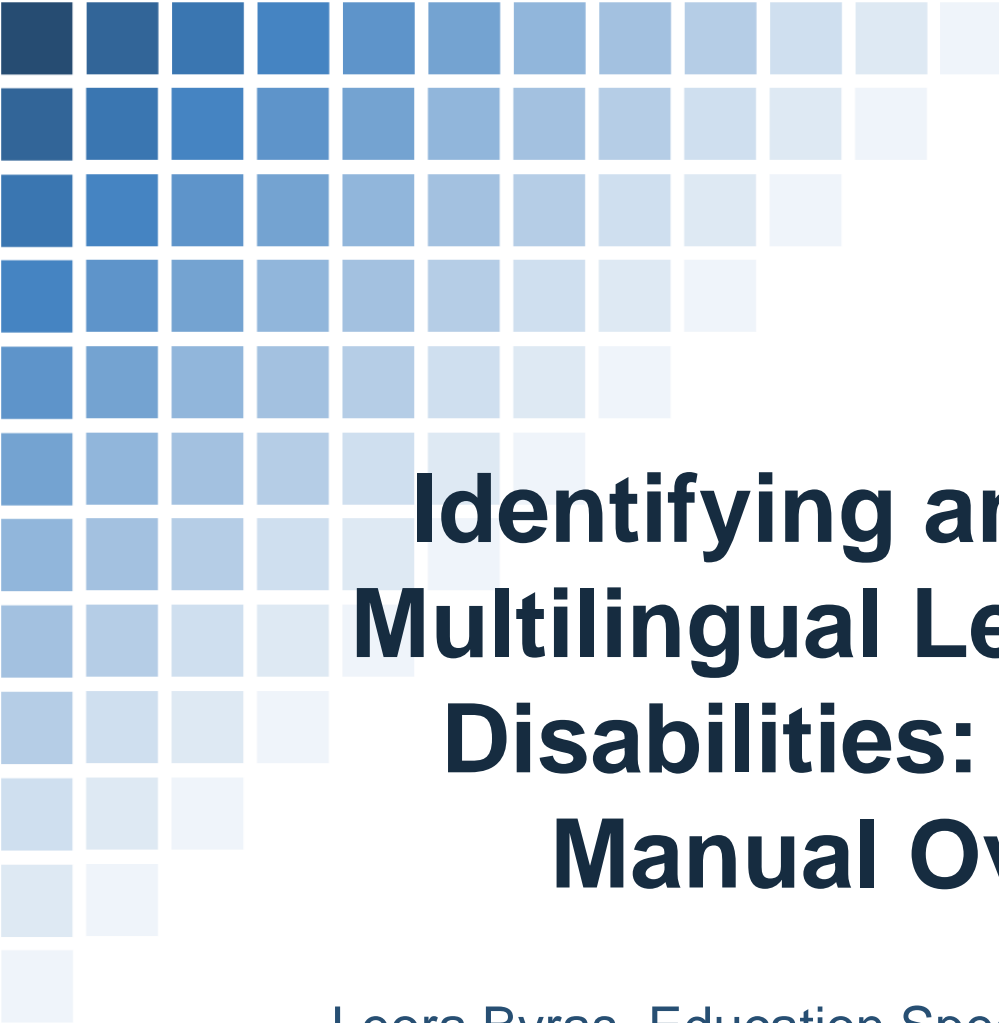




- Our webinar starts at 3 pm.
- Please take a moment and let us know your role in the chat.



Identifying and Serving Multilingual Learners with Disabilities: Guidance Manual Overview

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Robin Fleck, ESOL Consultant

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Session Objectives



Provide a general overview of the new guidance manual



Describe some of the information and resources within each section



Respond to questions



Offer suggestions for further learning

A note on terminology



Note that in the state of Maine, students with a primary/home language other than English who are not yet proficient in English are now referred to as **multilingual learners (MLs)**, whereas the federal government refers to such students as *English learners*.

We choose to use this **asset-based** terminology to emphasize the strengths and skills students bring to school, as well as the importance of supporting the development of all languages.



About the Manual

- Created in response to the needs of the field
- Based on the Virginia Department of Education Handbook for Educators of English Learners with Suspected Disabilities, with their permission to adapt
- Authored through a cross-team collaboration between ESOL/Bilingual Programs and Special Services
- Reviewed by:
 - Dr. Melissa Cuba, University of Maine
 - Silvia DeRuvo and the National Center for Systemic Improvement
 - Robin Fleck, Auburn School Department, Retired
 - Maureen Fox, Portland Public Schools, Retired
 - Maine Association of School Psychologists
 - Multilingual Learner Advisory Council



