

Identifying and Serving Students who are Multilingual Learners with Disabilities: Policy and Resource Guide

2022

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Introduction

The appropriate and accurate identification of students who are multilingual learners (MLs) with a disability is a complex process requiring a team approach. Under- and overidentification of MLs for special education and related services is a persistent challenge nationwide. It is important to appropriately identify MLs with a disability so that they do not miss out on the services that they need. Conversely, MLs who are misidentified as having a disability receive special education services that they do not need.

*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**, 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.*

Essential to the discussion of identification is an understanding that the core instructional program for students who are MLs must include adequate language acquisition supports, both in direct services from a qualified English for Speakers of Other Languages (ESOL) teacher and through robust instructional supports integrated into academic content instruction. Determining the presence of a disability when such supports are not in place becomes a greater challenge, as language development cannot be excluded as the cause of learning difficulties.

The process required to identify a student with a disability involves the consideration of additional factors when the student is an ML. Culturally and linguistically responsive practices must be included in all steps of the process to help distinguish between a difference in language learning and a true learning disability. In order for culturally and linguistically responsive practices to be successfully implemented, educators need to be supported in developing an understanding of how language, culture, and family affect learning and educators' dispositions and practices towards multilingual learners. Additionally, it is essential that an English for Speakers of Other Languages (ESOL) teacher with expertise in second language acquisition and cultural factors is part of the problem-solving and decision-making team during the Multi-Tiered System of Supports (MTSS) process and referral to special education.

Maine is committed to ensuring a free appropriate public education (FAPE) for all students with disabilities. This includes providing equitable access for students who are MLs, who may be intellectually gifted, have a learning disability, display a behavior disorder, or have multiple disabilities, like any other student. All students will be given equal access to appropriate educational services.

The Individuals with Disabilities Education Act (IDEA) suggests that "greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities" (IDEA, 2004, P.L. 108-446, 20 U.S.C. § 1400(c)(8)(A)).

According to Artiles & Ortiz (2002), there are three categories of MLs who may experience academic challenges:

Category 1: MLs without a disability who have experienced a lack of effective English language development and/or content instruction and support

Category 2: MLs without a disability who have challenges such as interrupted schooling, limited formal education, medical issues, low attendance rate, trauma, family issues, or high transiency

Category 3: MLs with identified disabilities in need of special education services

The purpose of this policy and resource guide is to provide school administrative units (SAUs) with guidance on a multi-step process to appropriately identify and evaluate students in Category 3.

Legal Requirements

IDEA Law and Regulations

Under the Individuals with Disabilities Education Act (IDEA), states and SAUs are required to have policies and procedures to ensure that all children with disabilities residing in the state, and who are in need of special education and related services, are identified, located, and evaluated (34 CFR §§300.111 and 300.201) (MUSER IV.2). This obligation, known as “child find,” is fully applicable regardless of a child’s English proficiency level, and includes highly mobile children and migrant children suspected of having a disability (34 CFR §300.111(c)(2)) (MUSER IV.2.A).

The SAU proposing to conduct an initial evaluation to determine whether a child qualifies as a child with a disability under 34 CFR §300.8 must, after providing notice, obtain informed consent from the child’s parents/guardians before conducting the evaluation (34 CFR §300.300(a)(4)). Once parental/guardian consent is obtained, the evaluation must occur in a timely manner. Specifically, Maine requires the initial evaluation be conducted within 45 school days of the receipt of the referral for a suspicion of a disability (MUSER V.1.A(3)(a)(i)). Note that for preschool children served by **Child Development Services (CDS)**, the initial evaluation must be conducted within 60 calendar days. In the case of referral by school staff or parent/guardian prior to the completion of the MTSS/RTI intervention process, evaluation for possible eligibility would be conducted during the implementation of the intervention plan (MUSER IV.2.E).

Maine Regulations

05-071 Department of Education Chapter 101: [Maine Unified Special Education Regulation Summary](#)

This rule governs the administration of the child find system for children from birth to age twenty, the provision of early intervention services to eligible children birth to under age 3 (B-2) with disabilities and their families, and the provision of special education and related services to eligible children age three to twenty with disabilities and their families, implementing 20-A MRSA Chapters 301, 303, and amendments thereto.

Federal Civil Rights Law and Guidance

Consistent with obligations under Title VI of the Civil Rights Act of 1964 and other federal laws and guidance, SAUs must take affirmative steps to ensure that ELs can meaningfully participate in the district’s educational programs and services and acquire English proficiency. In addition, the English Learner Students and Limited English Proficient Parents [Dear Colleague Letter](#), jointly released by the US Department of Education and the US Department of Justice in January 2015, affirms that school

divisions must accurately identify and evaluate MLs with a suspected disability for special education and related services in a timely manner. Furthermore, MLs must receive appropriate special education and related services regardless of English language proficiency or ML status.

Every Student Succeeds Act (ESSA) of 2015

Per ESSA, SAUs are required to disaggregate data for MLs with a disability so that the academic outcomes of this population may be viewed separately from the ML population as a whole. The new Title III requirements mandate that states report on the academic progress and achievement of dual-identified MLs as a district subgroup ([Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Act \(ESEA\), as Amended by the Every Student Succeeds Act \(ESSA\)](#) Washington, DC: U.S. Department of Education, September 23, 2016), 26.

Intervention Procedures for Suspected Disability, Evaluation, and Eligibility: Process for Multilingual Learners

Educators face an ongoing challenge in distinguishing a learning disability from the typical challenges of learning a second language. When an ML does not learn English at the expected pace, falls behind academically, or exhibits inappropriate behavior, educators must determine whether the issue is caused by a learning disability, difficulty in developing second language skills, trauma, and/or cultural adjustment.

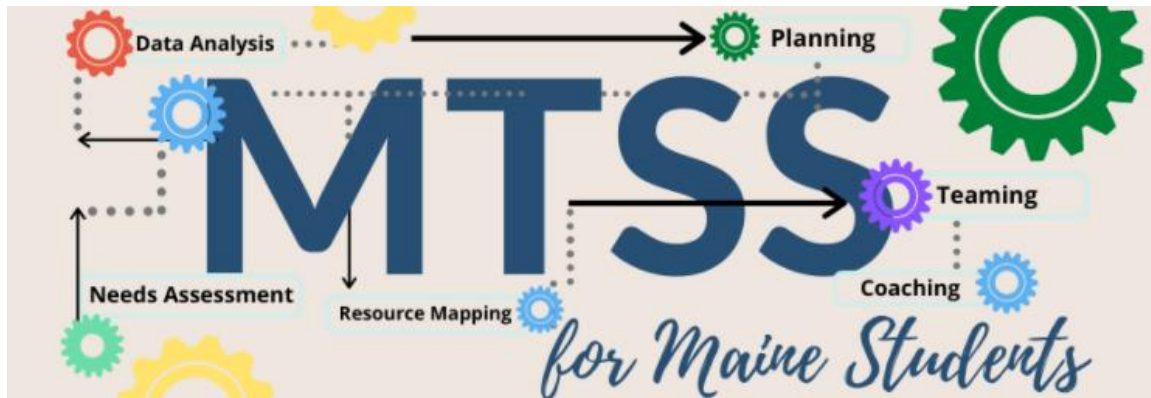
The IDEA and federal civil rights guidance prohibit a policy of delaying evaluations of MLs to determine the need for special education and related services over a specified period of time based on the student's English language proficiency or ML status.

[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.

Multi-Tiered System of Supports (MTSS)



In Maine, MTSS is defined as a comprehensive framework designed to address the academic, behavioral, and social-emotional needs of each student in the most inclusive and equitable learning environment. The MTSS framework is driven by strong leadership, policies and practices, family and community engagement, staff collaboration, and data-informed decision-making. Through the implementation of an MTSS framework, districts and schools increase attendance, elevate student engagement, lessen concern about behavior, improve school climate, and boost academic performance.

Students who are experiencing difficulties in the general education setting, including multilingual learners (MLs), may require additional supports or interventions. Multi-Tiered Systems of Supports (MTSS) are designed to ensure all students have equitable opportunity and access to high-quality instruction to reach their greatest potential. For students who are MLs, linguistic and cultural factors must be considered at each step throughout the process as teams analyze and interpret school performance in view of their unique backgrounds.

A strong MTSS framework incorporates *prevention, instruction, and intervention* strategies designed to make learning opportunities accessible to all students within the classroom environment. The MTSS process provides schools and educators with guidance for organizing available resources in order to foster student engagement, close existing skill gaps and improve achievement.

There are five essential components of an effective MTSS:

- Strong team leadership
- Evidence-based practices
- Data-based problem-solving and decision-making practices
- Layered instructional supports for all students
- Family, school, and community collaboration and engagement

At the school level, a team of educators, administrators and specialists use a multi-tiered intervention process to identify and address the specific academic needs of struggling students and provide support through instructional strategies specific to the student's needs.

With any ML student referral to the MTSS team, the following questions should be examined and responded to before a referral for a special education evaluation is made:

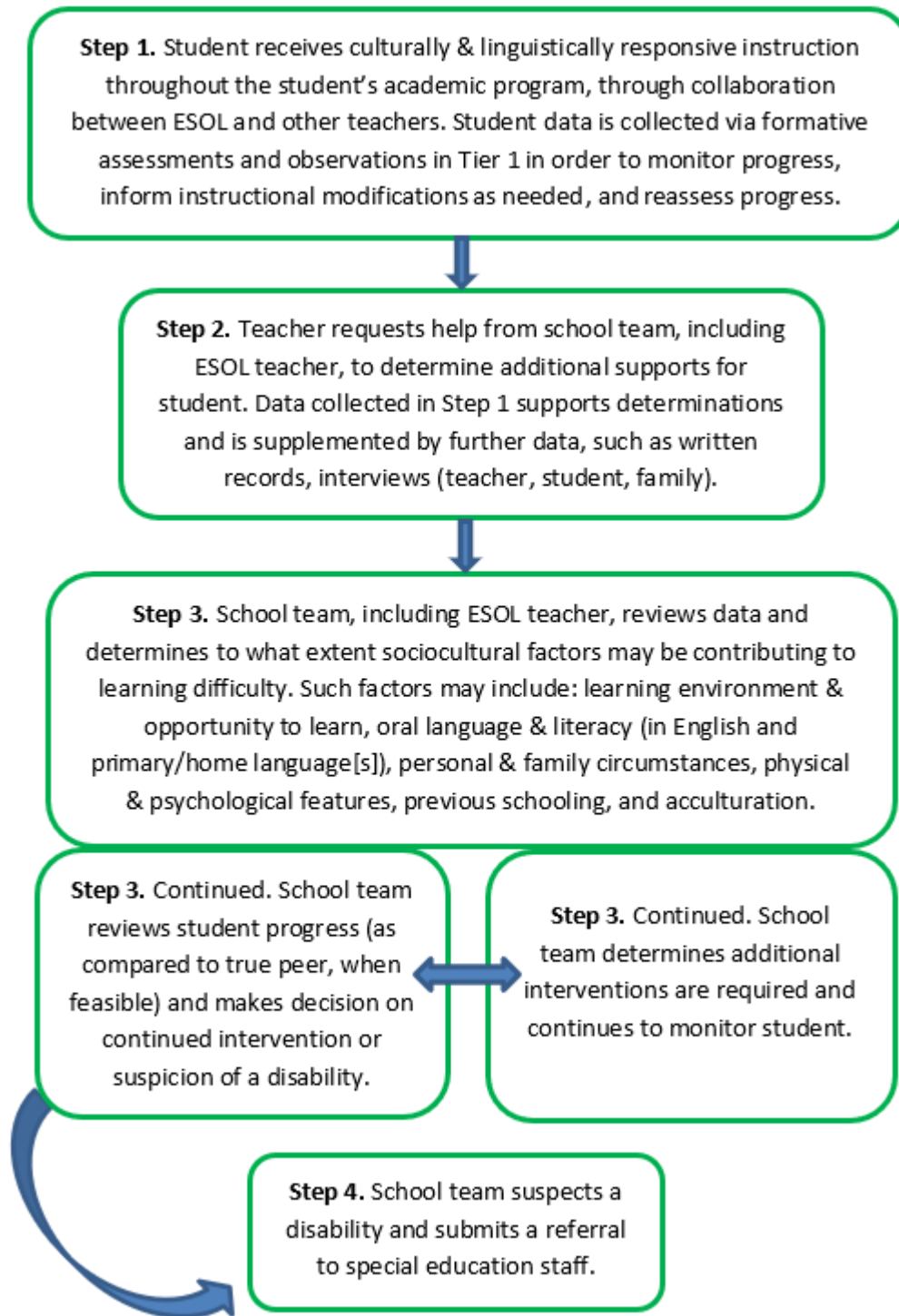
1. Is the district ESOL plan (i.e., Lau Plan) being implemented within the school?
2. Is the student's individual language acquisition plan (ILAP) inclusive of language goals and benchmarks and available to all educational staff?
3. Are the modifications, adaptations, or differentiation strategies within the ILAP being used in the classrooms?
4. Is the student being taught by certified ESOL teachers or teachers trained in specific strategies that target the needs of MLs, while learning content knowledge and skills?
5. Is the student demonstrating progress on the annual English language proficiency assessment?
6. Have teachers been regularly meeting to discuss the student's progress and implementing specific interventions to target identified areas of need?
7. Have parents/guardians been invited to provide additional background information about the student to gain more insight into the student's abilities and challenges within the home.
8. Have medical records been reviewed, including recent screening for hearing and vision?
9. Have cultural factors been considered? Are they being taught in a culturally-responsive environment?
10. Have student assets been identified based on progress monitoring and informal observations and assessments?

