

# The Main Revisions to the 3<sup>rd</sup> Edition of the ELL

## Critical Data Process

This document provides the reasoning behind and the changes to item 3, Item 9, the red flags and the Matrix. The content, when applicable, is an exact copy of the revised section of the book in these noted areas. The purpose here is to make sure people who have purchased the 3<sup>rd</sup> edition do not have to buy the revised edition to cover the few, albeit very important, changes.

For item 3, this has been a process of honing in on its purpose since the first edition of the ELL Critical Data Process was created. What I have seen over time is that there is a group of students who are the most likely to be disproportionately overqualified for special education services, primarily in the category of specific learning disability. These students are students who are transitioning from a native language to a primary language, and often losing the ability to communicate effectively in their native language. This transition is very difficult, especially in terms of vocabulary development. This provides a significant competitive disadvantage for the student in their academic development. Additionally, a lack of interventions that are actually modified to take into account their language skills and the methodologies for determining specific learning disability highly increase the likelihood that they will meet eligibility criteria, regardless of whether or not they truly have a disability. These beliefs are based upon not only having completed hundreds of bilingual evaluations, having consulted on easily over 1,000 language learner evaluations, but also having done data analysis work with countless districts and having observed the clear patterns.

For item 9, this has been a transition from examining program models to examining data. The most highly effective program models, per Collier and Thomas, are not widely used (percentage of students within these programs versus other program models). Therefore, this item needed to focus on data that actually shows whether or not the program the student is in is a success program. This knowledge allows for a much higher likelihood of being able to analyze student performance, if the student is in a successful program, and unfortunately, the opposite for the other programs.

The red flag items are and have been there to help as a “tiebreaker” for the times in which the process is completed and the team is not sure of their decision. The original choices for which items were to be used as tiebreaker items was based upon what I saw the most when doing my review of the literature regarding things a team should know in the decision-making process (for the original ELL CDP). As time has progressed, it has become clear that some of the literature was just repeating what people before had said. The new choices are based upon having worked with hundreds, possibly thousands, of individuals on processing this information to better understand a student of concern. That, and having done data analysis with countless

districts over the years. These new choices are to be used if a tiebreaker is needed, as in the past.

The following changes were made to the matrix: For items number 9 and 12, neutral has been removed as a choice. For items 14, 15, and 16 neutral has been made grey to discourage the usage of neutral for these items. For items 9 and 12, this has been done because teams hesitated to make difficult discussions and then at times would just mark the items as neutral. The following is a quote from the Iowa state document regarding standards for special education eligibility, "It is impermissible to determine that a child received appropriate instruction to avoid raising difficult questions with teachers or to avoid giving offense." (2019 version, page 53). Items 14, 15, and 16, teams at times were found to not dig deeply enough or search for alternative evidence with a similar meaning. For an example of alternative evidence, our workbook is a case in which a student was missing certain key evidence as normally desired, but alternative evidence was provided to help the reader understand the student and decision.

## **Item 3**

### **Matrix Content**

#### **Item number 3: Native language to Primary Language Transition --- Red flag area!**

##### **Purpose:**

The purpose of this item is to examine language development and transition. This is for students who have enough exposure in the home to multiple languages that they are likely to be learning each language **and** there is evidence they are transitioning from a native language to a primary language. Not all students transition, many become bilingual.

##### **Need to know:**

You need to know what languages are spoken in the home. **This item is marked as neutral if only one language is spoken in the home.** For more than one language, you need to know the exposure, experience and expectations with each of the languages.

##### **Examples:**

**More Intervention**--- A student is under the age of 6 and demonstrates difficulties with language development and/or transition across languages\*.

**Neutral**--- A student who is between the ages of 6 and 8, and has difficulties with language development and/or transition across languages. Or, there is only one language in the home.

**Referral**--- A student who has an environment in which they are likely to develop two or more languages, is over the age of 8, and is demonstrating difficulties with language development and/or transition across languages. This is made stronger if siblings are not demonstrating similar struggles.

Or you may place your mark somewhere in-between based upon your data and discussions.

