



MAINE DEPARTMENT
OF EDUCATION

The Intersection of English Language Acquisition and Individualized Education Programs

Session 1: Foundational Knowledge

Presented by: The Office of Teaching and Learning and The Office of Special Services and Inclusive Education





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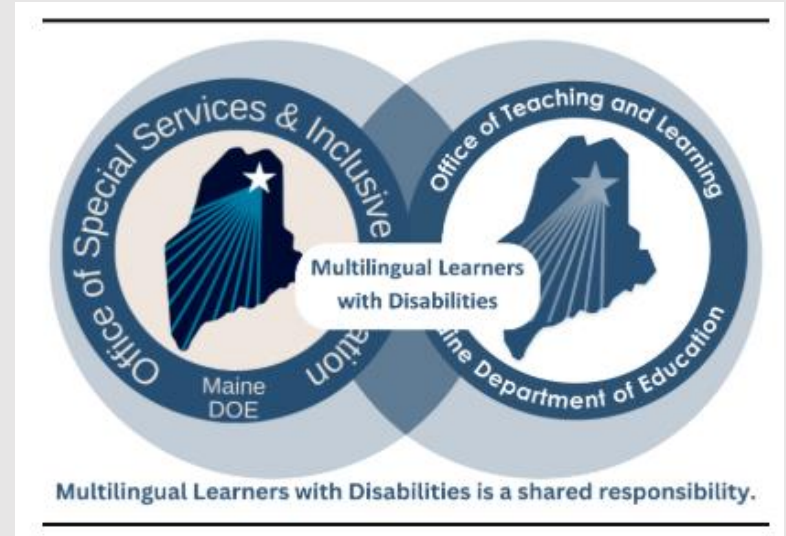
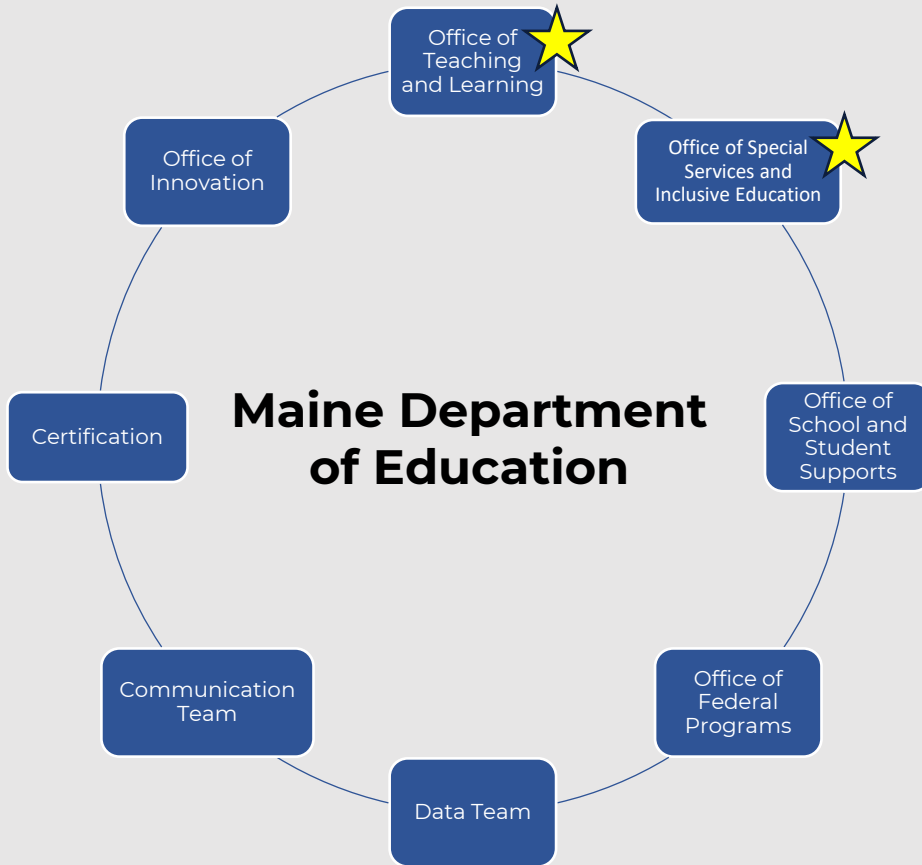
Education Specialist III
Office of Special Services and Inclusive
Education

Meet Our Team

**The Office of Teaching and Learning
and The Office of Special Services and
Inclusive Education partnered to
develop and present this PLO.**

Mission & Vision

To promote the best learning
opportunities for all Maine students by
providing information, guidance, and
support to our schools, educators, and
leaders and by providing adequate and
equitable school funding and resources.



COLLABORATION

Supporting Maine's multilingual population is a shared responsibility.