A key component to a quality MTSS framework is a usable problem-solving process that is routine, consistent, and objective. An effective problem-solving process will incorporate data collection, data analysis, and action planning to address where you are and creating a path for where you want to go. Along with your problem-solving process, the team must adopt decision-rules and look-for criteria that will inform whether the current path is effective for improvement, or if changes need to be made. See the IRIS Center at Vanderbilt University's learning module on [Approaches to RTI](#) for more details on the problem-solving approach.

For further information and support in MTSS implementation, see the [Maine DOE MTSS webpage](#).

The flowchart below outlines the steps along the intervention continuum intended to reduce inappropriate referrals of MLs for special education and related services. A detailed description of each step is provided in this section.

Intervention Procedures Flowchart for English Learners (Multilingual Learners)



Adapted from Special Education Considerations for English Language Learners: Delivering a Continuum of Services, Hamayan, Marler, Sánchez-López & Damico, 2011, Multicultural Students with Special Language Needs, Practical Strategies for Assessment and Intervention, Roseberry-McKibbin, 2018, Handbook for Educators of English Learners with Suspected Disabilities, Virginia Department of Education, 2019.

STEP 1. Student receives culturally and linguistically responsive instruction, throughout which the teacher uses instructional strategies for integrated language and content acquisition. When needed, the teacher attempts a progression of instructional strategies to resolve the ML’s academic challenges. The teacher documents student progress and behavior and contacts the parents/guardians using a qualified interpreter if needed.

The purpose for all programs and services for MLs is attainment of the same academic content standards as all students and the development of English proficiency ([English Learner Tool Kit, Chapter 2](#)). SAUs are required to provide MLs with programs and services that ensure meaningful access to all aspects of the instructional program including elective classes and special programs (ESEA Sec. 3302(f); Title VI of the Civil Rights Act of 1964; OCR Guidelines). High-quality general education instruction for MLs reflects consistent grade-level content instruction adjusted for the student’s proficiency level integrated with appropriate language development instruction by language proficiency level. SAUs must ensure that the development of English proficiency is a key instructional goal for MLs beginning in pre-kindergarten ([English Learner Tool Kit, Chapter 2](#)). Therefore, SAUs must provide programs and services, as well as curricular materials and other instructional resources, to support the goal of English language development for MLs. In addition, educators of MLs should be provided with high-quality, sustainable, relevant training and professional development to support ML learning ([English Learner Toolkit, Chapter 3](#)).

The academic and language needs of MLs, who may otherwise be suspected of having a disability and referred for special education services, may be appropriately addressed through teacher collaboration. Teams can design and effectively implement instructional strategies to address the needs of MLs within general education and English language learning classrooms avoiding inappropriate referrals. It is important to emphasize that collaboration with the ML’s English for Speakers of Other Languages (ESOL) teacher is a crucial component of this step in the pre-referral process.

For struggling students who are MLs, two sets of interventions, one set based on specific observations of the student’s academic progress in the classroom and the other on information gathered about the student’s sociocultural factors, would occur simultaneously. Results of standardized classroom assessments must be evaluated given their proficiency in both the primary/home language(s) as well as English. Teams must consider multiple types of data in addition to standardized test scores: classroom observations, student work samples, parental input, and primary/home language(s) proficiency (Hamayan, Marler, Sánchez-López & Damico, 2013). The data gathered through the school-based multi-tiered pre-referral process is included for consideration in the special education evaluation to support a determination of a disability.

Students with academic challenges, including MLs, cannot be identified as eligible for special education services if the sole reason is lack of appropriate instruction. The IDEA requires that the

eligibility team determine that a child's limited English proficiency is not the determinant factor when making a disability determination (34 CFR §300.306(b)(1)(iii) and (2)). ELs cannot be identified for special education services based on English proficiency level or EL status ([Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited English Proficiency](#), 2; Dear Colleague Letter).

A series of key questions can help guide the process of determining if poor instructional practices or other school or family environment issues are causes for an ML's academic challenges:

- Is the school environment welcoming for MLs and students with disabilities?
- Did the ML previously receive standards based ESOL services in other Maine SAUs or schools from other states?
- Is the ML currently receiving consistent, effective standards based ESOL services?

The ESOL teacher's expertise is critical in accurately assessing a student's language proficiency in English, recommending resources to help increase language development, and designing linguistically appropriate instructional supports.

- Does the ML receive standards-based content instruction delivered in a linguistically appropriate manner based on the student's English language proficiency?
- Is the ML placed in classrooms with qualified teachers who effectively and consistently implement instructional strategies that support ML learning?
- Have realistic instructional goals and expectations been established for the ML based on the evidence from recognized, legitimate assessment tools?
- Do ML instructional goals and expectations consider the following extrinsic factors that may impact learning?
 - Language development factors
 - Personal and cultural factors
 - Previous and current learning environment
 - Physical and psychological factors
- Have appropriate accommodations and/or modifications to classroom assessments based upon the student's English language proficiency been implemented and documented?
- Has the ML's school attendance been regular?
- Is the ML's family able to assist with school-related, academic activities?
- Has the ML's academic progress been compared to siblings and other groups of MLs of similar age, grade level, and life experiences, i.e., language, culture, educational experience?
- Has the ML's academic progress been compared to both the whole group (district/school) including non-MLs, as well as to other subgroups based on race/ethnicity, gender, grade/age, socioeconomic status? (See Step 3 for a discussion of "true peers.")

If the instructional strategies employed by the teacher have not produced sufficient student progress after a reasonable timeframe during which the strategies were consistently implemented, the teacher may request assistance from a school team to consider proceeding to Step 4 in the intervention process. Consistent with IDEA and federal civil rights guidance, there can be no unnecessary delay in

proceeding with an evaluation to determine the need for special education and related services based on the student's English language proficiency or ML status.

STEP 2. The teacher requests assistance from a school team.

The role of the school team is to track and analyze student progress, as well as to make student referrals for higher level general education interventions (or for special education services, if deemed appropriate) after interventions have proven unsuccessful. Some SAUs use a district wide approach, while others use a building-level student assistance team approach. In some cases, data obtained from formal records may indicate a need for ESOL services, medical treatment, or alternative instructional placement not previously noted by the school.

Monitoring the academic performance of MLs requires the involvement of educators across multiple disciplines. It is important to ensure an appropriate knowledge base for the school team.

Each member of the school team brings specific areas of expertise to the table.

For example:

- Administrators possess the knowledge of federal, state, and local policies but may lack expertise regarding special education or second language acquisition pedagogy.
- ESOL teachers possess expertise in second language acquisition and can address a student's linguistic needs but often have limited preparation in working with students with disabilities.
- General education teachers are skilled in delivering standards-based instruction but often have limited knowledge on how to work effectively with special student populations.
- Special Education teachers and other specialists (Speech and Language Pathologist, Occupational Therapist, School Psychologist, etc.), possess expertise and knowledge regarding specific categories of disabilities as well as strategies to support specific learning challenges.

SAUs should implement procedures to institutionalize collaboration between administrators as well as educators across multiple disciplines to conduct monitoring of an ML's academic performance. In addition, resource and student support staff may possess invaluable expertise and knowledge of psychological, familial, sociocultural, and socioeconomic factors that may affect the academic performance of an ML with a suspected disability. These staff should also be included on the school team. The inclusion of key, knowledgeable staff and timely and effective collaboration is crucial for accuracy and equity in the pre-referral process.

Individuals for inclusion on the school team:

- Administrators
- ESOL teachers
- General education teachers

- Intervention or instructional specialists
- Special education teachers
- Service providers, such as speech language pathologists, with expertise in language development
- School psychologists
- School counselors
- Qualified interpreters and/or cultural brokers
- Liaisons who work with the parents/guardians and families of MLs

STEP 3. The school team develops an intervention plan, monitors the student’s response to the interventions, and schedules follow-up meetings for evaluation of student progress.

The school team should develop an intervention plan for the EL that collects and analyzes multiple sources of data such as teacher observations, interviews, curriculum-based measures, curriculum-based assessments, and other assessments (i.e., portfolio, performance). Additionally, intervention models based on an MTSS framework should be incorporated into the pre-referral process for identifying ELs with a disability. By using an MTSS framework, the school team is likely to be more informed to make an objective determination of the impact of a disability, language acquisition, and environmental factors upon the student’s academic progress.

[Tool #2 in Chapter 6 of the English Learner Tool Kit](#) provides a table illustrating learning

It is important to emphasize that in accordance with federal civil rights guidance, English language development instruction is not an intervention but part of the general education curriculum required to be provided to all identified ELs in order to build English proficiency so students can access the content ([English Learner Tool Kit, Chapter 2](#)).

behaviors that a student might exhibit in class, followed by corresponding indicators of whether that behavior could represent a language difficulty or a potential learning disability.

However, if an ML is suspected of having a disability, more intensive English language development instruction may be appropriate to help differentiate the stages of language acquisition from a disability-related learning issue.

There is no predetermined length of time for interventions to show significant improvement. However, interventions must be provided to the student on a consistent schedule for a reasonable length of time, to collect longitudinal data to determine if the student is responsive to the intervention.

Through effective collaboration, a systematic intervention plan and implementation schedule should be designed by the school team to offer the ML alternate instructional assistance and support if needed. **ESOL instruction is not an intervention and the ML must be able to receive both types of support.** The team should reconvene periodically during the intervention process to review data,

recent samples of the student’s work, teacher anecdotal records, and other relevant documentation in order to assess the progress achieved and evaluate the effectiveness of the intervention plan to determine the next course of action. If team members decide that steps taken are producing satisfactory results, they may recommend further implementation, modification, or expansion of the intervention plan and establish another review date, or they may conclude that the ML is achieving academically and that further interventions and monitoring are no longer necessary.

If it is determined that an ML is making insufficient progress despite the implementation of a variety of intensified interventions, the school team considers if additional interventions are needed or if there is a suspicion of a disability. If the school team determines there is a suspicion of a disability, they make a referral for evaluation for special education services and include a comprehensive review of all the evidence gathered to date. (MUSER IV.2.E)