\* Difficulties with language development and/or transition across languages means the student is unsure of which words go with which language. For example, this might be a student who knows red is the correct word when they see something red, but does not know which language red goes with. This same student might know that something is azul when they see something blue, but they don't know which language azul goes with. This student might be able to pick out some of the colors if you ask the questions in Spanish, and other colors when you ask in English. The student might answer at times in English at times in Spanish. This is contrasted to randomly inserting English words into their Spanish or Spanish words into their English. This could be a lack of vocabulary in one language or the other, and for some students with stronger language skills this could be code switching.

### **The Why:**

If a student has difficulties with language development and/or transition across languages and they are 6-years old or younger, this is normal. Difficulties with language development and/or transition across languages tends to start disappearing between ages 6 and 8, and is abnormal after the age of 8. In all cases, this needs to be judged based upon a student who had a real opportunity to develop the multiple languages. This is powerful when this is the case for the individual student.

## **Additional Content**

### **Red Flag Area--- Native Language to Primary Language Transition (3)**

This item, over the years, has created the most confusion of any item (pun was an accident), because it was called language confusion. Language Confusion has many definitions and not strong agreement. Therefore, the name of this item was changed to reduce the time spent, wasted, on something that isn't core to the item.

Over the years of completing hundreds of evaluations of language learners and consulting on thousands of cases, a pattern became very clear. The vast, vast majority of the difficult cases, cases in which the decision was not clear, were and are students who are transitioning from a

native language to a primary language. These are the students whose parents often say, “They kind of understand our language, but they don’t speak it.” These students have been shown, through research, to have roughly 25% of their vocabulary in their native language, 50% in both languages, and roughly 25% in their new language. When I have tested their vocabulary (Spanish speakers), they almost 100% of the time switch from Spanish to English when the words change from common daily language (BICS) to academic language (CALP). Imagine the struggles these children face in our system. Also, these are the children with the highest rates of overqualification for specific learning disability and the highest rates of being LTELs. This is a systems level problem that must be addressed through backwards mapping to meet the needs of these children and services aligned to meet those needs that are developmentally appropriate at all grade levels, if we want to have different results in the future.

## Mini Matrix

**Items from the ELL Critical Data Process and examples in which Specific Learning Disability is not supported by the information gathered:**

**Item 3 (Native Language to Primary Language Transition):** If the student is within this group and your districts has disproportionality within this group, then a great deal of other data is needed to overcome this fact in support of eligibility.

**Items from the ELL Critical Data Process and examples in which Specific Learning Disability is supported by the information gathered:**

**Item 3 (Native Language to Primary Language Transition):** If the student of concern is showing struggles with language development and transition, has had targeted interventions that have been proven to work with other students within your setting, and they are responding much slower, then this is evidence toward eligibility.

## Intervention to Referral to Evaluation Examples

**Evaluation:** During a special education evaluation, the team is taking their pre-referral data and combining the data with evaluation data. A student who is struggling with language development and transition across multiple languages in the home at 8 years of age is a supporting piece of data, yet not extremely strong. However, a 14-year-old student who has been exposed since birth to the two languages in question, and the exposure has been strong for both languages, whose siblings have none of the same problems, is a student for whom this piece of data is supportive of a potential disability if it converges with other similar data.

## Item 9

### Matrix Content

#### Item number 9: Performance of Language Learners in Your Schools --- Red flag area!

##### **Purpose:**

The purpose of this item is to determine if the student of concern is a language learner in a system in which language learners in general are finding success, or if the language learners in this setting in general are not finding success.

##### **Need to know:**

You need to know how students in your system are doing. This is knowing, not thinking, based upon the test scores and qualification rates of the ELL students in your school when compared to district and state norms. Specific data to know can begin with: percentage of ELLs testing out of state language acquisition levels at/before 5.0 years (or your state cutoff for LTELs), percentage of language learners qualified for special education by district and school (not percentage of special education students who are language learners), and ELL performance on state reading and math testing by language acquisition level.

##### **Examples:**

**More Intervention**--- A student who is doing poorly in a setting in which language learners are in general not doing well compared to state averages is a student who needs more intervention. **This is a systems level problem that needs to be addressed.**

**Neutral**--- **Do not use neutral for this item.** Use the evidence to take a stance on one side or the other of neutral.

**Referral**--- A student who is doing poorly in a system in which language learners in general are doing well.

Or you may place your mark somewhere in-between based upon your data and discussions.