Who is here today?

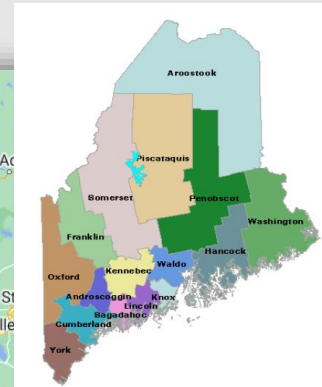
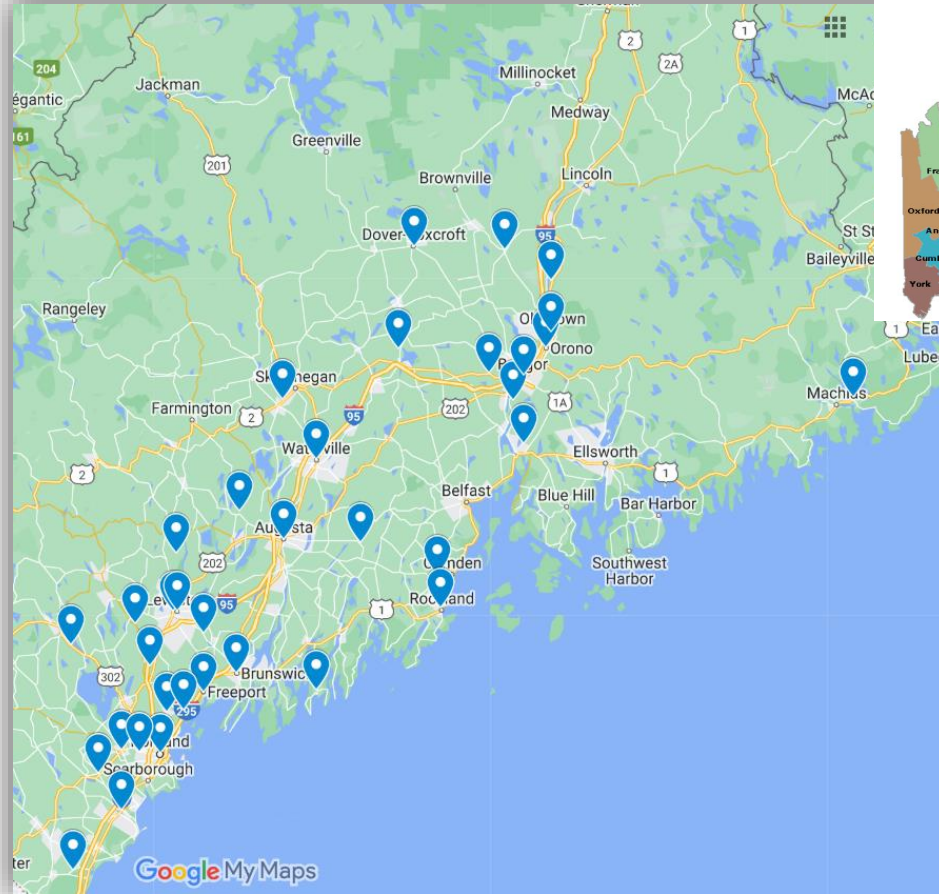
39 School Administrative Units (SAUs)

10 organizations

- Catholic Charities
- Margaret Murphy Center
- Morrison Center
- Panorama Speech Therapy
- School Psychology Associates
- Southern Maine Administrative Collaborative
- Woodfords Family Services
- Maine Health
- University of Maine
- Dirigo Consulting

Additional Cohorts

- Child Development Services
- Maine DOE





Group Norms:

Please add questions, comments and wonderings to the chat, and we will check in during the breakout session.



Participation in this session and completion of suggested pre-work will receive 2 professional contact hours.

Today's Focus:

Foundational Knowledge: Legal Regulations, Civil Rights and Data Overview

- Presentation
- Workshop
- Discussion
- Wrap Up



**We would like to take a
moment to answer 5
demographic questions.
Thank you!**

A note on terminology

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

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

[MDOE Honoring and Celebrating All Languages Spoken By Maine Students With the Shift to Multilingual Learners Terminology](#)



Building Common Knowledge

- **Multilingual-** describes a person who is fluent in several languages *
- **Bilingual-** describes a person who is fluent in two languages or a program with two languages of instruction *
- **ML (Multilingual Learner)-** a student who speaks a primary or home language other than English and has not yet achieved English language proficiency; terms synonymously used include English Learner (EL) and English Language Learner (ELL)
- **DLL (dual language learner)-** generally used to mean a student who is learning a second language while continuing to develop his/her primary language; often refers to young learners developing dual literacy from early childhood *
- **ESOL- English to Speakers of Other Languages** (describes a role or program)
- **Long Term English Learner (LTEL)-** generally defined as an **EL student** who has not achieved English language proficiency within a specified number of years and has not yet been reclassified as fluent English proficient; more recently referred to as Experienced EL
- **Students with Limited or Interrupted Formal Education (SLIFE/SIFE)-** term used to describe ELs who have had little or no formal education, or whose education has been significantly interrupted
- **Dual identified or Twice Exceptional-** a Multilingual learner that is identified with a disability