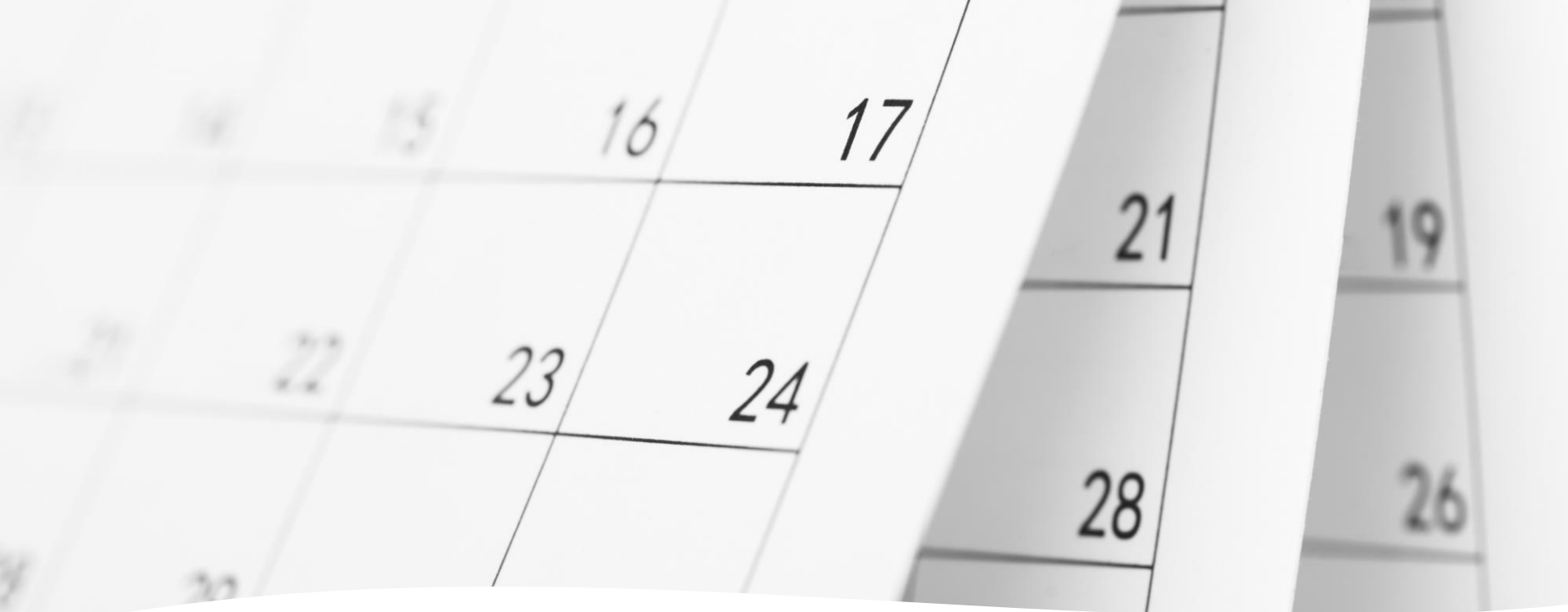
Contents

- Legal Requirements
- Intervention Procedures
- Comprehensive Evaluation of MLs
- Q&A Regarding Evaluation
- Determination of Eligibility
- Development of IEP
- Instructional Considerations
- Communicating with Parents/Guardians
- Frequently Asked Questions & Answers
- Case Studies
- Definitions
- Resources



Legal Requirements

- IDEA Law and Regulations
- Maine Regulations
- Federal Civil Rights Law and Guidance
- Every Student Succeeds Act (ESSA) of 2015



Intervention Procedures for Suspected Disability, Evaluation, and Eligibility

The IDEA and federal civil rights guidance prohibit a policy of delaying evaluations of MLs to determine the need for special education and related services over a specified period of time based on the student's English language proficiency or ML status.



Factors in Misidentification

Chapter 6 of the U. S. Department of Education English Learner Tool Kit identifies four potential factors that may contribute to the misidentification of special education needs and learning disabilities among students who are MLs:

1. poor instructional practices;
2. the evaluating professional's lack of a knowledge base regarding second language development and disabilities;
3. weak intervention strategies; and
4. inappropriate assessment tools.

Each of these factors is addressed in the *Intervention Procedures* section of this guide.

Comprehensive Evaluation of MLs

Depending on the recommendations for a primary/home language(s) assessment, the evaluation of the student may be administered in one of three ways:

1. **Entirely in the ML's primary/home language**, ideally with a bilingual staff member or with the assistance of a trained interpreter;
2. **In both the primary/home language(s) and English** (if specified by a primary/home language(s) proficiency assessment, bilingual testing may require the concurrent presentation of test items and directions in both languages); **or**
3. **In English only.**



MASP Guidance

Appendix IV Procedures for students with culturally or linguistically diverse backgrounds, physical disability or other contributing factors that result in no normed instruments being available to measure cognitive processing and/or overall cognitive functioning