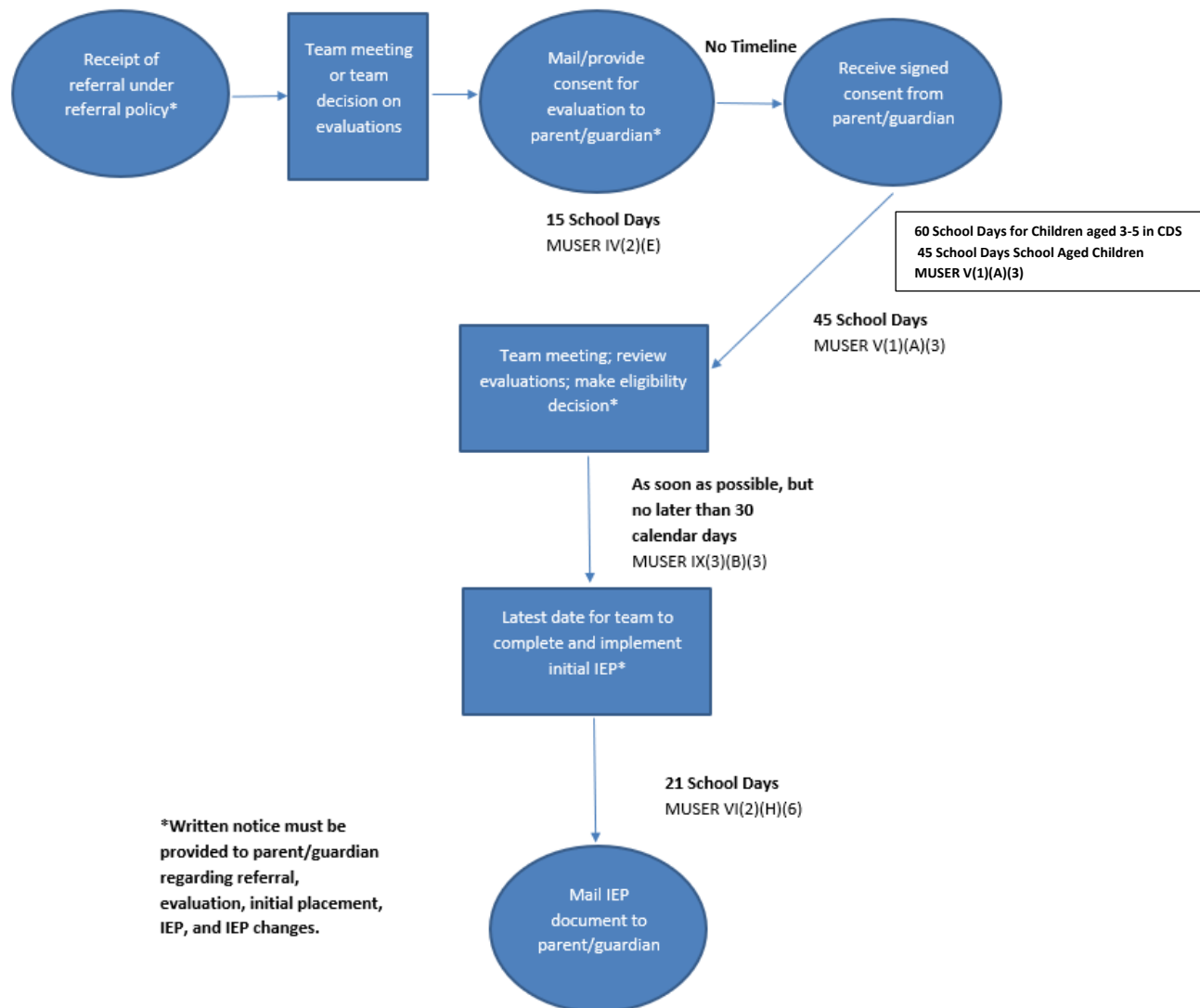
When it comes to culturally and linguistically diverse students, the National Center for Learning Disabilities recommends considering student data as compared to “true peers,” which are students who have similar language proficiency, culture, and experiential background. If a student with a suspected disability demonstrates sufficient progress as compared to true peers, that may indicate a need for improvements to the instructional program. It may be necessary to evaluate the program, provide professional development, and engage faculty in targeted support and coaching. However, if the student demonstrates challenges in learning that are not similar to those of true peers, intervention and monitoring should be implemented in order to gather further data. See the [RTI-Based SLD Toolkit: Considerations for English Language Learners](#) for further details and recommendations on the use of true peer comparisons.

Questions for Consideration Regarding the Intervention Process:

- 1) Has the student’s progress been compared to true peers?
- 2) Have the interventions been chosen based on relevant student data and appropriate prioritization of present concerns?
- 2) Have the interventions been designed and/or validated for MLs?
- 3) Are the interventions appropriate for the ML’s linguistic and cultural proficiency?
- 4) Have the progress monitoring data been collected and graphed?
- 5) Have interventions been implemented with fidelity along with continued comprehensible academic instruction?
- 6) Have the interventions been intensified based on student progress monitoring and other available data?
- 7) Have extrinsic factors such as the student’s cultural and linguistic background, socioeconomic status, and past education experiences been ruled out as primary contributors to academic, behavioral, and/or English language development concerns?

STEP 4. The school team suspects a disability.

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



SAUs must ensure that appropriate steps are followed and adhere to special education timelines. A system to resolve disputes between the parents/guardians and school staff and ensure compliance with special education regulations is maintained by the Maine Department of Education. (See Maine DOE website for [Special Education](#)).

Interpreters must be used, as needed, throughout the special education process. They may help notify the parents/guardians of meetings, confirm dates and times, and explain the special education process and parent/student rights and how they may affect the child. Interpreters should also be included in any special education meetings and Individualized Education Program (IEP) meetings (MUSER VI.2.H(5)). Every effort should be made to provide training to the interpreter in Special Education law and to enlist the services of the same interpreter throughout the process to establish a consistent and

ongoing rapport with the family. (MUSER II(24)); (MUSER VI.2.H(5)). Translations of the [Procedural Safeguards](#) are available on the Maine DOE website.

Students whose primary/home language(s) is not English, who are enrolling in a SAU, and who have or are suspected of having a disability:

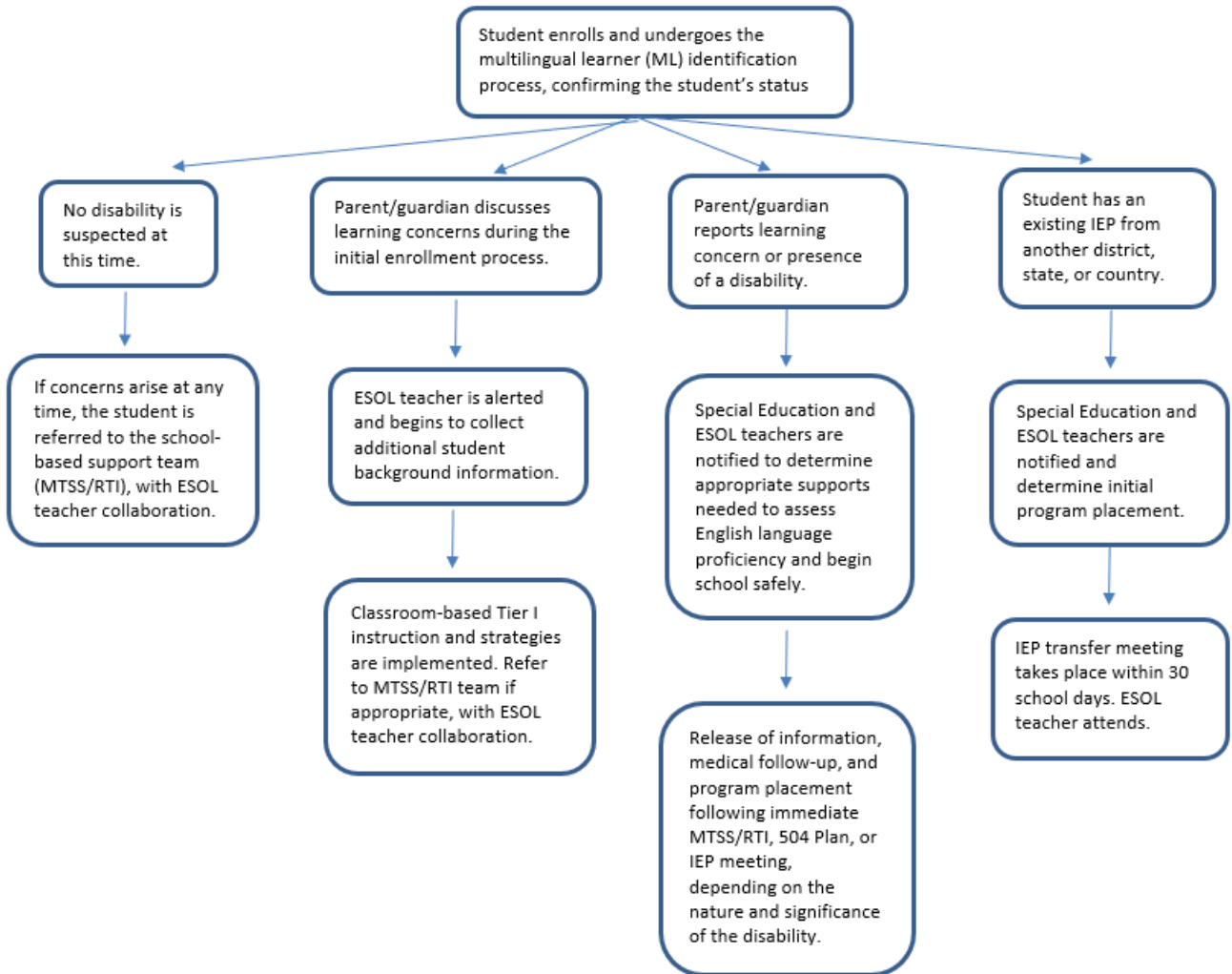
If a student arrives with an IEP or is suspected of having a disability (i.e. parents/guardians informs enrollment personnel that the student has a disability), then enrollment personnel must coordinate with Special Education staff to complete this process (MUSER IX.3.B(5)). If the [Language Use Survey](#) (LUS) indicates a language other than English, the student will be assessed to determine eligibility for ESOL services. Special Education will communicate with the ESOL staff and a determination will be made to administer the appropriate English language proficiency (ELP) screener at the time of enrollment or to provide time for the student to adjust to their new classroom environment within the 30 day window for ELP screening.

If the student is suspected of having a disability, but a determination cannot be made prior to completing the enrollment process:

ELP screening is required if a language other than English is indicated on the LUS and must be completed with any administrative considerations, universal tools, or accommodations that the ESOL/Special Education educators deem necessary. [See the WIDA Screener Online Accommodation Selections](#). This procedure must be completed in accordance with the outlined guidelines and the student must be placed in the appropriate language acquisition instruction program based on the information available at the conclusion of the ML identification process. The presence of a disability does not preclude assessing for possible ML classification.

If, after the student is placed in the ESOL program, the student is determined to have a disability that may have affected the screening (e.g. requires a testing accommodation that was not offered), then the student must be re-screened using the appropriate accommodations. If the student does not meet the criteria for identification as an ML based on this subsequent testing, then the district must submit a [request for change in ML identification](#).

Identifying a Multilingual Student with a Suspected Disability at Enrollment



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.

The IDEA mandates that evaluations for possible special education services should be provided and administered in the dominant language or form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so (34 CFR § 300.304(c)(1)(ii)), (MUSER V.2.C(1)(b)). The [Dear Colleague Letter](#) also mandates dominant language assessments for evaluation for special education services when feasible (p. 26). Some possible examples of when it may not "be feasible" to assess in the student's primary language(s) are: 1) the student is severely disabled and lacks communication skills; or 2) primary language(s) assessments are unavailable. While there are limited standardized assessments available in languages other than English or Spanish, interpreters and translation devices can be cautiously used to support the administration of the assessments to support the overall data.

Dominant language is used by the federal government to refer to a language that a person acquires from infancy or early childhood; this term is not easily defined, and individuals may perceive themselves as dominant or non-dominant speakers regardless of the circumstances of acquisition. Primary/home language is used to refer to the language(s) a student may speak or understand with the greatest ease or a language used frequently in the home.

Assessing in the student's dominant or primary/home language(s) provides comparative data about how the student performs in the primary/home language(s) versus English. In addition, the assessor (psychologist, speech and language specialist, or special education teacher) can determine if similar error patterns are seen in both the primary/home language(s) and in English (listening, speaking, reading, or writing) in order to discern if the student is having academic difficulty due to a language difference or a disability. The results of the primary/home language(s) assessment may also help to guide subsequent assessment decisions for special education referrals, for example, speech and language assessments.

Steps 1 through 3 of the intervention process should be completed before the school team requests a primary/home language(s) assessment. It should be noted that while primary/home language(s) assessments are feasible for certain languages, such as Spanish, dozens of different languages may be represented in an SAU. For many of these languages, no formal assessments are available.

Evaluations of MLs for possible disabilities must consider many variables, including primary/home language(s) and literacy skills, English language and literacy skills, cultural factors that may influence test and school performance, family history, educational history, and the nature of previous reading instruction. Additional extrinsic variables such as physical, psychological, and personal factors that may impact learning must also be considered and ruled out as primary reasons for the student's lack of progress. Information from the parents/guardians about the prior history of the child and family should supplement any formal assessment data. For instance, a discussion with the parents/guardians about whether the child had difficulties or delays learning to talk in the primary/home language(s) or the educational history of both the child and the family, such as opportunities to learn literacy in the primary/home language(s) and consistency of school attendance should take place. Finally, any medical conditions, such as hearing or visual impairment, that may affect both language and literacy development should be discussed with the family. It may be necessary to arrange for an interpreter for the parents/guardians whose primary/home language(s) is not English in order to have meaningful communication (MUSER VI.2.H(5)).

Assessment protocols and tests used in schools are typically designed for proficient English speakers. To reduce the possibility of identifying an ML as a child with a disability or determining a student does not have a disability when in reality the child does, all correct responses in one or both languages should be accepted. This practice may also reduce the language and cultural biases inherent in many tests. In addition, all assessment results should be used as qualitative measures and interpreted with extreme caution. Best practice requires that any nonstandard administration of tests be documented in the professional's report. See [MASP guidance](#). Because of the cultural and linguistic differences between the ML's primary/home language(s) and English, standardized test scores may not be the only data point used and must be regarded as only one part of a multifaceted evaluation. Strengths and weaknesses may be summarized from student performance on assessment measures, but scores obtained are not valid due to differences in the norming sample, cultural and linguistic bias, and nonstandard administration. In all cases, evaluators should cautiously interpret test data.