** in this country the term generally implies that one of the additional languages is English, but this is not necessarily the case*

Frequently used IDEA Acronyms:

FAPE: Free Appropriate Public Education	RTI: Response to Intervention
VR: Vocational Rehabilitation	PBIS: Positive Behavioral Interventions and Supports
UDL: Universal Design for Learning	Part B: IDEA Program for Birth through age 21
SDI: Specially Designed Instruction	OT: Occupational Therapy
SLP: Speech-language Pathologist	MTSS: Multi-Tiered System of Support
SLD: Specific Learning Disability	LRE: Least Restrictive Environment
SEL: Social Emotional Learning	OHI: Other Health Impairment

MUSER: Maine Unified Special Education Regulations



05-071 Chapter 101

Maine Unified Special Education Regulation Birth to Age Twenty-Two

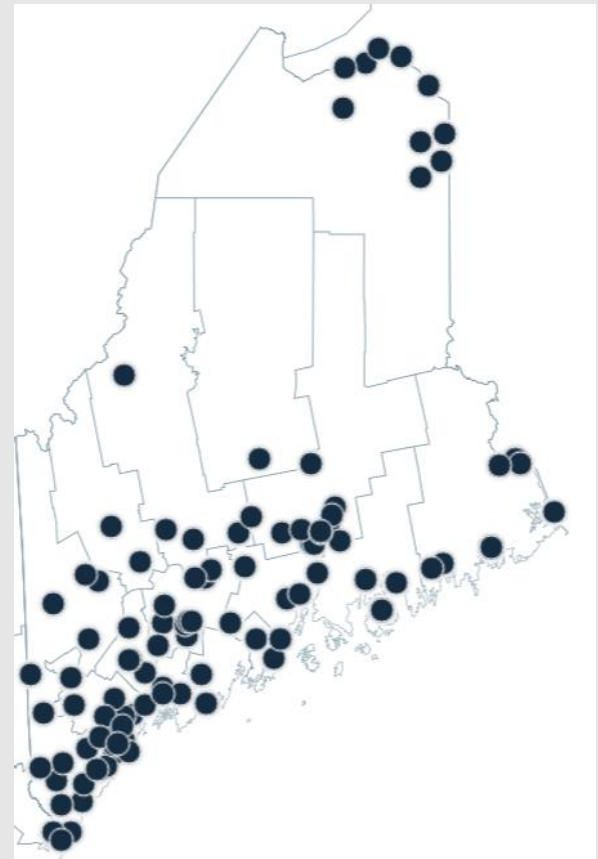
Effective Date: July 26, 2024

Maine's Multilingual Learner Data

Maine continues to welcome and enroll multilingual students and families across our state, PreK-12 with a **15% change in student count** from 2023 to 2024. *This is up from a 11.56% change in student count from the year before.*

Roughly **60% of Maine's SAUs** have enrolled multilingual learners, **with 87.8% of these SAUs with less than 50 multilingual learners in total.**

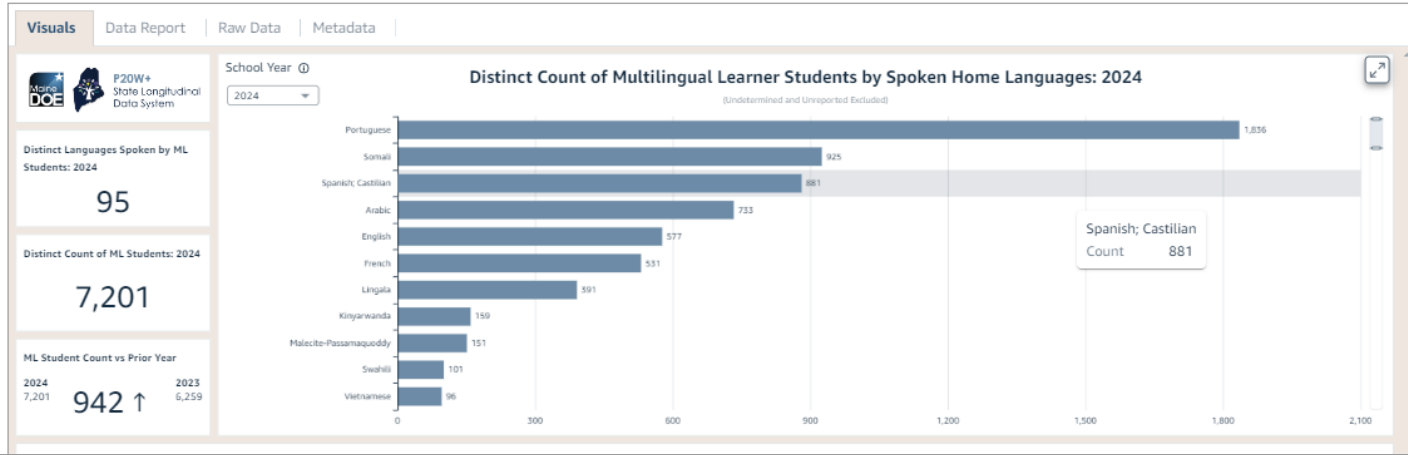
As of January 2025, Maine's **current ML count is 8,392.** *This is an increase in 1,184 students from last year.*



