAT DOES THIS STATEMENT MEAN TO YOU?

If the student has a disability and language is
not factor,
then the student is not ELL,
even though family may speak other
languages.



LPAC Framework Manual
Pg. 259 or
LPAC Framework Manual
Resources pg.39

Language Proficiency Assessment Committee (LPAC)

8. For students referred to **special education**, placement in a bilingual or ESL program may not be refused solely because the student has a disability. However, if the student:
 - **has a disability and language is not a factor, then the student is not ELL, even though the family may speak other languages.**
9. For ELLs, the **LPAC and ARD committee** may recommend that a student:
 - is limited English proficient and has an identified disability; therefore, he/she should be served jointly through special education and Bilingual/ESL programs;
 - is limited English proficient but assessment results show that the student is not eligible for the Special Education program; therefore, he/she should be served through the bilingual/ESL program and **NOT** in special education.

EDUCATOR GUIDE TO TELPAS PG. 5


Language Domains

For assessment purposes the second language acquisition domains of listening, speaking, reading, and writing are defined as follows:

Listening	The ability to understand spoken language, comprehend and extract information, and follow social and <u>instructional discourse through</u> which information is provided
Speaking	The ability to use spoken language <u>appropriately and effectively</u> in learning activities and social interactions
Reading	The ability to comprehend and <u>interpret</u> written text at the grade-appropriate level
Writing	The ability to produce written text with content and format to fulfill grade-appropriate <u>classroom assignments</u>

The definitions are not tied to academic achievement but to the communication skills that second language learners need in order to use the English language as an effective medium for grade-level academic instruction.





The Difference between Diagnosis and Disability

DISABILITIES...

is an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Thus, disability is a complex phenomenon, reflecting an interaction between features of a person's body and features of the society in which he or she lives.

— World Health Organization, *Disabilities*

What does the term “a child with a disability” mean?

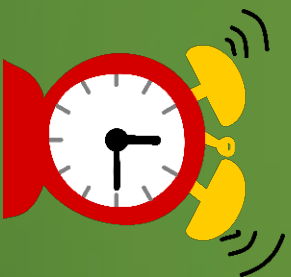
The term child with a disability means a child evaluated in accordance with a Full and Individual Evaluation as having one or more of the following disabilities:

Who decides a student's disability category?



[HTTP://PRNTEXAS.ORG/CATEGORIES-OF-DISABILITY-UNDER-IDEA/](http://prntexas.org/categories-of-disability-under-idea/)

GROUP WORK GALLERY WALK INSTRUCTIONS



REGION 18 ESC LEGAL FRAMEWORK
<https://framework.esc18.net/display/Webforms/ESC18-FW-Category.aspx?DT=G&LID=en>

[HTTP://WWW.PROJECTIDEALONLINE.ORG/V/DISABILITY-CATEGORIES/](http://www.projectideonline.org/v/disability-categories/)



Schedule Meeting And Discuss Evidence

Upon initial enrollment all students, including students with disabilities receiving special education services, must have a

Home Language Survey (HLS) completed in their student record.

Does the Home Language Survey indicate a language other than English?

yes

yes

- Is the student receiving special education services?
- (For what disability?)

DISABILITY CATEGORIES

How Is Language Acquisition

Beginning

Intermediate

Advanced

Advanced
High

Affected By The Disability?



LEP-SPEED MATRIX

FALL SEMESTER

- Placement Reminder

- Were multiple culturally and linguistically appropriate assessment measures administered by culturally responsive, trained testing personnel?

- Were formal assessments supplemented with other procedures and knowledge to make accurate language evaluations? (To include an understanding of native language development sequence, second language learning processes, individual learning and developmental differences)

ARD/LPAC
Meeting

Some
questions
to ponder...

FALL SEMESTER CONTINUED

Special Exit Criteria:
Always keep in mind
the goal of the
Bilingual/ESL
Programs

Intermediate

Advanced

Advanced
High


Beginning

TAC §89.1201 Policy

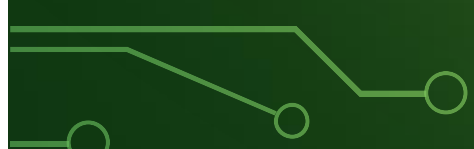


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COGNITIVE VS SIGNIFICANT COGNITIVE



LEARNING DISABILITY (A)

Learning disabilities are neurologically-based **processing problems**. These processing problems can interfere with learning basic skills such as reading, writing and/or math. They can also interfere with organization, time planning, abstract reasoning, long or short term memory, attention, and affects how they receive and process information.

Generally speaking, people with learning disabilities are of **average or above average intelligence**. There often **appears to be a gap between the individual's potential and actual achievement**. It Disability does not affect a person's intelligence, rather it affects the brain's ability to process, store, and respond to information. Specific Learning Disabilities can be in areas such as reading (Dyslexia), mathematics (Dyscalculia), or written expression (Dysgraphia).

Several causes need to be ruled out for a child to be identified with this type of disability. Learning challenges can't be caused by low intelligence. Problems with hearing or vision also need to be ruled out. The same goes for a lack of educational opportunity and limited-English proficiency.

SIGNIFICANT COGNITIVE DISABILITY (B)

Intellectual disability is a neurodevelopmental disorder characterized by **significant limitations both in intellectual functioning** (reasoning, learning, problem solving) **and in adaptive behavior**, which covers a range of everyday social and practical skills.

(1) The term "students with the most significant cognitive disabilities" means a child with a disability or disabilities as defined under section 602(3) of the IDEA that significantly impact intellectual functioning and adaptive behavior and **who require extensive, direct individualized instruction and substantial supports**, provided that--

(i) The identification of a student as having a particular disability as defined in IDEA shall not determine whether or not a student is a student with the most significant cognitive disabilities; and

(ii) Students with the most significant cognitive disabilities must not be identified based solely on the student's previous low academic achievement or the student's previous need for accommodations to participate in general State or districtwide assessments.

(2) The term "**adaptive behavior**" means behavior **essential for someone to live independently and to function safely across three domains of daily life skills: conceptual** (e.g., language, functional academics, self-direction, money management, and time concepts); **social** (e.g., interpersonal skills, responsibility, self-esteem, wariness/naïveté, follow rules, etiquette, and social problem solving); **and practical** (e.g., activities of daily living, occupational skills, safety, healthcare, and travel).

- A very basic distinction between Intellectual Disability and Learning Disabilities is that **Intellectual Disability** refers to **ability**, whereas a **Learning Disability** is associated with **achievement**. A child with Intellectual Disability lacks the ability to learn beyond a certain point. In contrast, a child with a Learning Disability has the ability significantly higher than achievement in specific areas, but the disorder is blocking achievement. This is why it is so important to get a good measure of cognitive abilities (IQ and achievement) and adaptive functioning. If a teacher inadvertently attempts to teach a child beyond his or her ability, it is likely to result in frustration and behavioral problems. Theoretically, a child with a Learning Disability has the ability, and Special Education interventions work toward the goal of closing the gap between achievement and ability.

FALL SEMESTER CONTINUED

Special Exit Criteria:
Always keep in mind the
goal of the
Bilingual/ESL Programs

Beginning

Intermediate

Advanced

Advanced
High

**How Is Language Acquisition
Affected By The Disability?**

SPRING SEMESTER

Special Exit ARD/LPAC Meeting

DIANA SAENZ

Region One ESC

Inclusion Specialist

dsaenz@esc1.net

956-984-6129