Dynamic assessment is a supplemental approach to traditional norm-referenced and standardized assessments. MLs may perform poorly on standardized tests due to unfamiliarity with the testing situation, cultural or linguistic differences, or language issues. The use of dynamic assessment techniques can assist in determining strategies for intervention as well as providing information about the learning process. The types of dynamic assessment techniques are testing limits, graduated prompting, and test-teach-retest. Of these, test-teach-retest is best suited for differentiating language differences from disorders (Gutierrez, 2001).

Dynamic assessment should be in compliance with regulations as outlined in MUSER. In conjunction with standardized administration, dynamic assessment can be used as a method for obtaining a more comprehensive understanding of a student's strengths and needs.

For more information about dynamic assessment, see the [American Speech-Language-Hearing Association's webpage](#) with four learning modules on this approach.

The data used to determine eligibility decisions should also be derived from performance-based assessment in the classroom, observations, and information gathered from the parents/guardians and other professionals. The student's performance must be compared to that of MLs of the same cultural group who speak the same dialect and who have had similar exposure to and opportunities to use English. (See Step 3 of the intervention process for more information about "true peers.") Tests marketed for speakers of languages other than English must be interpreted with extreme caution because they may not be standardized on MLs living in the United States. Tests standardized on children living in other countries or on monolingual English-speaking students may be linguistically and culturally biased and yield invalid scores. Eligibility committees should rely on performance-based assessment, observations, interviews of family, students, and teachers, careful interpretation of test scores, and the collaborative expertise of ESOL teachers, classroom teachers, and test administrators. Observations by appropriate specialists (psychologists, speech-language pathologists, special education teachers, etc.) are strongly recommended.

Since MLs cannot be denied access to special education and related services due to the lack of appropriate test instruments and procedures, a continued and expanded commitment to exploring interventions and dynamic evaluation strategies is essential.

Only by pursuing multidimensional and dynamic forms of assessment and by seeking interdisciplinary input and informed dialogue between educators can the difficult task of intervention, evaluation, eligibility, and appropriate placement for MLs be improved.

An evaluation for special education eligibility must ensure that tests, assessments, and other evaluation components are selected and administered to be neither culturally nor racially discriminatory. Tests, assessments, and other evaluation components are provided and administered in language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer. A good faith effort must be made to secure assessments in the child's primary/home language and/or a qualified interpreter.

Materials and procedures used during the assessment are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills. Reports must indicate if the assessment was administered in a language other than English or if an interpreter was used.

To assist IEP teams in the determination of a specific learning disability, school psychologists can use the Cultural-Language Interpretive Matrix (C-LIM), developed by Dr. Samuel Ortiz, to more accurately capture a multilingual learner's true cognitive ability. The C-LIM is a program to help psychologists interpret standardized testing results with consideration of the linguistic and cultural load of the assessment tool(s) used in the evaluation.

The evaluation process must gather comprehensive information, including functional, developmental, and academic information about the student and may not use any single measure or assessment as the sole criterion for determining whether the student is a child with a disability. Three days prior to the eligibility meeting, the evaluation components should be assembled and made available to the parents/guardians (MUSER V.4.G). The evaluation components may include the following:

- Psychological assessments
- Sociocultural assessments
- Parents/guardians involvement, including interviews
- Educational assessments
- Hearing screening
- Vision screening
- Teacher narratives (general education including ESOL)
- Classroom observations (general education including ESOL)
- Anecdotal records, including entry language assessment results and student portfolio records
- Adaptive behavior
- Speech language assessments
- Audiological assessments
- Other areas as identified by the committee, (e.g., occupational therapy, physical therapy, medical information)

When conducting an evaluation or reevaluation for a student who is identified as an ML, it is essential for the IEP Team to include an ESOL teacher or representative. If the committee determines assessments are needed, a referral for consideration of a primary/home language(s) assessment may be made prior to initiating the reevaluation.

“...it is essential that the IEP team include participants who have the requisite knowledge of the child's language needs. To ensure that EL children with disabilities receive services that meet their language and special education needs, it is important for members of the IEP team to include professionals with training, and preferably expertise, in second language acquisition and an understanding of how to differentiate between the student's limited English proficiency and the student's disability. – [US Department of Justice and Department of Education, Dear Colleague Letter](#) January 7, 2015

Questions and Answers Regarding Evaluation

What are appropriate instruments and methods to use when assessing MLs?

Professionals who complete evaluations or reevaluations of MLs should first review the student's file for information about the primary/home languages used by the student and follow specific recommendations relative to the need for interpreters or translations during evaluations for special education eligibility. The use of dynamic assessment techniques can assist in determining strategies for intervention as well as providing information about learning processes. It is essential that students be evaluated comprehensively in all areas related to the suspected disability.

Evaluators must complete assessments in the areas of concern and be particularly careful with the use of standardized instruments. Many of the assessment instruments currently on the market are standardized on monolingual English-speaking American children representative of the demographics of a previous United States census. Use of any standardized test would be considered a nonstandard administration and should be considered with caution and never in isolation. Scores derived from these standardized measures cannot be used as quantitative measures due to cultural and linguistic biases but may be useful to provide qualitative information on the student's areas of strength and weakness. Curriculum-based assessments, informal measures, and observation are other methods that may be used in addition to standardized norm-referenced tests.

Evaluators must consider the student's ability to communicate and the student's problem-solving skills. Any variation from standardized procedures must be described in their formal reports. Although some tests have been translated into Spanish, the populations on which the tests are standardized may not match the student being evaluated. Therefore, the instrument only reflects a translation and the derived information may be no more reflective of the ML's background than any other measure. Current research indicates that the assessment team needs to gather information from a variety of sources in order to develop a picture of the child's current functioning and needs.

What steps can evaluators take to ensure that test results reflect a student's actual ability and performance and not just the student's English language proficiency?

There is no simple way to ensure that evaluators can develop a fair picture of the student's actual ability. The evaluators should assess comprehensively and use multiple measures to determine the student's functioning level. When possible, evaluators should share results and compare actual classroom and home functioning to assessment data. Information about the student's level of academic language proficiency should be discussed. Due to linguistic and cultural biases, which may be present in standardized evaluation measures, the student's response data to appropriate and sustained, targeted interventions must be considered along with the results of any assessments

administered. When evaluating MLs, considering the results of observations, dynamic assessment techniques, and authentic assessment practices including primary/home language(s) performance evaluations is considered “best practice.” Dynamic assessment techniques provide data on learning potential and a student’s modifiability or responsiveness to instruction rather than a static view of their previous exposure to content or skills.

How should evaluators report the test scores they obtain?

Strengths and weaknesses may be summarized from student performance on assessment measures, but scores should only be reported when prefaced by the fact that the norming sample is not inclusive of MLs. In all cases, evaluators should cautiously interpret test data.

If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the report. Clarifying statements such as “current test results may not reflect non-English speakers’ backgrounds” or “tests were administered under nonstandard conditions” must be used. Because MLs are not represented in the norming population of most standardized assessments, analysis and interpretation of the student’s performance should include the results of primary/home language(s) assessments and other culturally competent assessment practices.

If an interpreter assisted during the evaluation, this must also be noted in the formal evaluation report. It is important to reiterate any deviation from the norming population, variance from established procedures, or extenuating circumstances for nonstandard interpretations of test results. Any reported data should be treated carefully when decisions or recommendations are made.

Determination of Eligibility for Special Education and Related Services

Maine Unified Special Education Regulation (MUSER) SUMMARY: This rule governs the administration of the child find system for children age birth to twenty, the provision of early intervention services to eligible children birth to under age 3 (B-2) with disabilities and their families, and the provision of special education and related services to eligible children age three to twenty with disabilities and their families, implementing 20-A MRSA Chapters 301, and 303 and amendments thereto (MUSER IV.2.A).

MUSER has specific procedures for determining whether a child has a disability and by reason, thereof, needs special education and related services. To determine whether a student who is an ML is eligible for special education, consideration of their English language development must be given

through interdisciplinary collaboration. 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)). Input from the ESOL teacher or other personnel with expertise in the second language acquisition process at the eligibility meeting is necessary in order to place the student’s progress along the second language acquisition continuum. This collaboration will help determine the extent of need for both ESOL and special education services.

DISCUSSION: In preparing the evaluation report, the assessor should report all adaptations of instruments and procedures and should describe the nature of bilingual assessments, noting if an interpreter was used, if instruments were translated on the spot and if items missed in English were administered in the primary/home language(s). Scores on formal instruments should not be reported if the norms are not appropriate for the student being assessed. Instead, patterns of student strengths and weaknesses should be described and used diagnostically to support eligibility decisions. If performance on the formal and informal measures converges, multidisciplinary teams can be more confident that the student has a disability. If decisions are based only on results of standardized measures, there will be a lingering question as to whether the low performance was a result of the instruments used (Artiles & Ortiz, 2002).

The IEP Team Meeting must convene to determine whether or not a child is eligible for special education and related services within 45 school days (60 calendar days for children in CDS) after the receipt of the consent for evaluation by the special education administrator or designee (MUSER V.1.A(3)(a)(i)). A written copy of the evaluation report must be made available to the parents/guardians no later than three calendar days in advance of the eligibility meeting (MUSER VI.2.A). If needed, an interpreter should be included in the eligibility meeting (MUSER VI.2.H(5)).

Upon completing the administration of tests and other evaluation materials or after determining that additional data are not needed, the IEP Team including the parents/guardians of the child must determine whether the child is, or continues to be, a child with a disability. The group must include, but not be limited to, local educational personnel representing the disciplines providing assessments, including a general education teacher, the special education administrator or designee, and the parents/guardians. At least one educational agency representative in the group must have either assessed or observed the child. (MUSER VI.2.B)

If determining whether a child suspected of having a specific learning disability is eligible for special education and related services, the group shall include the child’s regular education teacher. If the child does not have a regular teacher, a classroom teacher qualified to teach a child of that grade or, for a child less than school age, an individual qualified to teach a child of that age should be included in the group. At least one person qualified to conduct diagnostic examinations of children, such as a school psychologist, speech-language pathologist, teacher of specific learning disabilities, or reading specialist must participate in the eligibility determination.

Eligibility Decision

To determine eligibility the IEP Team is required to use one or more of the following eligibility documents: Adverse Effect, Specific Learning Disability, Speech and Language Disability. (See [Maine State Required Forms Procedural Manual](#).) Should the IEP team determine that the child is eligible for specially designed instruction and/or related services, the IEP is developed. The IEP team will determine the student's present level of educational performance, goals, and services. The student must receive both ESOL and special education services based on the student's academic and language needs. Language proficiency, in both English and the student's home/primary language(s), should be noted in the present level of academic performance and/or developmental/functional performance sections if it relates to the goals of the IEP. The ESOL teacher or other personnel with expertise in the second language acquisition process must be included as part of the IEP Team for MLs.

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)

Not Eligible Decision

If the student is found not eligible for special education and related services, school staff must determine additional appropriate support through the general education intervention framework and/or alternative programs to assist the student. Results of the evaluations should be shared with the student's teachers following the procedures that protect confidentiality of the child.

If an ML is found not eligible for special education services, the school staff or MTSS team continue to serve as a resource and to provide support to both the student and his or her teachers as needed. Such ongoing cooperation will ensure that ineligibility for special education does not result in an end to appropriate interventions or monitoring. If concerns persist despite support interventions and/or participation in alternative programs implemented to help the student, the school may consider reevaluating the student at a later date.

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 may begin receiving special education and related services after the parents/guardians provide consent to implement the proposed IEP (MUSER V.I.A(4)(a)(ii)). Written consent must be obtained before any special education services can begin or before a change of placement occurs. To the extent possible, all parents/guardians of MLs should receive oral and written notification of IEP meetings in a language they can understand. See [Administrative Letter 11: Clarification on Requirement to Ensure Parents' Meaningful Access to IEP Information](#).

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. According to the January 7, 2015 [Dear Colleague Letter](#), "The IEP team must consider, among other special factors, the language needs of a child with limited English proficiency as those needs relate to the child's IEP. It is essential to include participants who have the requisite knowledge of the child's language needs - professionals with expertise in second language acquisition and an understanding of how to differentiate between the student's limited English proficiency and the student's disability. Parents of ELs with an IEP must be informed of how the language instruction education program meets the objectives of the child's IEP."

It is also important to ensure that the student's full linguistic profile is known and taken into consideration, including information as to whether the student's language development has been affected by adoption, multiple home languages, continued or discontinued acquisition of home language(s), or other factors.

The student's IEP team must meet at least annually to review and revise the IEP; (MUSER VI.2.J(5)). however, the team may reconvene more frequently at the request of any team member, including the parents/guardians. The components of the IEP and the ILAP are compared on the chart below.