Maine DOE Data Warehouse

Multilingual Learners Data

*Load times may vary for this page



As our state continues to diversify linguistically, so too do Maine's top reported home languages. 2023-2024 data reports **Portuguese, Somali, Spanish, Arabic, and French** as the top 5 languages other than English spoken by Maine families.

Special Education by Race/Ethnicity

SPECIAL EDUCATION BY RACE/ETHNICITY

	2015		2016		2017		2018		2019		2020		2021		2022	
	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT
American Indian or Alaska Native	369	1.23%	385	1.27%	393	1.26%	395	1.24%	412	1.28%	426	1.31%	405	1.27%	374	1.15%
Asian	271	0.91%	260	0.86%	249	0.80%	266	0.84%	274	0.85%	268	0.82%	265	0.83%	263	0.81%
Black or African American	917	3.06%	899	2.96%	984	3.17%	1050	3.31%	1,122	3.49%	1,156	3.54%	1,166	3.64%	1,198	3.67%
Hispanic	665	2.22%	678	2.23%	744	2.39%	787	2.48%	866	2.69%	910	2.79%	946	2.96%	1035	3.17%
Native Hawaiian or Other Pacific Islander	22	0.07%	19	0.06%	33	0.11%	28	0.09%	29	0.09%	33	0.10%	31	0.10%	34	0.10%
Two or More Races	612	2.04%	657	2.17%	733	2.36%	864	2.72%	916	2.85%	975	2.99%	1054	3.29%	1163	3.56%
White	27,074	90.46%	27,440	90.45%	27,941	89.91%	28,374	89.33%	28,576	88.76%	28,853	88.45%	28,124	87.91%	28,574	87.54%

Special Education Disability by Race/ Ethnicity

SPECIAL EDUCATION DISABILITY BY RACE/ETHNICITY

		American Indian or Alaska Native		Asian		Black or African American		Hispanic		Native Hawaiian or Other Pacific Islander		Two or More Races		White	
		SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT
2022	Autism	32	0.10%	58	0.18%	134	0.41%	130	0.40%	6	0.02%	158	0.48%	3295	10.09%
	Developmental delay	*		*		21	0.06%	*		0		10	0.03%	163	0.50%
	Emotional disturbance	42	0.13%	*		100	0.31%	78	0.24%	*		89	0.27%	2034	6.23%
	Hearing impairment	*		*		11	0.03%	*		0		*		106	0.32%
	Intellectual Disability	*		*		61	0.19%	25	0.08%	0		17	0.05%	841	2.58%
	Multiple disabilities	*		31	0.09%	112	0.34%	77	0.24%	*		106	0.32%	2240	6.86%
	Orthopedic impairment	0		0		*		*		0		0		*	
	Other health impairment	100	0.31%	40	0.12%	257	0.79%	240	0.74%	7	0.02%	289	0.89%	6854	21.00%
	Specific learning disability	107	0.33%	65	0.20%	349	1.07%	319	0.98%	9	0.03%	300	0.92%	8312	25.46%
	Speech or language impairment	48	0.15%	44	0.13%	147	0.45%	156	0.48%	7	0.02%	187	0.57%	4592	14.07%
Traumatic brain injury	0		*		*		0		0		*		34	0.10%	
Visual impairment	*		*		*		0		0		*		*		