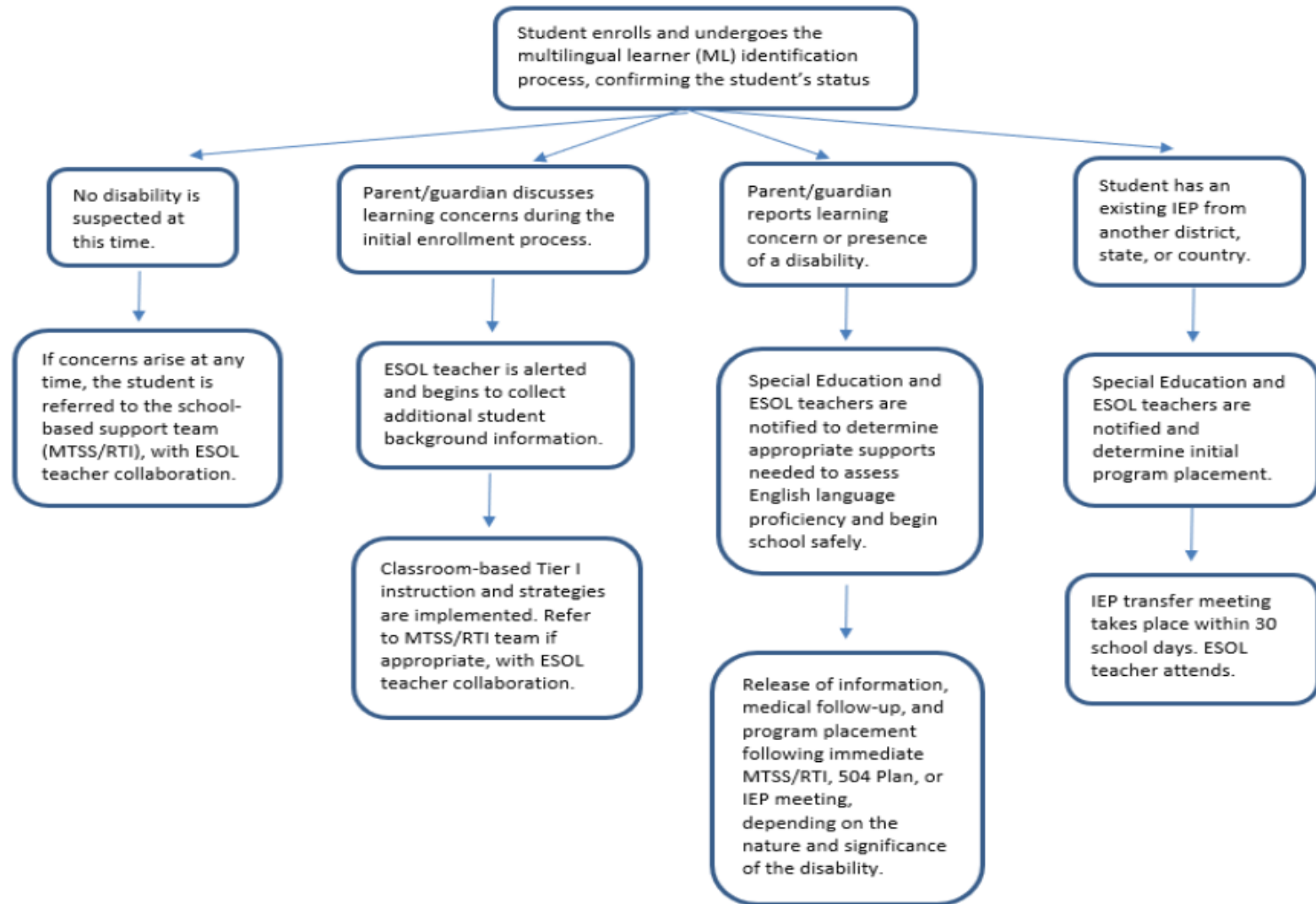


Clinical Guidance on Implementation- For the Identification of Students Suspected of Having a Specific Learning Disability-2017
(masponline.net)

Determination of Eligibility for Special Education and Related Services

Federal regulations governing special education programs require that “students must not be determined eligible for special education and related services if the determinant factor is **limited English proficiency** or **lack of instruction in reading or math**” (34CFR Section 300.534), (MUSER V.2.E(3)).

Identifying a Multilingual Student with a Suspected Disability at Enrollment





Eligibility for Special Education

A student shall be determined eligible and classified “eligible for special education and related services” when:

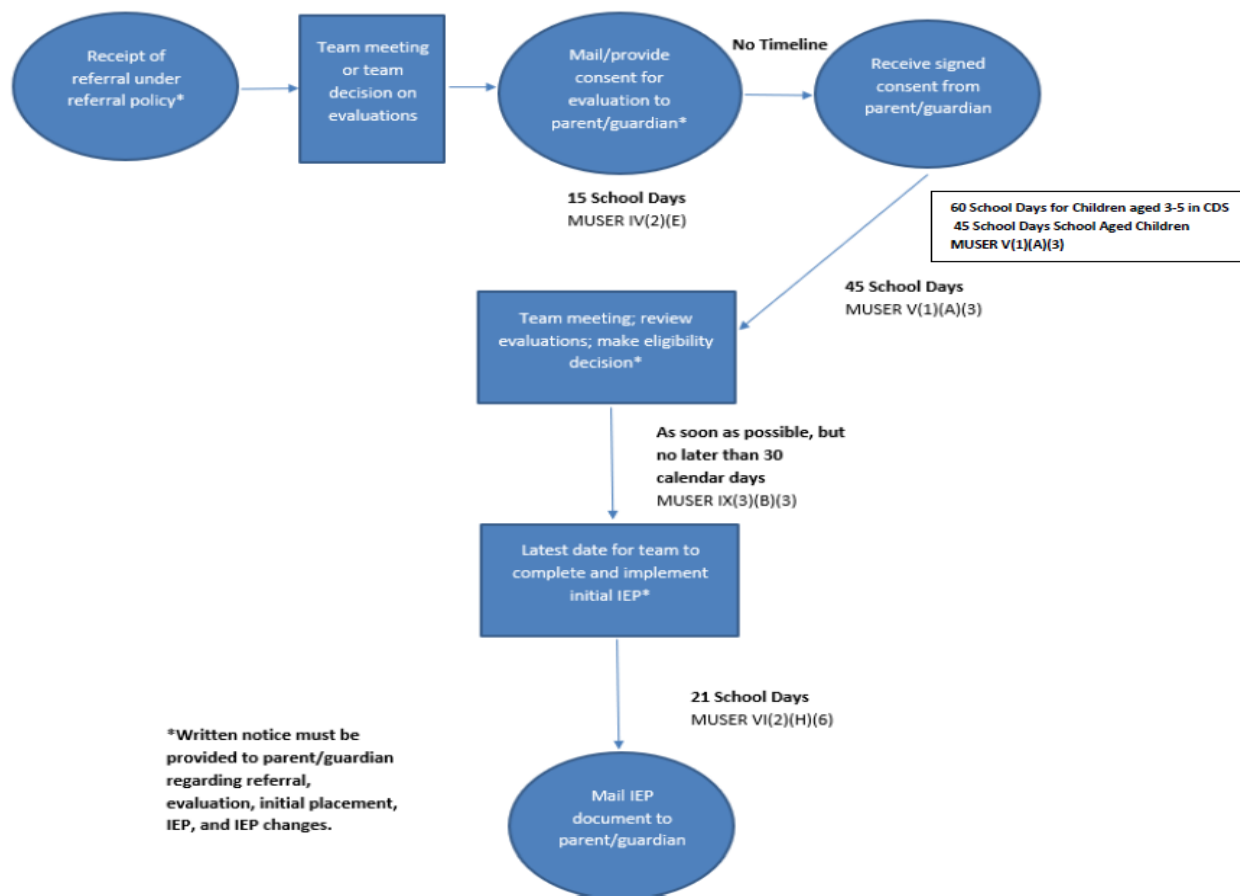
1. The student has one or more of the disabilities defined in MUSER.
2. The disability adversely affects the student’s educational performance.
3. The student is in need of special education and related services.

CFR 200.206(c)(2)

The IDEA and federal civil rights guidance prohibit a policy of delaying evaluations of MLs to determine the need for special education and related services over a specified period of time based on the student’s English language proficiency or ML status.

Maine's Timeline for Initial Referral

Maine's Timeline for Initial Referral (Herlan, E. R., 2013). Maine special education law. Drummond Woodsum & MacMahon.):





Development of the IEP

If the student is found eligible for special education, the IEP team, with the appropriate composition (MUSER VI.2.B), must meet within 30 calendar days of the eligibility determination (MUSER V.3.B(2)(a)). The ESOL teacher or representative with expertise in the second language acquisition process should be a member of the IEP team for any ML student. If an interpreter is needed, one must be made available (MUSER VI.2.H(5)).

The student's IEP team must meet at least annually to review and revise the IEP; (MUSER VI.2.J(5)).

Learning Plans for Multilingual Learners with Disabilities

Learning Plan	Individual Language Acquisition Plan (ILAP)	Individualized Education Plan (IEP)
Legal Reference	Title VI of the Civil Rights Act of 1964/Lau v. Nichols (1974) – addresses the right to access the education program including instruction to learn English	Individuals with Disabilities Act (IDEA) – ensures students with a diagnosed disability who need special education have access to free appropriate public education
Education Team	The Language Acquisition Committee (LAC) oversees programming and progress of multilingual learners (may co-occur with IEP, MTSS, student meetings with ESOL teacher in attendance)	The IEP Team oversees the development and progress of the student's individual learning goals (MUSER VI.2.J)
Purpose	Individual Language Acquisition Plan (ILAP) – Individual student language goals are developed along with identified supports/accommodations to access the curriculum	Individualized Education Plan (IEP) – a written statement of the educational program designed to meet a child's individual learning needs. Every child who receives special education services must have an IEP (MUSER IX.3)
Goals & Services	English Language Development (ELD) program services and support are specific to the student's level of English Language Proficiency (ELP). Areas of focus: social and academic language of reading, writing, listening, and speaking across language arts, math, science, and social studies	Individualized Education Plan (IEP) – a written statement of the educational program designed to meet a child's individual learning needs. Every child who receives special education services must have an IEP (MUSER IX.3) Specially Designed Instruction and related services are specific to the IEP goals (MUSER X.2.A(2))
Assessment	ILAP goals are measured by annual summative and formative assessments for English language proficiency – ACCESS for ELLs, Alternate ACCESS, WIDA Rubrics, and Proficiency Level Descriptors.	IEP annual goals are measurable and aligned to the skill gaps identified by eligibility evaluations- (MUSER IX.3.A(1)c)
Reporting	Progress is reported to parents/guardians annually and with each grading period.	Progress is reported to parents/guardians at the annual review of the IEP meeting and at each grading period (MUSER IX.3A(1)(c))
Responsibilities	Goals and services are documented by the ESOL teacher in collaboration with the classroom teacher and the LAC and filed in the student's cumulative file.	The IEP is developed and maintained by the IEP Team under the direction of the Special Education leader (MUSER VI.2.J)

Services: ESOL and Special Education

MLs who qualify for special education receive **both** ESOL and Special Education services. The IEP and Language Acquisition Committee (LAC) teams will decide the amount and types of services that are appropriate for the student given their individual language and learning needs.