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)

Instructional Considerations

Dual services are provided for MLs with disabilities in remote, hybrid, or in-person formats. Evidence-based instructional practices for MLs, as synthesized in the 2017 National Academies of Sciences, Engineering, and Medicine (NASEM) report, [Promoting the Educational Success of Children and Youth Learning English](#) include:

- leverage home language, knowledge, and cultural assets
- integrate grade-level content, analytical practices, and language instruction

- develop academic language and register during disciplinary instruction
- provide explicit instruction in literacy (phonemic awareness, phonics, oral reading fluency, and reading vocabulary in context) and language (listening, speaking, reading, and writing)
- use collaborative learning communities to support and extend teacher-led instruction
- provide opportunities for academic discussion of text meaning and interpretation, including interaction with speakers who are proficient in the learner’s second language
- align language and content curricula and assessments
- progress monitor using formative assessment practices that support student autonomy

Teachers of MLs with disabilities should understand key concepts related to student development of a new language. The resources listed below, adapted from [English Language Learners with Disabilities: A Call for Additional Research and Policy Guidance](#), provide information about the language trajectories of students with language-related disabilities and the types of academic and social language demands MLs with disabilities may encounter. These resources also address how the language demands of school: reading levels of texts and other materials, text complexities and structures; word and concept consciousness, and oral, written, verbal, and nonverbal expression, may be difficult for MLs to understand. For more information on analyzing academic language demands of content, refer to [Academic Language Function Toolkit](#). For more information on language trajectories, refer to the proficiency level descriptors in the [WIDA English Language Development \(ELD\) Standards Framework, 2020 Edition](#).

MLs with disabilities are entitled to the same ESOL programming as MLs without a disability. The chart below outlines the recommended minimum amount of time/periods per day that an ML requires to adequately progress in their English language development.

Table 6: Recommended periods of ESOL instruction for ELs based on ACCESS for ELLs® results (full-day Kindergarten through grade 12) (See [Maine DOE English Language Acquisition Service Provision and Staffing Guidance](#).)

<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.

Content-Based Language Instructional Strategies

Research shows that the integration of language development and content instruction provides the best context for acquiring the academic English necessary for student achievement. The [Academic Language Function Toolkit](#) and [WIDA Focus Bulletin: Providing ELLs with Disabilities Access to](#)

[Complex Language](#) discuss how teachers can provide primary language(s) support and embed English language development across the content areas.

It is important that lesson plans and units of study provide practice for MLs in all four language domains (listening, speaking, reading, and writing). Scaffolding and differentiating instruction to meet individual student needs and learning styles, as well as active, inquiry-based learning and structured instructional conversations, are effective means for engaging MLs and helping them access the content material. In addition, instructional conversations that feature small group discussions that are text-based and teacher-led and asking students to provide linguistically complex responses to open-ended questions have resulted in increased oral language development and reading comprehension among MLs with learning disabilities (Echevarria, 1995).

Cultural Competencies

Cultural competencies, or acknowledging the value of cultural and linguistic diversity, have an important influence on ML academic achievement. It is important for educators of MLs to develop an understanding of how language, culture, family, and other background characteristics play a role in ML learning. When a deficit orientation toward MLs with disabilities and their families is adopted in an educational setting, there should be intentional efforts to re-educate the staff to recognizing the importance of including students' cultural references in all aspects of learning (Ladson, Billings, 1995; Gonzalez, Moll, & Amanti, 2005). A deficit-based approach can create detrimental results for MLs in their emotional and cognitive development and lead to academic failure (Sheets, 1999).

Educators' implicit biases related to language and culture may inadvertently result in inaccurate assumptions about what students know and can do, as well as their potential for learning. It is important to reflect on those biases and actively strive to counteract them by deepening our relationships with students and their families, building mutual understanding, and reevaluating approaches.

Developing curricula in which academic content is relevant to students' culture, background, experiences, and funds of knowledge can serve to increase ML engagement in learning. Consider these variables when designing content units and lessons:

- Knowledge about students' linguistic and cultural backgrounds—spend intentional time with the students and their families to acquire personal knowledge and understanding of the culture, language, linguistic history, prior life experiences.
- Create a learning environment that is safe, comfortable, and has representation of the history and cultures of your students.
- Build on the cultural learning styles and strengths of MLs to support and scaffold access to the learning objectives. (Example: A family shares that oral traditions of sharing family history are very important in their culture and are regularly practiced within the home. How can you bring the rich oral traditions into your lesson design)?
- Use of [ELD standards](#) integrated with content standards and IEP goals

- Use of home and community languages within the classroom

For more information on building cultural competencies, [Equity Toolkit for Administrators](#), Colorado Department of Education, 2010. See also this article by Dr. Megan Farnsworth of Southern Oregon University, featured by Colorín Colorado, [Consider Culture Before Referral of Culturally and Linguistically Diverse Students for Special Education Services](#). Additional resources can be found in the resource section of this manual.

Remote Learning for MLs with Disabilities

MLs with disabilities require special consideration during remote learning given their intersecting special education and ESOL needs. Remote learning may exacerbate the already challenging situation of delivering both ESOL and specially designed instruction (SDI) to MLs with disabilities. The U.S. Department of Education [Office of Elementary and Secondary Education](#) and [the Office of Special Education Programs](#) both issued guidance to support the learning needs of MLs and students with disabilities, respectively.

The following recommendations are provided in a report titled [Restart & Recovery: Supporting English Learners with Disabilities During Remote Learning and School Reopening: Recommendations for State Leaders](#), CCSSO (2021):

- Conduct timely evaluations during remote learning
- Consider the feasibility of virtual diagnostic assessments and potential impact on interpretations.
- Assess MLs for disabilities in linguistically responsive ways in remote and in-person settings.
- Include ESOL teachers in IEP teams and meetings.
- Provide dual services for MLs with disabilities who opt-out of in-person learning or who are recovering from COVID-19.
- Consider offering related services through flexible schedules and/or through telehealth/tele-practice.
- Determine whether additional services are needed for MLs with disabilities once schools reopen.
- Identify evidence-based and culturally/linguistically responsive interventions in response to interrupted learning.

An additional resource to consult for recommendations comes from the National Center for Systemic Improvement. It is titled [Meeting the Needs of English Learners with Disabilities: Virtual, Hybrid, and Returning to In-Person Instruction](#), NCSI (2021).

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](#).)

Federal guidance mandates notification and outreach to the parents/guardians of MLs including MLs with a disability ([Dear Colleague Letter](#) pp. 24-25; Chapter 6 and Chapter 10 of the [English Learner Tool Kit](#)). School districts must engage in meaningful communication with the parents/guardians of MLs in a language they can understand. It is the obligation of the SAU to provide qualified interpreters and translators (MUSER VI.2.H(5))

SAUs must inform the parents/guardians of an ML with an IEP about how the Individual Language Acquisition Plan (ILAP) meets the goals of the child's IEP (Chapter 6 of the [English Learner Tool Kit](#)). The SAU must also ensure that the parent/guardian of an ML with a disability understand the proceedings of the IEP Team meeting. SAUs must arrange for a qualified interpreter for parents/guardians with limited English proficiency if needed (MUSER VI.2.H(5)); ([English Learner Students and Limited English Proficient Parents Dear Colleague Letter](#) p. 24). 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 translated into their primary language(s).

It is important to emphasize that communication with the parents/guardians of MLs is a critical part of the intervention process for an ML with a suspected disability, as well as a required element of the process once a referral for special education services has been received (MUSER V.1.A(4)). School districts should build partnerships with families, recognizing that they possess invaluable knowledge about their child. The school team should encourage parents/guardians of MLs to share important information about their student's development including strengths, needs, exposure to and use of the primary/home language(s) and English, cultural norms, and school and social history. The team should also provide the supports needed to ensure that parents/guardians of MLs can actively participate in the process in meaningful ways such as flexible scheduling and providing qualified interpreters. The school team should seek input from parents/guardians of MLs to determine what structures works best for them. Finally, SAUs have a role in ensuring that the voices of

parents/guardians of MLs are heard by providing a linguistically welcoming atmosphere that encourages opportunities for them to share their desires and concerns.

Numerous studies demonstrate that knowledge of more than one language boosts a student's creative thinking and problem-solving skills. When students have a strong understanding of their primary/home language(s), it helps facilitate second language learning. The parents/guardians of MLs should be encouraged to speak their primary/home language(s) with their children as it provides a rich foundation of language and literacy that will accelerate academic growth in English. The parents/guardians of MLs should not feel compelled by SAU personnel to use only English at home. Promoting an "English-only" policy to the families of MLs does not recognize the critical role of these parents/guardians in helping their children to become fluently bilingual and develop an understanding and appreciation of their primary/home cultures.

The teacher who is sensitive to the implications of diversity respects the cultural and family traditions of the parent/guardian with whom he or she is meeting. The literacy level of the families in the home language should be considered when communicating through printed materials even though these have been translated. In the United States, students with disabilities are eligible to receive a variety of supports and services. Families from other cultural backgrounds may have a different perception of children with special needs. Thus, educators cannot assume the way disabilities are perceived in the United States is a universal viewpoint. School staff members should be sensitive to a families' reactions to possible special education identification and associated perceived stigma. For more information on partnering with families, see [English language learners in special education: 4 things to know about partnering with families](#).

Resolving Differences

To resolve differences with families, the following strategies might help in reaching consensus: (MUSER VI.2.1)

- Focus on the child's needs;
- Realize that differing values should not cause conflict;
- Prioritize carefully. Only a few issues may be settled at a time, especially when the parents/guardians are unfamiliar (and perhaps uncomfortable) with the process; and
- Be patient and supportive. For many parents/guardians and families of MLs, understanding the American perspective on special education may be challenging.

Parents/guardians and adult students (age 18) should be provided [procedural safeguards](#) upon referral for evaluation and at other designated times as outlined in MUSER. These procedural safeguards outline a parent's/guardian's rights and offer guidance in the event of a dispute. Parents/guardians have the right to access services including mediation, file complaints, and initiate due process while their child is being evaluated for possible eligibility for special education and related services. Additional information about [dispute resolution processes](#) is available on the Maine

DOE website, as well as [translations of the procedural safeguards](#) into multiple languages (MUSER VI.2.H(5))

Working with Interpreters

Interpreters function as a link between the school, the student, and the student's family. Their work requires two separate functions: to translate test questions and student responses accurately and impartially and to help interpret school information and program recommendations to the family, as well as family history, family dynamics, and concerns to the school. It is the responsibility of the SAU to provide a qualified interpreter if the parents/guardians of an ML require language assistance and to inform the parents/guardians of the availability of this service, at no charge, prior to any meeting. The interpreter should be able to understand the intent and the desired outcome of the meeting. Family members, friends, or children cannot serve as interpreters. School district staff should guide and direct the activity in which the interpreter is involved. For more information on requirements regarding the use of interpreters, refer to the [English Learner Tool Kit Chapter 6](#) and the [English Learner Tool Kit Chapter 10](#). Also see the [fact sheet](#) from the U.S. Department of Justice, Civil Rights Division and the Department of Education, Office for Civil Rights.

The use of interpreters in student assessment is a controversial topic (Valdes & Figueroa, 1994). There are very few evaluations used to determine disabilities developed in other languages and, therefore, it is likely not possible to administer a language-based assessment (achievement assessment, cognitive assessment, etc.) in a student's dominant language in a valid and reliable way. Using an interpreter to assist in the administration of an evaluation tool may render results of language-based assessments invalid and unusable from the point of view of a school psychologist. However, decisions about special education eligibility that are based on some knowledge of how students function in their primary/home language(s) are preferable to decisions based entirely on their performance in English. Frequently, a preponderance of data is used to support identification for special education, which may include but is not limited to nonverbal cognitive assessments, curriculum-based assessments, classroom observations, district-wide assessments, work samples and interviews with teachers and parent/guardians to determine whether or not there is an adverse effect on educational or functional performance.

When using an interpreter to assist in any aspect of the special education evaluation process, the primary issue is the use of untrained interpreters who are not proficient in the student's primary/home language(s) and/or are not qualified in the ethics and professional standards of interpreting. It is unacceptable for an assessor to ask the school secretary, custodian, or an older sibling to provide on-the-spot interpretation when conducting an assessment (Artiles & Ortiz, 2002). Not only must interpreters have the skills to assist examiners in administering assessments in the student's primary/home language(s), but they must also be proficient enough to provide interpretation of complex information relating to the special education processes. Individuals who

serve as interpreters must have proficiency in the student’s primary/home language(s) (Artiles & Ortiz, 2002).

Assessment personnel must also be trained to use interpreters effectively. Kayser (1995) recommends that the assessor meet with the interpreter before an evaluation to review the general purpose of the session, to share background information about the child and the family and to give the interpreter an opportunity to review assessment materials. The assessor and interpreter meet after the assessment to discuss the interview and results of the assessment, the interpreter’s impression of these and the assessor’s observations. Training interpreters and using this briefing assessment-debriefing process, increases the likelihood that information generated with the assistance of the interpreter is accurate and useful (Artiles & Ortiz, 2002).