Special Education Educational Environment by Race/Ethnicity

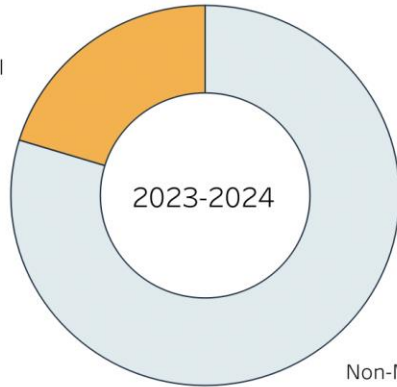
SPECIAL EDUCATION EDUCATIONAL ENVIRONMENT BY RACE/ETHNICITY

		American Indian or Alaska Native		Asian		Black or African American		Hispanic		Native Hawaiian or Other Pacific Islander		Two or More Races		White	
		SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT	SPECIAL EDUCATION COUNT	PERCENT
2022	Regular class 80% or more of day	178	19.31%	147	23.52%	556	21.31%	568	27.11%	18	23.08%	623	27.24%	15950	26.88%
	Regular class 40% through 79% of the day	141	15.29%	*		404	15.48%	316	15.08%	*		364	15.92%	8522	14.36%
	Regular class less than 40% of the day	44	4.77%	*		157	6.02%	118	5.63%	*		149	6.52%	3145	5.30%
	Correctional Facility	0		0		*		0		0		0		*	
	Homebound/Hospital	0		0		*		*		0		*		*	
	Parentally placed in private school	0		*		*		*		0		0		76	0.13%
	Residential Facility	*		*		6	0.23%	*		0		*		136	0.23%
	Separate School	*		*		68	2.61%	26	1.24%	0		21	0.92%	718	1.21%

Maine DOE Multilingual Learner Dashboard

Non-Multilingual Learners with Disabilities

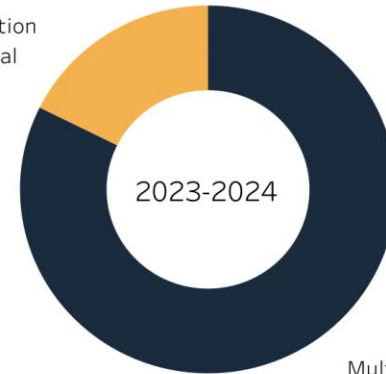
20.3%
Special Education
& Non-Multilingual
Learners



79.7%
Non-Multilingual Learners

Multilingual Learners with Disabilities

17.6%
Special Education
& Multilingual
Learners



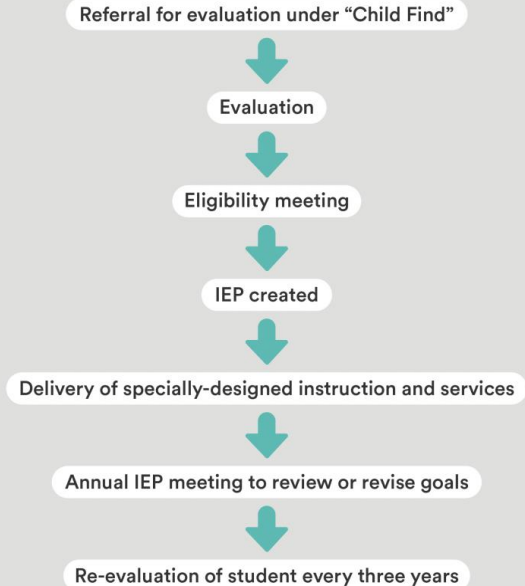
82.4%
Multilingual Learners

Maine's Multilingual Learners in Special Education: Quick Stats

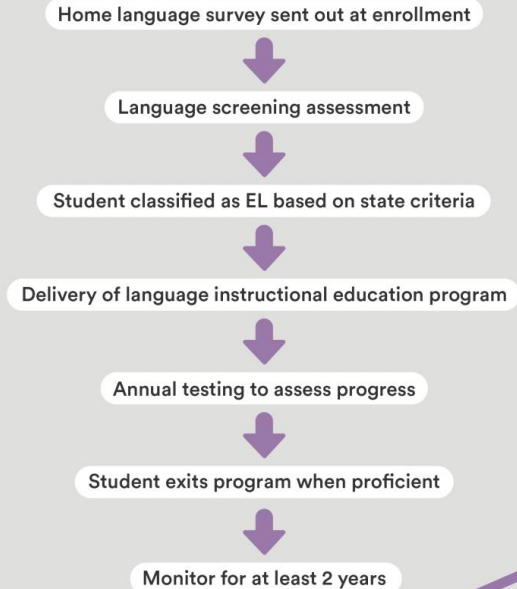
- ✓ There are currently 1,359 dually identified students (MLs identified with a disability) across the State of Maine. This is roughly 17% of Maine's ML population. This is in grades Pk-12.
- ✓ 15% of this number have a primary disability category of Speech Language Impairment. 32% have a primary disability category of Specific Learning Disability.
- ✓ Approximately 1.5% of Maine's multilingual learners are currently identified as eligible for alternate assessment participation.

English Learners with Disabilities: Shining a Light on Dually Identified Students

Special Education Process Under IDEA



EL Education Process Under ESSA



Source: Adapted from *English Learner Tool Kit* (Washington, DC: U.S. Department of Education, November 2016), <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>; National Dissemination Center for Children with Disabilities, "The Basic Special Education Process under IDEA 2004," 2011, https://www.parentcenterhub.org/wp-content/uploads/repo_items/10steps.pdf.