## **The Why:**

This allows us to know, not think or believe, we have a student who either is doing poorly when compared to like peers (potential evidence to suspect a disability) or we have a student doing poorly in a system in which language learners in general are doing poorly (casualty of system?).

## **Additional Content**

### **Red Flag Area--- Your Data Regarding Your ELL Services --- Results (9)**

This item was changed to put the primary focus on data. Are the language learners in your setting successful when compared to language learners in other buildings within your district, to other districts, and to the state data? This is crucial to know whether you are looking at a student who is not having success within a system in which most of the language learners are finding success (possible indicator to suspect a disability). In contrast, are you looking at a student who is not having success within a system where language learners in general are not having success (possible casualty of the system that isn't working for language learners)? Additionally, the research by Dr. Virginia Collier and Dr. Wayne Thomas (google the Thomas and Collier graph) is based on over 7,000,000 student files. This research clearly shows that dual language programs have far superior results, especially when compared to the most common model, pull-out services. There are times, though, that star teachers can overcome the odds that are stacked against the program models that are not known to be successful models. This needs to be documented with proof. For example, if you have an ELL teacher/program that you believe is beating the odds (e.g., a pull-out model that is working), you need to be able to produce data like the following: the students are making it through the language acquisition levels faster than is the local and state norm, the students are scoring higher on the local and state testing than is the state norm, your school has a lower percentage of LTELs, your school has a lower than average rate of qualifying language learners for special education. Then, if you have a student who is doing poorly in this program model, you have evidence of a student who might have difficulties learning (as long as there is not another reason that you know could or would explain the difficulties).

## **Mini Matrix**

**Items from the ELL Critical Data Process and examples in which Specific Learning Disability is supported by the information gathered:**

**Item 9 (Your data for your language learners --- Results):** If the student is in a setting in which language learners are successful, based upon measurable data, and they are not demonstrating

success, then this supports the possibility of a learning disability. This is stronger and stronger as the student is more unlike their language learning peers (i.e., if this is the only language learner having learning difficulties, this would be very strong data).

## Intervention to Referral to Evaluation Examples

### Red Flag Area! --- Item number 9: Your Data regarding Your ELL Services --- Results

It is not uncommon for students to struggle in a dual language program until early to late third grade (e.g., language confusion – this has many definitions and is being used here to address the natural process of a student learning enough in both languages to function in both languages) and then to perform at a much higher level (a delay versus a disability).

**Referral:** If you have a strong ELL system, **based upon data**, and you have a student who is doing poorly, then how strong is your data and how much does this support a potential disability and the need to complete a special education evaluation? The more the student is “sticking out” from other students, the more this supports moving forward, the less they “stick out,” the more you would need strong indicators in other items to support moving forward. This is one point of data that helps the team understand whether or not the student’s struggle appears reasonable given their exposure/experience/expectations/practice. Now, the team needs to compare and contrast this against the other points of data to see if the totality of information supports asking the parents to consent for a special education evaluation or not.

**Evaluation:** During a special education evaluation, the team takes their pre-referral data and combines it with evaluation data. The more the student is “sticking out” from other students, the more this supports moving forward, the less they “stick out”, the more you would need strong indicators in other items to support the possibility of special education eligibility. For a student to “stick out” from other students in this context you would need data like: the percentage of language learners qualified for special education in the setting is much lower than the local/state averages and the school is very concerned regarding this student.

# Red Flags and Matrix:

## 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

1. Student’s Primary Language
2. Students who speak multiple languages
3. **Red Flag Area** --- Native Language to Primary Language Transition
4. **Red Flag Area** --- Education in Primary/Native Language
5. Parental literacy in primary language
6. Student did not learn to read in the primary language
7. Years learning English
8. Attendance History
9. **Red Flag Area** --- Your Data regarding Your ELL Services --- Results
10. **Red Flag Area** --- Rate of growth on the state language acquisition test
11. **Red Flag Area**--- Intervention Description
12. **Red Flag Area** --- Expectations in the general education classroom
13. Classroom observation
14. Comparison Student Data
15. The parent interview
16. Developmental History

**In order to greatly reduce the cost of the printing of this book, and then the cost of purchase for you the reader, we have removed the color content. A large color copy of the matrix is available on the website: [stevegillell.com](http://stevegillell.com).**