For more information on addressing the language needs of parents/guardians see the fact sheet from the U.S. Department of Justice, Civil Rights Division and the Department of Education, Office for Civil Rights, linked [here](#).

Frequently Asked Questions and Answers

Below are questions frequently asked by administrators, classroom teachers, ESOL teachers, and special education teachers. This handbook is intended to provide guidance to be used in conjunction with state and federal regulations only and does not supersede such regulations.

ML Identification

What is the process for determining ML status?

Consistent with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d) SAUs must take affirmative steps to ensure that MLs can meaningfully participate in educational programs and services. This provision requires SAUs to establish a mechanism for initially identifying a student as an ML and determining a proficiency level in English for appropriate placement in programs and services. The Every Student Succeeds Act of 2015 (ESSA) requires that states establish standardized entrance procedures for EL identification. In Maine, the ML identification process consists of two steps: 1) administration of the [Language Use Survey](#), 2) English language proficiency screening of potential MLs.

Each SAU must have the [Language Use Survey](#) (LUS) as part of its enrollment packet. Only the LUS provided by the Maine Department of Education is to be used and no alterations in content are

permitted. An LUS is to be given to the parents/guardians of all newly enrolled students (pre-K to 12) and used identify students with a primary/home language(s) other than English.

If any question on the LUS is answered with a language other than (or in addition to) English, the student is to be administered an English language proficiency screener. If all questions are answered with English only, no further action is required. In either case, the LUS must be kept in the student's cumulative file. (See [LUS Decision Tree](#).)

The LUS is available in English and 26 of Maine's top languages. It is recommended to have a [language identification card](#) available at the time of enrollment so that a parents/guardians may indicate which translated version of the LUS is needed. Parents/guardians who are not yet proficient in English may require interpretation, which is to be provided by the SAU. (The Maine DOE does not endorse any particular translation/interpretation service, but a list of agencies is available [here](#).) Please share this [Language Use Survey training video](#) with all staff who assist families in enrolling.

What is the process for determining ML status for students with a disability (documented and undocumented) or a suspected disability including students with significant cognitive disabilities?

The process for identifying a student with a documented or undocumented disability at the time of enrollment is the same as for all MLs. The presence of a disability does not preclude assessing for possible ML classification. At this point in time, there is not an alternate screener for students who have significant cognitive disabilities. English language proficiency (ELP) screening, if required, must be completed with any administrative considerations, universal tools, or accommodations that the ESOL/special education staff deem necessary. See the [WIDA Screener Accommodation Selections for the online screener](#). ELs with disabilities require the same opportunities to develop English language skills while supporting their multilingual backgrounds as do all MLs. The potential for language learning is difficult to predict for newly arriving MLs with significant cognitive disabilities, especially for those who may not have had the opportunity to attend school. These students may have untapped capacities in their primary/home language(s). Consider the highest possible student capacity when planning for assessment and instruction. The use of an interpreter to explain the process and purpose of the ELP screener and to orient the student to the assessment tasks may produce more accurate results. As time permits, allow the student to settle into their classroom before administering the screener. Permission to assess with a paper screener can be requested on a case-by-case basis from the ESOL/Bilingual Programs Specialist at the Maine DOE.

What are the options for an ML with a disability to exit ML status?

In Maine, all MLs, including MLs with a disability, exit ML status when they achieve an overall composite proficiency score of 4.5 or higher on the annual ACCESS for ELLs assessment or level P2 on Alternate ACCESS, as applicable. Any student who has reached the exit threshold is no longer an ML and will no longer be administered ACCESS for ELLs. However, all former MLs must be closely

monitored by the SAU for two years in order to ensure the academic success of that student, including but not limited to a formal review of grades on a regular basis. Continual collaboration and consultation should take place with the ML instructor and teachers for a minimum of two years after the student exits. (Note: While a SAU must monitor a former ML for two years, new federal requirements under the Every Student Succeeds Act require states to report on the academic achievement of former MLs for four years.)

While monitoring a former ML, if at any time during the monitoring period or beyond there are indications that the student's level of English language proficiency is affecting the student's academic performance and meaningful participation in the educational program, the student may be eligible to reenter ML status. See this [article](#) for information on how to determine ML status of previously exited MLs.

Can ML status be removed if an ML with a disability has no reasonable opportunity to meet the state proficiency criteria or if the parents/guardians request removal?

No. After a student is identified as an ML, the SAU may not remove the ML status before the ML scores proficient on the annual ELP assessment (to include MLs with a disability). A proficient score in Maine is defined as an overall composite score of 4.5 on ACCESS for ELLs test or level P2 on Alternate ACCESS, as applicable. However, if a student is suspected to be incorrectly identified as an ML, a [request for change in ML identification](#) may be submitted to the Maine DOE for review.

Serving MLs with Disabilities

Can students receive both ESOL services and special education services?

Yes. The English Learner Students' and Limited English Proficient Parents' [Dear Colleague Letter](#) (p.12) mandates that all MLs who have not yet reached proficiency on the state English language proficiency assessment must receive ESOL services. This mandate includes MLs with disabilities. Additionally, the [Dear Colleague Letter](#) (p .25) specifies that the establishment of "no dual services" policies (i.e., a policy of allowing students to receive either ESOL services or special education services, but not both, **is prohibited under IDEA and federal civil rights guidance** ([Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited English Proficiency](#), 2)).

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.

How long is the waiting period before referring a student who is an ML?

The IDEA and federal civil rights guidance (Dear Colleague Letter) 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 English language proficiency or ML status.

Can primary grade students who are MLs or older English Proficiency Level 1 students be referred for special education?

Yes. MLs at any proficiency level may have disabilities. The IDEA and federal civil rights guidance (Dear Colleague Letter) mandate that all MLs must be provided special education and related services if determined to be eligible.

Can SLIFE (Students with Limited or Interrupted Formal Education) be referred for special education?

Yes. However, the student's academic challenges in a United States school could be the result of a lack of formal education rather than a disability. Regardless of the service model, a variety of services can be provided to support instruction for SLIFE, many of whom are in the early stages of English language proficiency development. Instructional strategies that support MLs may include the use of cooperative learning, differentiated instruction, and experiential hands-on methods. It is important to note that many countries do not offer special education alternatives, so students with special needs may have been excluded from school or retained in the same grade for a period of years. While a student's previous formal education history will likely affect the student's academic performance in US schools, limited schooling in and of itself does not constitute a disability (MUSER V.2.E).

May the parents/guardians of an ML with an IEP waive ESOL services?

Yes. A parent or guardian may waive the ML's placement in an ESOL program. However, the IEP must still include goals related to math and literacy that are linguistically appropriate, (the goals must address distinctly measurable and persistent skill gaps identified in eligibility evaluations) and the student must continue to receive instruction that promotes English language development outside the parameters of the ESOL program. Also, the student must still take the annual ACCESS for ELLs 2.0/Alternate ACCESS assessment. If a parent/guardian refuses English language support services this must be documented in the student's cumulative file, but parent/guardian refusal does not release the school or SAU from its responsibility to provide meaningful education to an ML. If an ML cannot make academic progress without English language support services, the student has a right to these services even if a parent/guardian has refused. (See [Administrative Letter 27: Legal Requirements to](#)

[Provide English Language Acquisition Services to Students who are English Learners](#) for further clarification.)

Can a student who uses Sign Language be identified as an ML and receive ESOL services?

Per federal guidance, students who use Sign Language (American Sign Language or other varieties) are not to be identified as ELs unless they also have a primary/home language(s) other than English (such as Spanish, Arabic, etc.) based on their families' national origin. See [Priority Notice: New Policy Regarding Students Who Use American Sign Language](#).

Assessing MLs with Disabilities

Why do MLs with disabilities take state academic content assessments?

Section 1111(b)(3)(C)(i) of ESSA requires that all MLs, including MLs with disabilities, participate in State academic assessments. There is, however, an exemption from one administration of the English language arts assessment for recently arrived MLs. See the [Maine Comprehensive Assessment System Guidelines](#) for details. See [Maine DOE guidance for eligibility in alternative assessment](#).

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)).

Can an ML with a disability receive the audio or read-aloud accommodation for the state reading assessment?

The Text-to-Speech or Human Reader accommodation can be utilized per the student's IEP on the directions, items, and response options on the state reading assessment. The accommodation is not allowable of passages on the state reading assessment.

Do MLs with disabilities need an IEP or 504 plan to receive testing accommodations on the ACCESS for ELLs test?

Yes. Accommodations are available only to MLs with disabilities as specified in the student's IEP or 504 Plan and only when the accommodation(s) is required for meaningful and appropriate participation in the assessment. Accommodation decisions may not be made unilaterally by a teacher or other school employee outside the IEP process. For more information on accommodations for MLs with disabilities see the [WIDA Accessibility and Accommodations Manual](#).

Are exemptions available to MLs with disabilities for the ACCESS for ELLs or Alternate ACCESS tests?

Yes. Specific domain exemptions are available to dual-identified students based on the student's area of disability. A determination to exempt a student from a domain must be decided at the IEP meeting, including the ESOL teacher.

How do I annually assess the English language proficiency of an ML with a significant cognitive disability?

For an ML who is identified with the most significant cognitive disability in grades 1-12, and who is unable to participate in ACCESS for ELLs, even with accommodations, they may be considered for Alternate ACCESS for ELLs. To determine a student's eligibility for this assessment, refer to the student's IEP. See [WIDA's Alternate ACCESS Participation Criteria Decision Tree](#) and [Maine DOE guidance for eligibility in alternative assessment flowchart](#) for further guidance.

How do I annually assess the English language proficiency of an ML identified with a visual or hearing impairment?

MLs identified as deaf or hard of hearing can generally participate in the Reading and Writing domains of the ACCESS for ELLs with few or no accommodations. Students who use speech reading as part of their communication system may use the Human Reader of Items accommodation to access the Listening Domain. IEP teams should determine on a case-by-case basis how an ML who is deaf will participate in ACCESS for ELLs. Paper-based testing is strongly recommended for MLs identified as deaf or hard of hearing (See [WIDA Accessibility and Accommodations Manual](#)).

How do I annually assess the English language proficiency of an ML identified with blindness or visual impairments?

MLs with low vision can participate in ACCESS for MLs using the online testing platform tools to enlarge graphics and tests. The IEP team decides whether a paper-based test administration, when available, is appropriate. ACCESS for ELLs is available in braille for all grade-level clusters for the

domains of reading, listening, and writing. The speaking test cannot be provided in braille. Keep in mind that mixed-mode testing is not allowed; thus, a student must take all domains either on the computer or paper (See [WIDA Accessibility and Accommodations Manual](#)).

Funding

Can Title III funds be used to identify a student with a disability, or a student suspected of having a disability, as an ML?

No. Title VI of the Civil Rights Act of 1964 (42. U.S.C §2000d) requires SAUs to identify and screen potential MLs for an English proficiency level in order to appropriately place them in programs and services. SAUs cannot use Title III funds to meet local, state, or other federal requirements. Title III funds may be used to provide supplemental services that improve the English language proficiency and academic achievement of MLs and activities that increase the knowledge and skills of teachers of MLs.

Can IDEA funds be used to identify a student with a disability, or a student suspected of having a disability, as an ML?

Yes. It may be possible to use IDEA funds in connection with the ML screening process consistent with the requirements in Part B of IDEA. There are two possible funding sources:

- IDEA Part B funds reserved for other-state-level activities (34 CFR U.S.C §§ 300.704.B) (Grants to States) and 3000.814 (Preschool Grants); and
- Subgrants to eligible LEAs for the provision of special education and related services (34 CFR §§ 300.705 [Grants to States]) and 300.815.816 (Preschool Grants).

It may be permissible for SAUs to use a portion of these funds for appropriate accommodations for students with disabilities on the regular ELP screener ([Addendum to Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives](#), U.S. Department of Education, Office for Civil Rights, Issued July 18, 2014).

Can Title III funds be used to provide an interpreter for parents/guardians of an ML with a disability during an IEP Team meeting or other types of special education-related meetings?

No. Under IDEA regulations, school districts must ensure that parents/guardians understand the proceedings of IEP Team meetings or other types of special education-related meetings by providing an interpreter if necessary. SAUs cannot use Title III funds to meet local, state, or other federal special education requirements. However, IDEA funding can be used.

Can IDEA funds be used to provide an interpreter for parents/guardians of an ML with a disability during meetings that are not special education-related meetings?

Special education funds are provided to support students with disabilities throughout the referral, evaluation, eligibility, and IEP process. IDEA funds should not be used for non-special education meetings and events.

Language Acquisition and Development

How are MLs and students with disabilities different?

On the surface, MLs and students with disabilities may appear to be similar; however, there are important distinctions. For more information, refer to Tool #2 (Comparison of Language Differences Versus Disabilities) in the [English Learner Took Kit, Chapter 6](#) (pages 6-10).