NEW AMERICA



Multilingual Services and Program Requirements

1. Civil Rights Act 1964
No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance

2. Plyler v. Doe
States cannot constitutionally deny students a free public education on account of their immigration status
Protected by the 14th Amendment
Schools cannot request birth certificates or Social Security cards for enrollment

3. Lau v. Nichols
District receiving federal funds must provide non-English-speaking students with instruction in the English language to ensure that they receive an equal education.
Protected by the Civil Rights Act of 1964
@miss-bilingual-bee

4. Castaneda v. Pickard
ESL Programs Must:
(1) be based on educational theory
(2) implemented effectively with sufficient resources and personnel
(3) evaluated to determine whether they are effective in helping students overcome language barriers

KNOW YOUR multilingual learners' RIGHTS

- Maine DOE Administrative Letter 27
- DOE/DOJ Dear Colleague Letter dated 1/7/2015

All students who are multilingual learners **must** be provided with English language support services that enable them to meaningfully access the curriculum to meet grade-level standards. English language development and content area knowledge are to be acquired simultaneously, rather than consecutively.

See [Legal Rights of Students who are English Learners](#)

Image Source: <https://x.com/boutwellmrs/status/1427640710409429007?s=10>

LEGAL RIGHTS OF MULTILINGUAL LEARNERS

BASED ON US DOE DEAR
COLLEAGUE LETTER



IDENTIFICATION

MLs who are not yet proficient in English have the right to be identified. See [Maine's identification policy](#).

SERVICES & STAFFING

MLs have the right to language acquisition services, provided by qualified staff. See [Maine's service provision & staffing recommendations](#).



EQUITABLE ACCESS

MLs have a right to equitable access to all curricular and extracurricular programs.

INTEGRATION

MLs have the right to be integrated with their non-ML peers, not segregated except when necessary for learning.



SPECIAL EDUCATION

MLs with disabilities have a right to be dually identified and provided both kinds of services in a coordinated way.

MEANINGFUL OPT OUT

With meaningful understanding of their child's rights, parents/guardians of MLs have a right to refuse certain (or all) services. However, schools must still meet students' needs.



EXIT & MONITORING

MLs have the right to exit English for Speakers of Other Languages (ESOL) programs once they reach proficiency. After exiting, MLs have the right to be monitored to ensure that they no longer need ESOL support.



PROGRAM EVALUATION

MLs have a right to programs that are regularly evaluated for their effectiveness and modified for improvement.



COMMUNICATION WITH FAMILIES

The families of MLs have the right to meaningful two-way communication with schools in a language they can understand.



See [Legal Rights of Multilingual Learners](#)

Lau Plan Framework

Section 1: Legal Foundation for Providing Effective Educational Services to English Learners

Section 2: English Learner Identification

Section 3: Development of Individualized Language Acquisition Programs

Section 4: Meaningful and Equitable Access to Academic and Extracurricular Programs



Section 5: Equitable Personnel, Facilities, and Materials

Section 6: Annual English Language Proficiency Test Administration

Section 7: Exit and Monitoring Guidance

Section 8: Ongoing Program Evaluation

Section 9: Meaningful Communication with Parents/Guardians



WIDA™

ACCESS for ELLs

The 2025 ACCESS and Alternate ACCESS test window is open from January 6th to February 28th. These are the annual English language proficiency assessments administered to MLs in grades K to 12.

Special Education



- Americans with Disabilities Act of 1990
- Brookhart v. Illinois State Board of Education (1983)
- Endrew F. v. Douglas County School District (2017)
- Individuals with Disabilities Education Improvement Act 2004 (IDEA)
 - Child Find (2004)
 - Child with a Disability (CWD) 2004
 - Disability Categories (2004)
 - Individualized Education Program (IEP)
- Section 504 of the Rehabilitation Act of 1973

Dually Identified

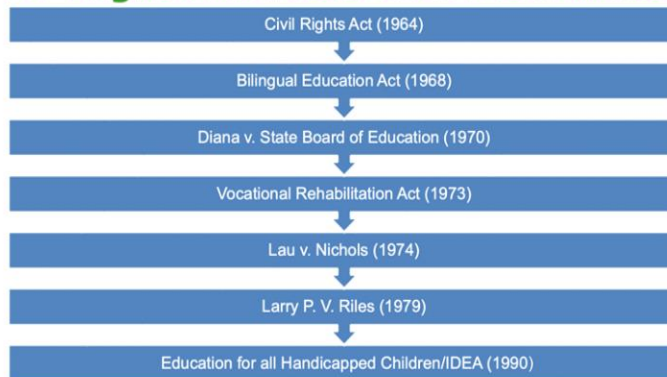
- Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015)
- Equal Educational Opportunities Act of 1974
- Every Student Succeeds Act 2015 (ESSA)