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Instructional Considerations

MLs with disabilities are entitled to the same amount and frequency of ESOL programming as MLs without a disability.

<i>ACCESS for ELLs Overall Composite Proficiency Level</i>	<i>Recommended Periods of ESOL Instruction</i>
Level 1.0-2.9	At least two periods per day
Level 3.0-4.5	At least one period per day

*A period is defined as the equivalent amount of time a student receives academic core content instruction, such as for ELA or Math.

Table 6: Recommended periods of ESOL instruction for ELs based on ACCESS for ELLs® results (full-day Kindergarten through grade 12)



Instructional Considerations

Teachers of MLs with disabilities should understand key concepts related to student development of a new language and use evidence based instructional practices.

Dual services should be provided by Special Education teachers and ESOL teachers. Collaboration between teachers is key to achieving the learning objectives outlined in the IEP.



Communication

Interpreters must be used, as needed, throughout the special education process.

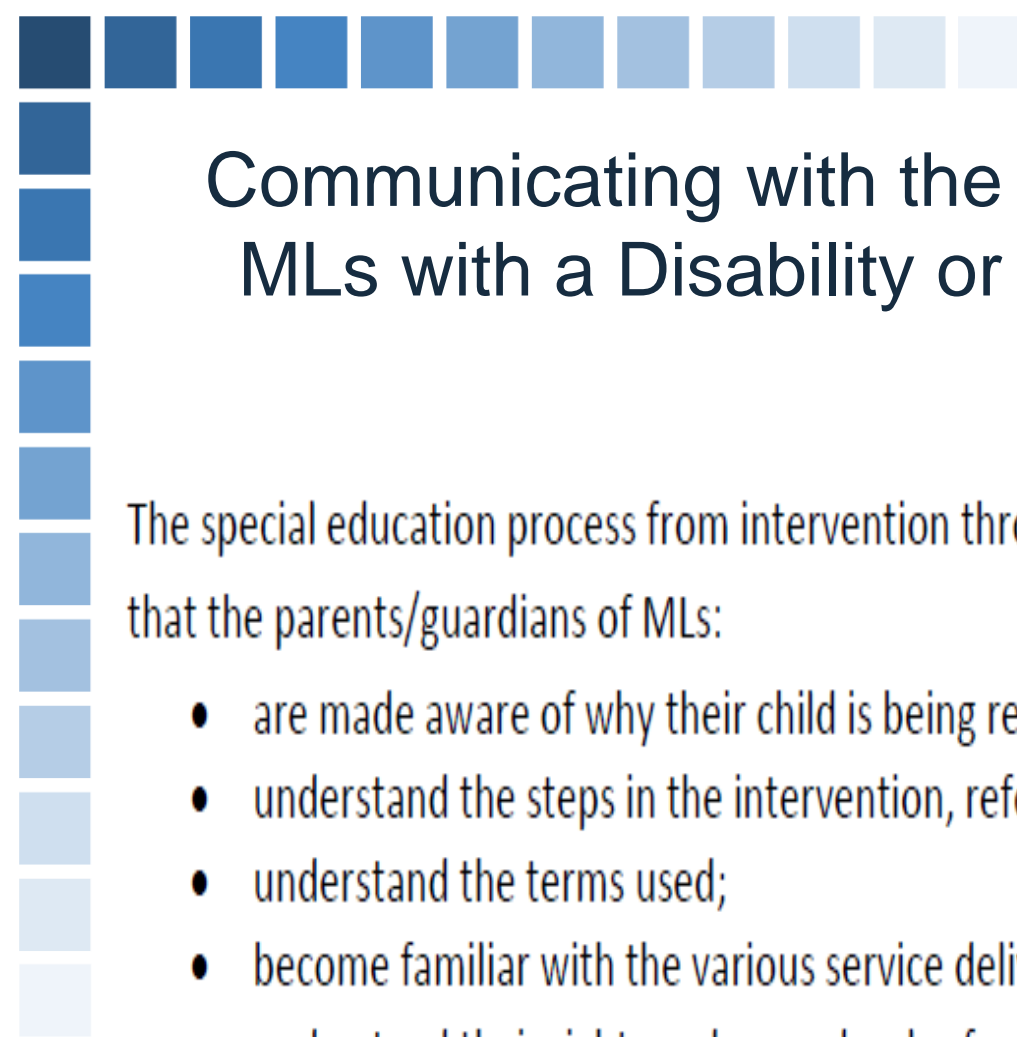
- Notify parents/guardians of meetings
- Confirm dates and times
- Explain the special education process
- Explain parent/student rights and how they affect the child

Communication

Interpreters should also be included in any special education meetings and Individualized Education Program (IEP) meetings (MUSER VI.2.H(5)).

Efforts should be made to train the interpreter in Special Education Law.