What kind of language skills can a teacher expect of an ML at different stages of language learning?

An ML's skills will vary depending on proficiency level. An ML in the early stages of language development may be able to follow simple verbal directions, make sound and symbol associations, and complete simple speaking, listening, reading, and writing activities. As the ML develops language skills, he or she may begin to participate in social conversations about various topics such as movies, holidays, and school activities. The ML may be able to follow spoken directions but may require the assistance of props and concrete objects. When the ML begins to acquire academic language proficiency, he or she can work with others to complete more cognitively demanding tasks, engage in more involved discussions about school subjects, and begin to participate in more complex academic activities with other students. As the ML becomes even more proficient, he or she will follow written directions, take notes, read content material, prepare written reports, and participate in more cognitively demanding activities within the school setting. Individual differences in prior knowledge, learning styles, skills, previous academic history, and abilities will determine how quickly an individual student will progress through the various stages of language acquisition. For more information on student proficiency levels for MLs, review the [WIDA ACCESS for ELLs Interpretive Guide for Score Reports, 2021 \(pgs. 11-16\)](#), [WIDA Performance Definitions: Receptive Domains](#), and [WIDA Performance Definitions: Expressive Domains](#).

To summarize the language trajectory, a teacher can expect MLs to start with simple and short chunks of language (words and phrases), then start repeating longer phrases and sentences they hear more often or are given as models build their proficiency. As students become more proficient, they start adding more details and specific and technical vocabulary into longer and varied sentences. In this process of language development, it is important for teachers to focus on the content, message, or idea the ML is trying to share rather than the grammatical accuracy of student responses.

Do literacy skills transfer from the first into the second language?

Yes. If a student has learned academic skills such as reading, writing, and organization of information in a first language, then these skills are applied to academic learning as the second language develops. Students who learned literacy with a different alphabet or directionality will likely require more time to acquire reading and writing skills in English.

Why doesn't this student speak? Is the student learning?

Most learners of another language go through a period of time when they develop receptive language skills before they are comfortable expressing themselves. They are listening but not yet speaking. This silent period parallels the stage in first language acquisition when a child is internalizing language before he or she typically begins speaking. This period is also referred to as a pre-production stage. MLs in the classroom may be silent as they internalize the vocabulary and rules of the new language until they are confident enough to speak. Although an ML may be comfortable speaking with other MLs within the ESOL setting, the same student may remain silent in the general education classroom while he or she builds this confidence. It is important to note that the duration of time where students prefer to receive information than to produce language depends on their feelings of safety, comfort, and support in the new environment, and their prior exposure to and experiences practicing English.

How do I accurately assess an ML's understanding of the material?

MLs want to be viewed the same as their English-speaking peers. They may hesitate to ask questions when they are unclear about what the teacher has said because it puts them in what they may perceive to be an embarrassing situation. Alternative, differentiated, and performance-based assessment options are strongly recommended for MLs to provide opportunities to show what they have learned while their language skills are still developing. Teachers may also increase the students' level of understanding by providing instructional materials that offers built-in supports and multiple context clues. This will allow MLs to make better connections with the content material. It is critical to differentiate the language of content, instructional processes, and expected outcomes to match the ML's language proficiency level.

This student appears fluent in English. Why is the student still in the ESOL program?

Conversational proficiency does not imply academic language proficiency. Conversational proficiency is the ability to use language in face-to-face communication; whereas academic language proficiency is the ability to carry out academic tasks. MLs generally develop conversational proficiency in two to four years. However, academic language proficiency may take [between five and seven years](#) or longer to develop depending on factors such as age, previous schooling, and home environment.

Does language switching (also called translanguaging or code switching) signify a problem?

Code switching (switching languages for portions of a sentence) and language mixing (inserting single items from one language into another) are normal aspects of second language acquisition. This does not mean that the child is confused or cannot separate the languages. The main reason that children mix the two languages in one communication is because they rely on all the languages available to them to communicate. They may not have the specific vocabulary they need in one language but have it in another or may prefer certain words/phrases to express their intents (modified from Garcia, 2003). Code switching and language mixing is a normal and natural part of second language acquisition that parents/guardians and teachers should not be concerned about. The goal must always be to enhance communication, rather than to enforce rigid rules about which language can be used at a given time or under certain circumstances.

Source: [Espinosa, L. M. & López, M. L. \(2007\). Assessment considerations for young English language learners across different levels of accountability.](#)

Appendix A: Case Studies

The following case studies present fictional students who represent possible scenarios of MLs with a suspected disability.

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:
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.

Case 2

Meet Amira:

Amira was born in Iraq and moved to the U.S. when she was eight years old. She is in 4th grade. Amira speaks Arabic at home with her family and English at school and with her friends. Her English language proficiency is at the high-beginner level (Level 2). She loves school and wants to learn how to read and write. She is helpful at home with chores. She especially loves to bake bread and desserts for her family and friends. She is outgoing and makes friends easily.

Background Experience: Amira’s family fled Iraq when she was five years old and settled in Turkey for two years. She attended school where the instruction was in Turkish. The family moved back to Iraq where Amira was instructed in Arabic. Amira moved from Iraq to the U.S. when she was eight years old. The family resettled in Georgia, where they lived for two years before moving to Maine.

Learning Challenges: Amira arrived from another state with an IEP. Amira was identified for Speech & Language services due to pronunciation difficulties. Her mother reported that all four of her children, as well as her husband, had some difficulty pronouncing a few specific words in Arabic.

Amira’s reading and writing samples showed evidence of initial letter/sound recognition. She can read some basic sight words at the 1st grade level. Amira’s mother reported that her daughter’s teachers in Georgia had raised concerns about her limited progress in reading and writing. However, the IEP did not address this issue. The family moved to Maine before the annual IEP review meeting.

At the time of the intake enrollment in Maine, Amira had learned enough basic oral English to explain how difficult it was for her to learn to read and write in Arabic as well as in English. She shared that while she understands what is said to her, she is not able to read or write or get her thoughts down on paper accurately. She shared that while in Iraq, she would keep quiet so as not to get punished for not knowing how to read.

Action Steps:
1. Contact the school district in Georgia to find out if there was any additional assessment or evaluation of Amira that was not in the file.
2. Determine if the student was given the WIDA Screener Online or has annual ACCESS testing scores to determine English language proficiency level. If the student was not screened, then that needs to be done within 30 days of the start of the school year.
3. If identified as an ML, begin to provide English language development programming and differentiation.
4. The IEP from the sending school should be followed along with interventions designed to meet Amira’s language arts needs.
5. Assess Amira’s language and literacy skills in her primary/home language(s). Consult with the Speech and Language provider to determine if the pronunciation difficulties are due to linguistic differences between Arabic and English or are true articulation errors that require therapy.
6. Determine whether an updated hearing screening is needed.
7. An IEP should be organized within the first 30 calendar days of enrollment with the IEP Team (MUSER IV.2A)), including the ESOL leader, parents/guardians, and an interpreter, if needed, to discuss the determinations of the current IEP and explain how they will be implemented at the new school. If any amendments are necessary, they can be made at this time (MUSER IX.3.B.(5)(a))
8. MTSS/RTI should be started to provide support and to begin to collect data through progress monitoring which could be critical when and if a further evaluation of Amira’s academic skills is needed.

Case 3

Meet Fatuma:

Fatuma was born in Somalia. She moved to the U.S. and entered 7th grade at the age of thirteen. Fatuma speaks Somali. Her English language proficiency is at the entering level (level 1). She likes to help with housekeeping chores at home. She likes going to school and wants to learn.

Background Experience:

Fatuma's mother died when she was six years old. Her father immigrated to the U.S shortly after with two of his children leaving Fatuma behind to live with her grandmother. Fatuma spent most of her time at home cooking and cleaning. She did not attend school until moving to a refugee camp in Kenya at the age of ten where she was taught basic English skills. Fatuma moved to the U.S. to be reunited with her father in Maine.

Learning Challenges:

At the time of enrollment, the intake staff learned that Fatuma is suspected of having a disability that has not been previously diagnosed. Fatuma has a noticeable imbalance when she walks. Her father reported that her hip did not grow correctly and causes her to fall at times. Fatuma did not start speaking until she was 4 years old. Her father described her as slower to learn new things compared to his other children and did not think the school could serve her well when she was young so did not send her. He added that she requires directions repeated to her many times and needs extra help when learning a new task. He also added that she needs to work hard to overcome her difficulties. At the time of enrollment, Fatuma demonstrated that she can recite the alphabet and recognize 12/26 letters of the alphabet and count to 10 fluently.

Action Steps:
1. If LUS indicates a primary/home language other than English, screen with WIDA Screener Online within thirty days of enrollment to determine ML status. As time permits, allow the student to settle into the new classroom routine before screening to determine if accommodations are needed.
2. If identified as an ML, begin to provide English language development programming and differentiation.
3. Notify the Special Education leader to review Fatima's intake information and to advise next steps.
4. Arrange for any necessary support for student to begin school safely: primary/home language assistance, modified schedule to avoid crowded hallways, etc.
5. Assess Fatuma's language and literacy skills in her primary/home language(s).
6. Language Acquisition Committee may decide to notify the 504-plan team if a review of medical data warrants.
7. Begin the MTSS/RTI referral process and gather additional student data.
8. Develop a plan for progress monitoring with a timeline and frequent communication designed to keep the parents/guardians informed.
9. Arrange for a PT and OT to observe Fatuma for consultation on further assessments needed.
10. Based on progress monitoring data, the team will decide the appropriateness of a referral to Special Education support services.

Case 4

Meet Samuel:

Samuel speaks Portuguese and French. He was born in Angola and moved to Maine at the age of sixteen and was enrolled in 9th grade. His English language proficiency is at the beginning of the developing level (Level 3). Samuel is a responsible and trustworthy caregiver of his younger siblings. He makes friends easily and likes to play soccer and basketball.

Background Experience:

Samuel has been in the U.S. for eighteen months. Samuel's family is seeking asylum in the U.S. The family shared that they had experienced several traumatic events before arriving in the U.S. Samuel's parents reported that he attended school in Angola when he was young and was an average student, but he did not attend high school due to continuous moving to seek safety.

Learning Challenges:

After eighteen months in the U.S. and more than a year in high school, Samuel's teachers suspect a possible learning disability. Samuel has eighty minutes of English language support each day with a group of peers who are functioning at a similar language proficiency level. In addition, he has an ESOL teacher supported study skills class each day. Samuel is a friendly student who enjoys working in groups with his peers. However, when Samuel is required to complete assignments or projects independently, he becomes resistant to the expectations and rarely completes the assignments. He also ignores the teacher's offers for after school support. Samuel is failing several of his classes because he is not completing the expectations of the classes. His teachers are concerned that he will not meet the requirements to graduate.

Action Steps:
1. Samuel's teachers should talk with him, with the assistance of an interpreter, to ask probing questions that might help Samuel share why he is not completing assignments and why he won't stay after school for additional support when needed.
2. A Language Acquisition Committee meeting should be organized when all Samuel's teachers can be present with the parents (with an interpreter if needed) to review Samuel's current status in each class and what he needs to do to meet the expectations of the classes. Teachers should use data that examines student language development performance during meaningful activities rather than only focusing on the use of isolated components of language. His ESOL case manager should record notes of the meeting.
3. Assess Samuel's language and literacy proficiency in his primary/home language(s).
4. The MTSS/RTI process should be started to identify interventions and activities that will facilitate the development of academic language and literacy in a culturally and linguistically appropriate manner.
5. Develop a plan for progress monitoring with a timeline. Involve Samuel with the progress monitoring process. Communicate frequently with his parents to keep them informed.

Appendix B: Definitions

Federal Definition of English Learner [\(ESEA Section 8101\(20\)\)](#)

The term “English learner,” when used with respect to an individual, means an individual —

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose dominant language is a language other than English;
 - (ii)(I) who is a Dominant American or Alaska Dominant, or a dominant resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose dominant language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
 - (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.

Federal Definition of Child with a Disability [IDEA Sec. 300.8 Child with a disability](#)

300.8 Child with a disability.

(a) General.

(1) Child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

(2)

(i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.304 through 300.311, that a child has one of the disabilities identified

in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.

(ii) If, consistent with §300.39(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a child with a disability under paragraph (a)(1) of this section.

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

DLL (dual language learner) – *noun*, generally used to mean a student who is learning a second language while continuing to develop his/her primary/home language(s); often refers to young learners developing dual literacy from early childhood; in this country the term generally implies that one of the two languages is English, but this is not necessarily the case

dominant language – *noun*, used to refer to a language that a person acquires from infancy or early childhood; it is not recommended to use this term as it is not easily defined, and individuals may perceive themselves as dominant or non-dominant speakers regardless of the circumstances of acquisition

non-dominant language – *noun*, used to refer to a language that a person acquires after infancy or early childhood; it is not recommended to use this term as it is not easily defined, and individuals may perceive themselves as dominant or non-dominant speakers regardless of the circumstances of acquisition

EL (English learner) – *noun*, a student who speaks a primary/home language(s) other than English and has not yet achieved English language proficiency; the common term, as “English *language* learner” is seen as redundant by some; United States Department of Education refers to such students as English learners; however, in the state of Maine they are referred to as multilingual learners.