English Learners



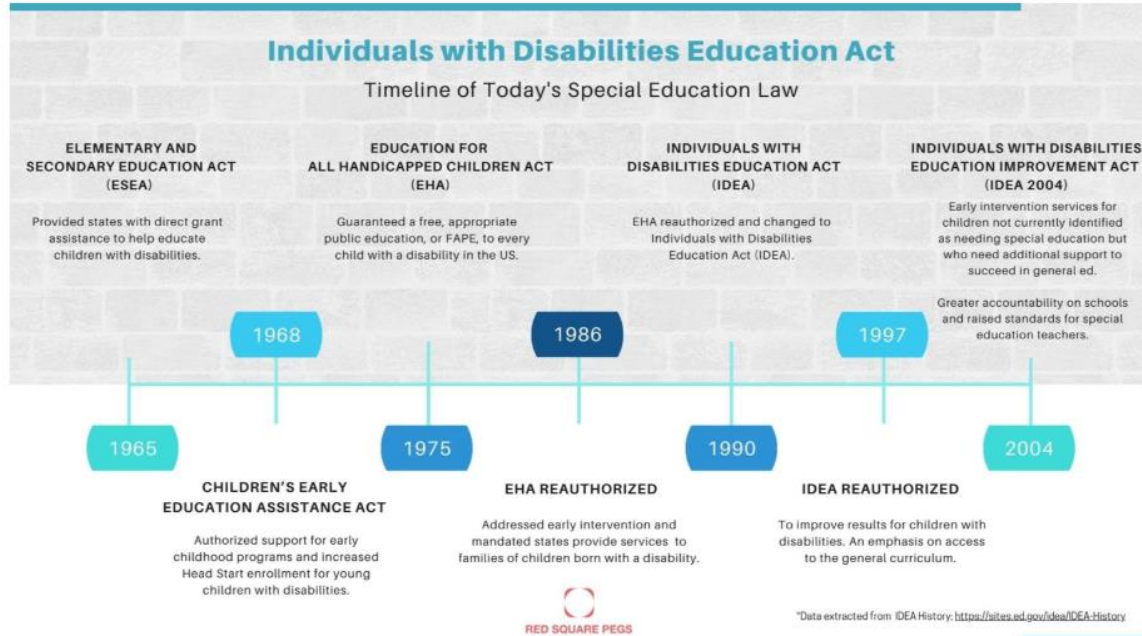
- Castañeda v. Pickard (1981)
- Civil Rights Act of 1964
- Lau v. Nichols (1974)
- Plyer v. Doe (1982)

Select Landmark Legal Cases and Policies for English Learners with Disabilities



*WIDA Webinar- When Language and Disability Meet:
Planning Instruction to Support Dually Identified Students*

History of IDEA:



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)

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](#)).

ELD + SDI = FAPE



Each service, English Language Development (ELD) and Specially Designed Instruction (SDI), have equal importance in addressing the needs of a dual identified student's educational profile.

"...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



U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights



January 7, 2015

Dear Colleague:

*“The Departments are aware that some school districts have a formal or informal policy of **“no dual services,”** i.e., a policy of allowing students to receive either EL services or special education services, but not both. Other districts have a policy of delaying disability evaluations of EL students for special education and related services for a specified period of time based on their EL status. **These policies are impermissible under the IDEA and Federal civil rights laws.**”* [US DoJ & US DoE Dear Colleague Letter 2015](#), p. 25

TOOLS AND RESOURCES FOR ADDRESSING ENGLISH LEARNERS WITH DISABILITIES

KEY POINTS

- LEAs must identify, locate, and evaluate ELs with disabilities in a timely manner.
- LEAs must consider the English language proficiency of ELs with disabilities in determining appropriate assessments and other evaluation materials.
- LEAs must provide and administer special education evaluations in the child's native language, unless it is clearly not feasible to do so, to ensure that a student's language needs can be distinguished from a student's disability-related needs.
- LEAs must not identify or determine that EL students are students with disabilities because of their limited English language proficiency.
- LEAs must provide EL students with disabilities with both the language assistance and disability-related services they are entitled to under federal law.