Communicating with the Parents/Guardians of MLs with a Disability or Suspected Disability

The special education process from intervention through eligibility has many steps. It is important that the parents/guardians of MLs:


- are made aware of why their child is being referred for a suspicion of a disability;
- understand the steps in the intervention, referral, evaluation, and eligibility process;
- understand the terms used;
- become familiar with the various service delivery models; and
- understand their rights and procedural safeguards. (See [translated procedural safeguards](#).)

Additional Communication Consideration

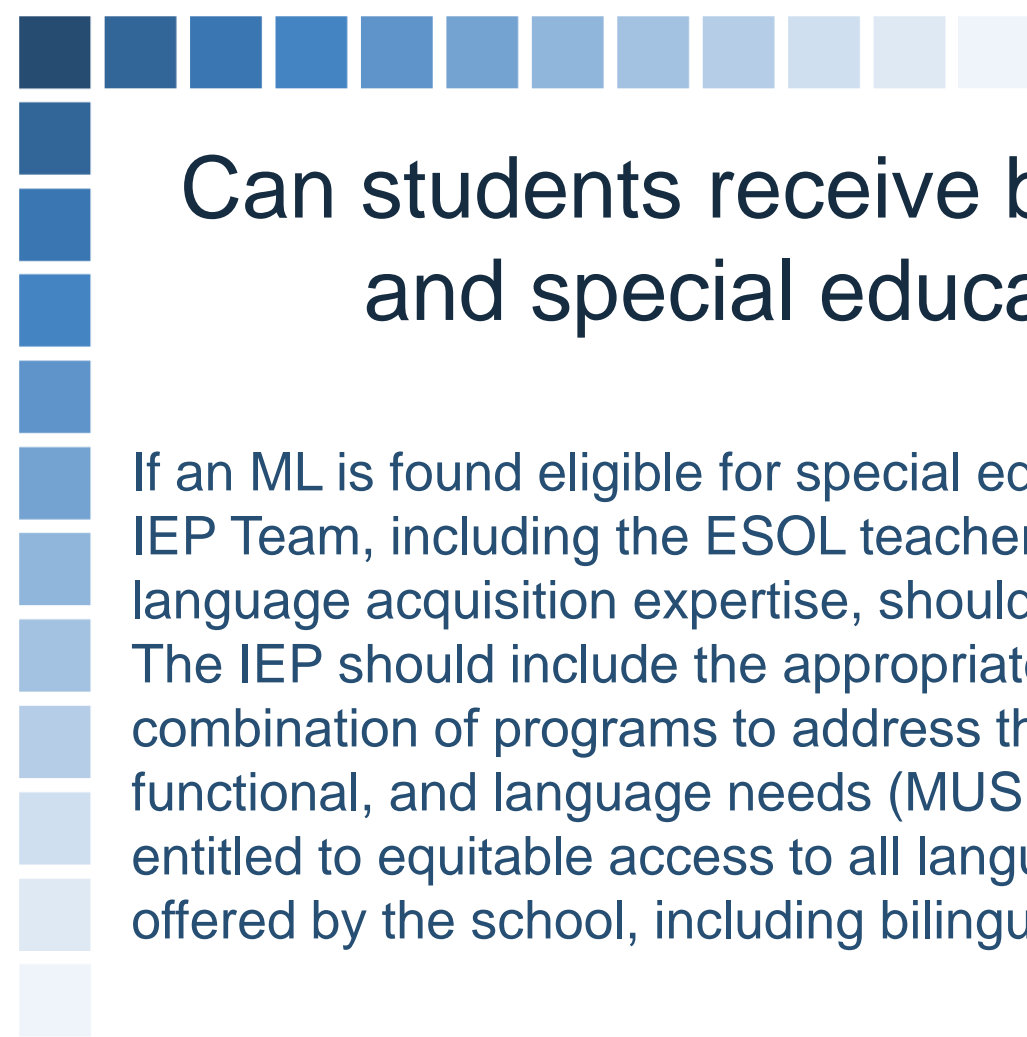
Under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, for parents/guardians of MLs to have meaningful access to an IEP plan meeting, it may be necessary to have the IEP or related documents interpreted/translated into their primary language(s).



