

20. LIMITED ENGLISH PROFICIENCY (L.E.P)

Limited English Proficiency (L.E.P) students are children whose primary language (first language learned) is a language other than English. These children are defined as those who perform in the bottom one-half to one-quarter on tests that measure knowledge of the English language. While this designation reflects a limited ability to comprehend and use the English language, it does NOT necessarily reflect low intelligence or a developmental disability.



The L.E.P. child enjoys the same rights as all children including the right to free and appropriate education (FAPE) in the least restrictive environment. This education should meet the child's academic, social, physical and emotional needs.

Rights of L.E.P. (limited English proficiency) students and their families

Because of challenges in communication, sometimes additional effort is necessary to ensure that the L.E.P child's needs are being met. The child may need additional services, modifications and accommodations to address communication barriers resulting from limited English skills.

Special concerns

If a child's difficulties stem from their L.E.P status, the child will not qualify for services under special education.

The advocate can protect the rights and interests of a L.E.P child by ensuring the child receives:

- Adequate translators (for assessments, classroom and special activities when necessary)
- Adequate notice and information for parents/care providers in primary language
- Additional opportunities to have questions addressed (time considerations with use of translator)
- Assessments that adequately reflect child's ability while recognizing language-related barriers

Non-disabled L.E.P children should receive services outside of special education to increase their use and comprehension of the English language and overcome language-related barriers to learning.

L.E.P students may be proficient English speakers and appear to function appropriately in the class with teacher and peers, but may have had non-English speakers in the home. This can negatively affect the child's English comprehension, increasing confusion and affecting assessment performance. The advocate should consider all possibilities that the child's L.E.P. status may affect school performance and assessment results.

Risk of misdiagnosis

Many of the difficulties stemming from limited English proficiency appear similar to difficulties experienced by a child with learning disabilities. A L.E.P child may:

- Appear to struggle before answering questions
- Answer questions inappropriately
- Be non-responsive to teacher prompts and group activities
- Not complete assignments correctly
- Score low on classroom tests and assessments

A child with limited English proficiency should receive additional services as necessary, such as English-as-a-second-language (ESL) instruction, but should not be placed in special education simply because of difficulties resulting from their L.E.P status.

Many children face additional challenges at home when one or both parents may have spoken little or no English. This can interfere with communication between the school and parent and even the student and parent. L.E.P students often receive less homework help because L.E.P parents cannot offer adequate assistance.

Child overlooked as a special needs child:

Sometimes a L.E.P child with special needs will not be referred for assessment because the student, teacher or parents/care providers assume the child's difficulties result from limited English skills. Sometimes parents with limited English skills cannot communicate concerns to health and services providers or don't have access to language appropriate child development information. Other families can be isolated because of cultural or legal considerations. L.E.P parents/care providers can also have a difficult time understanding student rights and following procedures to start the assessment/referral process.

If the advocate, parent or care provider has any concerns about an L.E.P child, he or she should talk with the child's teacher and/or services providers. L.E.P students are referred for assessment through the same process as other children.

Assessments

If the child will be assessed, the assessment plan should consider and accommodate the child's limited English proficiency.

Assessments should:

- Use racially and culturally sensitive tests and evaluation materials
- Be conducted in the child's native language or other mode of communication, unless it is clearly not feasible to do so. Translators should be used whenever necessary to ensure adequate comprehension and performance
- Measure the child's disability and needs rather than measuring the child's English language skills

Native language

It is important to realize that a child's native language is the language normally used by that child or the child's parents.

Schools can also consider the language normally used in the school as the native language. If there is any doubt about the child's comprehension of the language used at school (such as English), assessments should incorporate the second language (language spoken at home) in the evaluation process.

Placement/service considerations

An IEP for a L.E.P. student should address all of the student's educational needs, including, if necessary, English-as-a-second- language (E.S.L.) instruction.

The IEP team should carefully consider any program or services that would remove the L.E.P student from the regular classroom for an extended period of time. Regular classroom interaction increases the child's exposure to non-disabled peers and English use in a socially appropriate context. The child should be placed with teachers familiar with the child's native language whenever possible. Teachers should also receive training on the child's native language and incorporate visual cues in their lesson plans whenever possible.

For more information:

Humboldt County Public Health Department

712 4th Street
Eureka, CA 95501
707-445-6212

California Department of Education

Special Education Division
515 L. Street, Room 270

Sacramento, CA 95814

(916) 445-4613 /

FAX: (916) 327-3516 / TTD: (916) 327-3678

Parent Information Line: 1-800-434-2465

Procedural Safeguards 1-800-926-0648