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

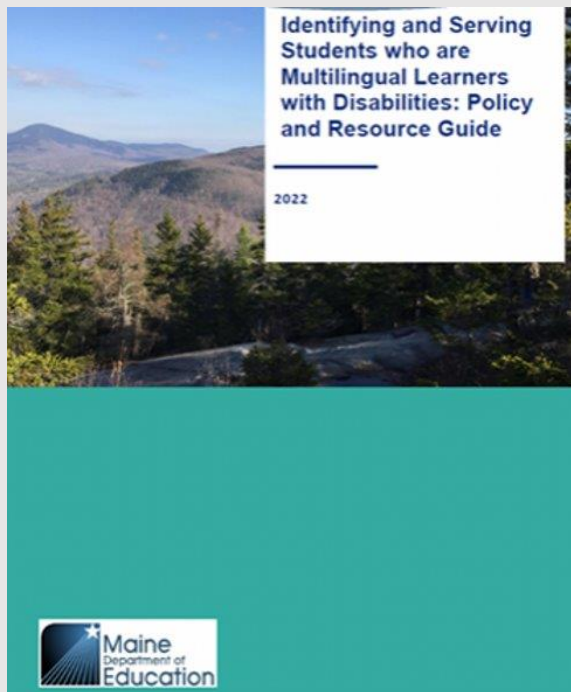


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Workgroup Session

Part 1: Identifying and Serving Students who are Multilingual Learners with Disabilities: Policy and Resource Guide. Read the Introduction and Legal Requirements sections on pages 4-6 and discuss these questions:

- **Introduction:** What are the three categories of MLs who may experience academic challenges?
- **Legal Requirements:** What does the Dear Colleague Letter (2015) affirm that school divisions must do regarding MLs with disabilities and suspected disabilities?

Part 2: Equal Access to Elementary and Secondary Education for Students Who Are English Learners with Disabilities November 12, 2024. Review the examples of the kinds of practices that could, depending on the facts and circumstances, violate federal civil rights laws on page 3 and discuss:

- Highlight specific examples that relate to your instructional context.
- Identify strengths and areas for growth.

Here we will stop the recording and move to break out rooms for small group work.



Date	Focus
January 21	Foundational Knowledge: legal regulations, civil rights and data overview
February 27	Collaboration and Integrating IEPs and ILAPs
March 18	IEPs for MLs: Section 3 Special Factors
April 29	IEPs for MLs: Section 6 (Supplementary Aids, Services, Modifications and/or Supports)
May 22	IEPs for MLs: Assessment participation guidance and accommodations
June 10	Culmination

Work for Session 2: February 27th



Watch:

- [Video: Multilingual Learners with Disabilities Policy and Resource Guide: Intervention Procedures](#)

Review:

- [MDOE Policy & Resource Guide section: Intervention Procedures for Suspected Disability, Evaluation, and Eligibility](#)
- [MTSS/RTI Checklist for MLs: Distinguishing Language Difference from Disability](#)
- [Process for Multilingual Learners using Multi-Tiered Systems of Supports](#)

Translated Procedural Safeguards: also available

	Special Education Term	Khmer
1.	Accommodation	ការសម្របសម្រួល
2.	Administrator of Special Education	អ្នកគ្រប់គ្រងការអប់រំពិសេស
3.	Age of Majority	អាយុស្របច្បាប់
4.	Autism	ជំងឺអូទីស្ទិម
5.	Benchmarks	ស្តង់ដារ
6.	Blind Visually Impaired (BVI)	ពិការភ្នែក និងខ្សោយភ្នែក (BVI)
7.	Consent	ការយល់ព្រម
8.	Deaf	ច្រង
9.	Department of Education (DOE)	ក្រសួងអប់រំ
10.	Department of Health and Human Services (DHHS)	ក្រសួងសេវា (DHHS)
11.	Developmental Delay	ភាពយឺតយ៉ាវ
12.	Disability	ពិការភាព
13.	Division for the Blind and Visually Impaired (DBVI)	ផ្នែកសម្រាប់ (DBVI)

Special Education Glossaries

[Arabic](#) |
 [French](#) |
 [Khmer](#) |
 [Mandarin](#) |
 [Portuguese](#) |
 [Somali](#) |
 [Spanish](#) |
 [Vietnamese](#)

14.	Educational Assessment	التقييم التعليمي
15.	Educational Surrogate Parent	الوالد البديل التربوي
16.	Eligibility	الأهلية
17.	Emotional Disturbance	الاضطراب العاطفي
18.	Evaluation	التقييم
19.	Free and Appropriate Public Education (FAPE)	التعليم العام المجاني والمناسب (FAPE)
20.	General Education Curriculum	معلم التربية العامة
21.	Guardian	الوصي
22.	Hard of Hearing	ضعف السمع
23.	Independent Educational Evaluation (IEE)	تقييم التعليم المستقل (IEE)
24.	Individualized Education Program (IEP)	برنامج التعليم المفرد (IEP)
25.	Individuals with Disabilities Education Act (IDEA)	قانون تعليم الأفراد ذوي الإعاقة (IDEA)
26.	Initial Evaluation	التقييم الأولي



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