ELL (English language learner) – *noun*, a student who speaks a primary/home language(s) other than English and has not yet achieved English language proficiency; no longer the preferred term (see EL)

ELD (English language development) – *noun*, refers to an instructional program for students who are developing proficiency in English as an additional language

ELP (English language proficiency) – *noun*, a level of skill in English comprehension and production that enables a student to meaningfully access the curriculum; *adjective*, describes an assessment that measures a student’s current level of skill in English comprehension and production

ESL (English as a second language) – *adjective*, describes a type of class, student, teacher, program, etc.; in recent years many perceive this acronym as pejorative, so it has been replaced with ESOL; “second” refers to the non-primary status of a language rather than the chronological order of acquisition (for example, a person may speak three languages before learning English, and English would still be referred to as a “second” language)

ESOL (English for speakers of other languages) – *adjective*, describes a type of class, student, teacher, program, etc.; it is perceived as more inclusive and is therefore the preferred term

ILAP (Individual Language Acquisition Plan) - *noun*, a personalized action plan for language development based on evidence such as: ACCESS for ELLs/Alternate ACCESS for ELLs results, classroom observations, grades, and state and local standardized assessments. The plan is updated at least annually until the student exits ML status.

LAC (Language Acquisition Committee or Language Assessment Committee) - *noun*, a school team responsible for guiding and monitoring the placement, services, and assessment of students who are MLs

LEP (Limited English Proficient) – *adjective*, describes a person who has not yet attained English language proficiency; used in No Child Left Behind but is now completely rejected by the field as insensitive and overly negative due to the word “limited”; avoid using LEP at all times

multilingual – *adjective*, describes a person who is fluent in multiple languages; in this country the term generally implies that one of the languages is English, but this is not necessarily the case

MTSS (Multi-Tiered System of Support) - *noun*, a comprehensive district framework designed to address the academic, behavioral, and social-emotional needs of each student in the most inclusive and equitable learning environment

ML (multilingual learners) – *noun*, students who have a primary/home language other than English and are not yet proficient in English. This is the asset-based terminology used by the Maine Department of Education, replacing the former term “English learner.”

RTI (Response to Intervention or Response to Instruction and Intervention) – *noun*, a school-based systematic, data-based assessment and intervention approach that seeks to prevent academic and behavioral difficulty for all students through high-quality, research-based instruction, early intervention, and frequent authentic assessment of students’ progress

WIDA – *noun*, a consortium of states dedicated to the design and implementation of high standards and equitable educational opportunities for multilingual learners

Appendix C: Resources

Federal Laws and Guidance

Laws and Guidance Regarding the Education of Students with Disabilities

[Individuals with Disabilities Education Act \(IDEA\)](#)

Enacted by the 94th United States Congress and signed into law by President Gerald Ford on November 29, 1975. Supports special education and related service programming for children and youth with disabilities. Originally known as the Education of Handicapped Children Act. In 1990, amendments to the law were passed, changing the name to IDEA. In 1997 and again in 2004, additional amendments were passed to ensure equal access to education.

Preventing Racial Discrimination in Special Education [Dear Colleague Letter](#)

December 12, 2016

U.S. Department of Education

Confirms the obligations of States, school districts, and public schools, including charter schools, under Title VI of the Civil Rights Act of 1964 not to discriminate on the basis of race, color, or national origin in the administration of special education or related aids and services.

Laws and Guidance Regarding the Education of English Learners

[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.

English Learner Students and Limited English Proficient Parents [Dear Colleague Letter](#)

January 7, 2015

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.

[Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited English Proficiency](#)

September 27, 1991

U.S. Department of Education, Office for Civil Rights

Primarily designed for use in conducting compliance reviews designed to determine whether schools are complying with their obligation under the regulation implementing Title VI of the Civil Rights Act of 1964 to provide any alternative language programs necessary to ensure that national origin minority students who are not yet proficient in English have meaningful access to the schools' programs.

[Policy Update on the Treatment of National Origin Minority Students Who Are Limited English Proficient](#)

April 6, 1990

U.S. Department of Education

Affirms the legal standard for Title VI policy concerning discrimination on the basis of national origin as set forth in the May 25th Memorandum and the Lau v. Nichols Supreme Court decision.

Castañeda v. Pickard

U.S. Supreme Court decision, June 23, 1981

Establishes a three-part test to evaluate the adequacy of a school district's program for MLs.

Lau v. Nichols

U.S. Supreme Court decision, January 21, 1974

Establishes that school divisions must take affirmative steps to overcome educational barriers faced by non-English speaking students. Each Maine School Administrative Unit must have a Lau Plan, which describes how it meets its civil rights obligations to students who are MLs. See the [Maine ESOL Program Tool Kit](#) for a template and guidance document, as well as a sample Lau Plan.

[Equal Educational Opportunities Act of 1974](#)

Enacted by the 93rd United States Congress and signed into law by President Richard Nixon on August 21, 1974.

Confirms that school divisions must act to overcome language barriers that impede equal participation by students in their instructional program.

[Memorandum](#)

May 25, 1970

U.S. Department of Education

School districts must take affirmative steps to support ML students in acquiring English in order to open the instructional program to language minority students. Specifically prohibits assigning MLs to special education programs based on criteria that essentially measures and evaluates English language skills.

[Title VI of the Civil Rights Act of 1964](#)

Enacted by the 88th United States Congress and signed into law by President Lyndon Johnson on July 2, 1964.

Prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance.

Maine Regulations

In Maine, laws that are specific to the education of children with disabilities are set forth in three chapters of 20-A MRSA (Maine Revised Statutes Annotated).

- [Chapter 301](#). General Provisions
- [Chapter 303](#). Children with Disabilities
- [Chapter 304](#). Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf
- [State Regulation: Chapter 101/MUSER](#). (PDF, 755KB) Rule chapter that is specific to the education of children with disabilities in Maine Department of Education Regulations, Chapter 101, Maine Unified Special Education Regulation Birth to Age Twenty (MUSER).
 - [Procedural Safeguards](#)
 - [English Companion Document](#)
 - Translated Procedural Safeguards
 - [Spanish](#)
 - [Vietnamese](#)
 - [Somali](#)
 - [Mandarin](#)
 - [Khmer](#)
 - [French](#)
 - [Arabic](#)

Additional Resources

[Maine DOE Special Services Webinar Archive](#)

[Maine DOE ESOL Resources](#)

[Maine Association of School Psychologists: Clinical Guidance on Implementation for the Identification of Students Suspected of Having a Specific Learning Disability \(2017\)](#), See: Appendix VII Response to Intervention Procedures and Appendix IV Assessment of English Language Learner (ELL) Students

[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](#)

Colorín Colorado!

- [IDEA and English Language Learners](#)
- [Special Education and ELLs: Recommended Resources](#)
- [Addressing ELLs Language Learning and Special Education Needs: Questions & Considerations](#)
- [English Language Learners in Special Education: How to Partner with Your Students' Families](#)
- [Introduction: Strategies for Engaging ELL Families](#)
- [What are My Choices? Facilitating Meaningful Conversations with Families of Culturally and Linguistically Diverse Students during the Disabilities Referral Process](#)
- [6 Strategies for Partnering with Families of English Language Learners](#)

Council of Chief State School Officers

- [CCSSO Framework for Supporting Educators to Prepare and Successfully Exit English Learners with Disabilities from EL Status 2019](#)
- [English Language Proficiency Standards for English Learners with Severe Cognitive Disabilities 2019](#)
- [CCSSO English Learners with Disabilities Guide 2017](#)

REL West

- [Identifying and Supporting English Learner Students with Learning Disabilities: Key Issues in the literature and state practice](#)

RTI Action Network

- [Working with Culturally and Linguistically Diverse Families](#)
- [RTI-Based SLD Identification Toolkit: Considerations for English Language Learners](#)

Understood

- [English language learners in special education: 4 things to know about partnering with families.](#)

US Department of Education

- [Disabilities Among Children who are 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.

Hammond, Z. (2014). *Culturally Responsive Teaching and the Brain: Promoting Authentic Engagement and Rigor Among Culturally and Linguistically Diverse Students*. Corwin.

LeMoine, N. & Soto, I. (2017). *Academic Language Mastery: Culture in Context*. Corwin.

Nieto, S. (2010). *The Light in Their Eyes: Creating Multicultural Learning Communities*. Teachers College Press.

Rhodes, R., Ochoa, S.H., & Ortiz, S.O. (2005). *Assessing Culturally and Linguistically Diverse Students, A Practical Guide*. The Guilford Press.

Roseberry-McKibbin, C. (2018). *Multicultural Students with Special Language Needs-Practical Strategies for Assessment and Intervention*. Academic Communication Associates.

Zacarian, D. (2011). *Transforming Schools for English Learners: A Comprehensive Framework for School Leaders*. Corwin.

WIDA Focus Briefs

[Focus on Differentiation: Part 1](#)

[Focus on Differentiation: Part 2](#)

[Focus on English Language Arts](#)

[Focus on Family Engagement](#)

[Focus on Group Work](#)

[Focus on Identifying ELLs with Specific Learning Disabilities](#)

[Focus on Providing ELLs with Disabilities Access to Complex Language](#)

[Focus on Scaffolding](#)

[Focus on Writing with Purpose](#)

[Collaborative Learning for English Language Learners](#)

Organizations

CAL: [The Center for Applied Linguistics](#) aims to promote and improve the teaching and learning of languages, identify and solve problems related to language.

CAPELL: [The Connecticut Administrators of Programs for English Language Learners](#) provides information to administrators and teachers of English Language Learners (ELLs). [Connecticut State Department of Education](#) has many references, documents, and statistics about English language learners.

EMME (formerly FLAME): Educators for a Multilingual Maine (formerly Foreign Language Association of Maine) is Maine's professional organization for teachers of all languages.

IRC: [The Illinois Resource Center](#) Since 1972, the IRC has provided assistance to teachers and administrators serving linguistically and culturally diverse students. With support from the Illinois State Board of Education, the IRC has emerged as a major statewide intermediate service agency, and its educational and professional development programs have helped thousands of teachers throughout Illinois and the nation to develop effective instructional practices for language minority students.

MASP: [Maine Association of School Psychologists](#)

NABE: [The National Association for Bilingual Education](#) is a professional association of teachers, administrators, parents, policy makers, and others concerned with securing educational equity for language minority students.

NCELA: [The National Clearinghouse for English Language Acquisition](#) is funded by the U.S. Department of Education, [Office of English Language Acquisition](#) to collect, analyze, and synthesize information about culturally diverse students.

NNETESOL: [Northern New England TESOL](#) is an affiliate of the global association of Teachers for Speakers of Other Languages International. NNETESOL serves Maine, New Hampshire, and Vermont. The purpose of NNETESOL is to support ESOL professionals in our region through professional development activities, promote communication, and provide mutual support among people with similar issues and concerns.

NWREL: [The Northwest Regional Education Laboratory](#) has numerous resources for educators, policymakers, parents, and the public. These resources include products such as publications, professional development tools, and teaching aids. NWREL also offers research-based services to schools, districts, and states that are designed to improve educational results. Other resources

include events, such as conferences, workshops, and trainings, along with various newsletters, periodicals, and policy briefs.

OCR: [The Office for Civil Rights](#), U.S. Department of Education, has responsibility for enforcing Title VI of the Civil Rights Act of 1964. OCR investigates allegations of civil rights violations and initiates investigations of compliance with federal civil rights laws in schools that serve special student populations, including language-minority students. The office has developed several policies with regard to measuring compliance with the *Lau v. Nichols* decision.

OELA: [The Office of English Language Acquisition](#) in the U.S. Department of Education was established in 1974 by congress to help school districts meet their responsibility to provide an equal education opportunity to students who are English learners.

TESOL: [Teaching English to Speakers of Other Languages International Association](#) is a professional association of teachers, administrators, researchers, and others concerned with promoting scholarship, the dissemination of information, and strengthening of instruction and research in the teaching of English to speakers of other languages and dialects.

WIDA: [WIDA](#) is a consortium of states dedicated to the design and implementation of high standards and equitable educational opportunities for multilingual learners. WIDA designs and implements proficiency standards and assessments (WIDA Screener, ACCESS for ELLs, Alternative ACCESS for ELLs) for grade K-12 students who are English language learners, as well as a set of proficiency standards and assessments for Spanish language learners. See [WIDA English Language Development Standards Framework, 2020 Edition](#). WIDA provides professional development to educators and conducts research on instructional practices.