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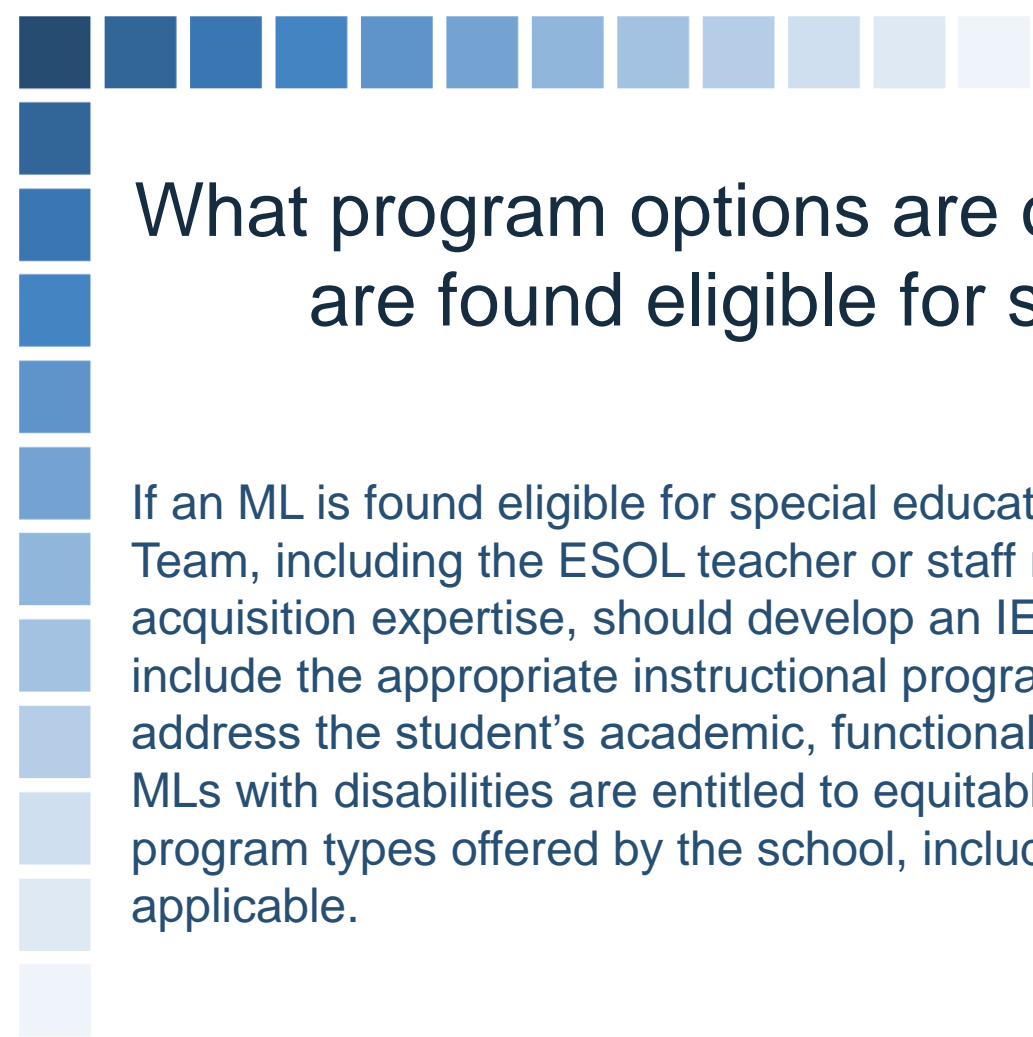


FAQ



Can students receive both ESOL services and special education services?

If an ML is found eligible for special education and related services, the IEP Team, including the ESOL teacher or staff member with second language acquisition expertise, should develop an IEP for the student. The IEP should include the appropriate instructional program or combination of programs to address the student's academic, functional, and language needs (MUSER IX.). MLs with disabilities are entitled to equitable access to all language acquisition program types offered by the school, including bilingual programs, where applicable



What program options are open for MLs once they are found eligible for special education?

If an ML is found eligible for special education and related services, the IEP Team, including the ESOL teacher or staff member with second language acquisition expertise, should develop an IEP for the student. The IEP should include the appropriate instructional program or combination of programs to address the student's academic, functional, and language needs (MUSER IX.). MLs with disabilities are entitled to equitable access to all language acquisition program types offered by the school, including bilingual programs, where applicable.



Do MLs with disabilities need an IEP or 504 Plan to receive testing accommodations on state standardized assessments?

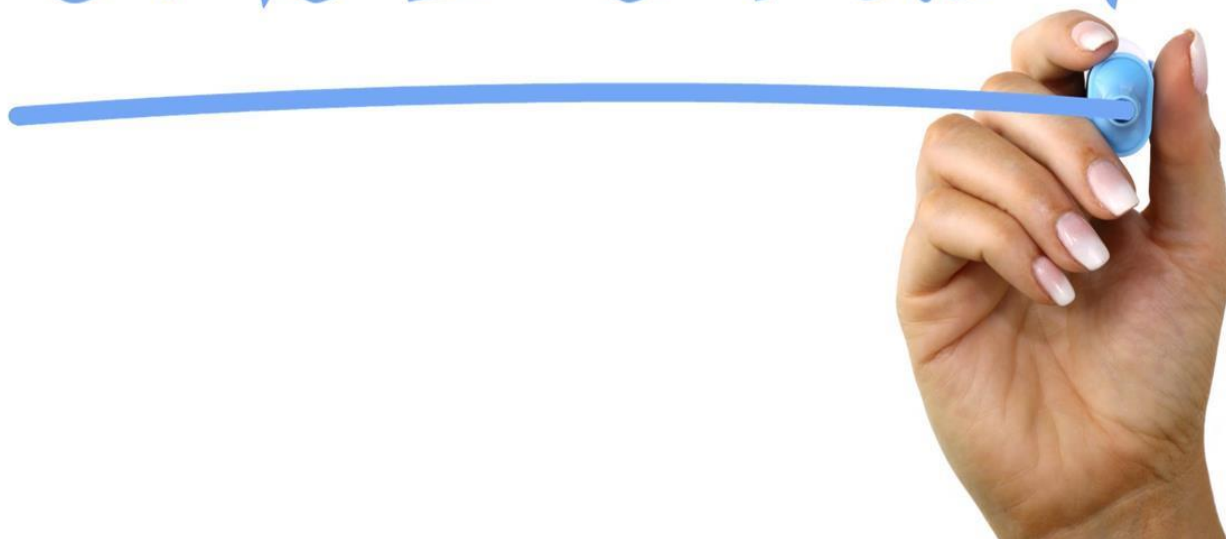
Yes. Accommodations, in the correct sense of the word, are available only as described in an IEP or 504 Plan. However, assessments have three levels of supports:

- Universal Tools – accessible to all
- Supports – determined on an individual basis by an educational team such as part of a multi-tiered system of support (MTSS), Student Assistance Team, and/or Language Acquisition Team. Supports must be consistent with the student's normal routine during instruction. Provision of supports does not alter the construct of any test item. These are available regardless of ML identification or disability status.
- Accommodations are changes in procedures or materials that do not alter what the test measured and are used to increase equitable access during assessment for students for whom there is a documentation of the need on an Individualized Education Program/Plan (IEP) or 504 Plan. Accommodations that require IEP/504 include Read Aloud/Human Reader (with the exception of Reading Sessions), Braille, or Scribe (MUSER IX.3.A(1)(d)(g)).



Appendix A: Case Studies

CASE STUDY



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Case 1

Meet Kareem: Kareem was born in Iraq and moved to the U.S. when he was seven years old. Kareem speaks Arabic. His English language proficiency is at the entering level (Level 1). He loves to play soccer and to spend time with his older sister. Kareem is helpful at home and wants to learn.



Background Experience

Due to the war in his country, Kareem was not able to attend pre-Kindergarten or Kindergarten. His parents did not have the opportunity to continue their education beyond 8th grade. Kareem attended school in Iraq for two months before he moved to the U.S. He is one of two children. His sister is in the 4th grade.



Learning Challenges

At the time of enrollment, Kareem's mother reported that he has been a slow learner. He has had difficulty with pronunciation in Arabic. He did not pronounce his letter sounds clearly until he was four years old.

Currently, Kareem still has difficulty with some letter sounds and often searches for words that have been previously learned. His mother finds that he does not always retain what has been taught. She is concerned with his ability to remember simple directions.

Kareem's mother shared that he witnessed a bombing where many people were killed. He was not physically injured, but he has been affected by this. He has trouble sleeping, is frightened by loud noises, and does not like to be alone.

Action Steps

Action Steps:

1. Administer WIDA Screener Online for to determine multilingual learner (ML) status.
2. If identified as an ML, begin to provide English language development programming and differentiation.
3. Review medical history.
4. Screen for hearing and vision if this needs to be updated.
5. Enroll in 1st grade classroom, where trauma informed practices are in place.
6. Gather baseline data for reading and math.
7. Monitor Kareem's progress closely and meet as a team to discuss progress and differentiation and instructional strategies. Determine whether referral to the MTSS/RTI team may be appropriate.
8. Maintain active communication with parents to monitor progress and gather additional background information as needed.
9. Assess Kareem's language and literacy skills in his primary/home language and consult with Speech-Language Pathologist (SLP) if concerns continue as English language progresses.
10. Consult with Social Worker to support trauma and anxiety.



Appendix B: Definitions

Acronyms and Terms

ACCESS for ELLs - required annual English language proficiency assessment for Grades K–12. The test is administered every year to help SAUs monitor the English language development of students identified as English learners.

Alternate ACCESS for ELLs – required annual English language proficiency assessment for Grades 1-12 for students who are English learners with the most significant cognitive disabilities, who have been identified as alternate assessment participants by their IEP teams

bilingual – *adjective*, describes a person who is fluent in two languages or a program with two languages of instruction; in this country the term generally implies that one of the two languages is English, but this is not necessarily the case



Appendix C: Resources

[English Learner Tool Kit](#)

2016

U.S. Department of Education and the U.S. Department of Justice

Joint guidance to assist State educational agencies, school districts, and public schools in meeting their legal obligations to ensure that MLs can participate meaningfully and equally in educational programs and services.

[Every Student Succeeds Act of 2015 \(ESSA\)](#)

Enacted by the 114th United States Congress and signed into law by President Barack Obama on December 10, 2015. Reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA). The previous version of the law, the No Child Left Behind Act (NCLB), was enacted in 2002.



Additional Resources

[ALTELLA - Alternate English Language Learning Assessment Project](#)

Center for Applied Linguistics

- [English Language Learners with Special Needs](#)
- [Helping Newcomer Students Succeed in Secondary Schools and Beyond](#)

Center on Multi-Tiered System|of Supports

- [English Learners](#)

Books

Davis, B. (2012). *How to Teach Students Who Don't Look Like You, Culturally Responsive Teaching Strategies*. Corwin.

Fairbairn, S. & Jones-Vo, S. (2010). *Differentiating Instruction and Assessment for English Language Learners: A Guide for K-12 Teachers* (2nd ed.). Caslon Publishing.

Hamayan, E., Marler, B., Sánchez-López, C., & Damico, J. (2013). *Special Education Considerations for English Language Learners: Delivering Continuum of Services*. Caslon Publishing.

Questions?





Feedback & Contact Hour Request





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