



MAINE DEPARTMENT
OF EDUCATION

The Intersection of English Language Acquisition and Individualized Education Programs

Session 3: IEPs for MLs- Section 3 Special Factors

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





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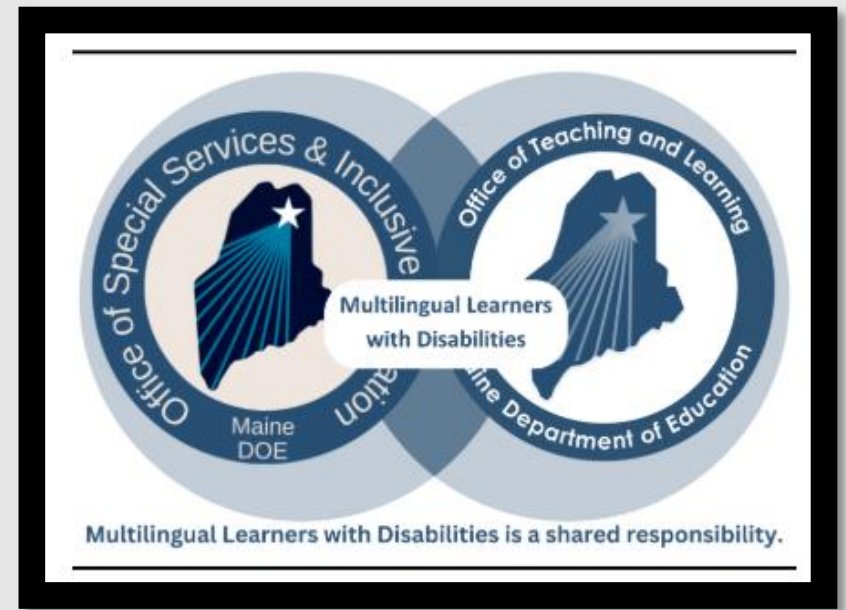
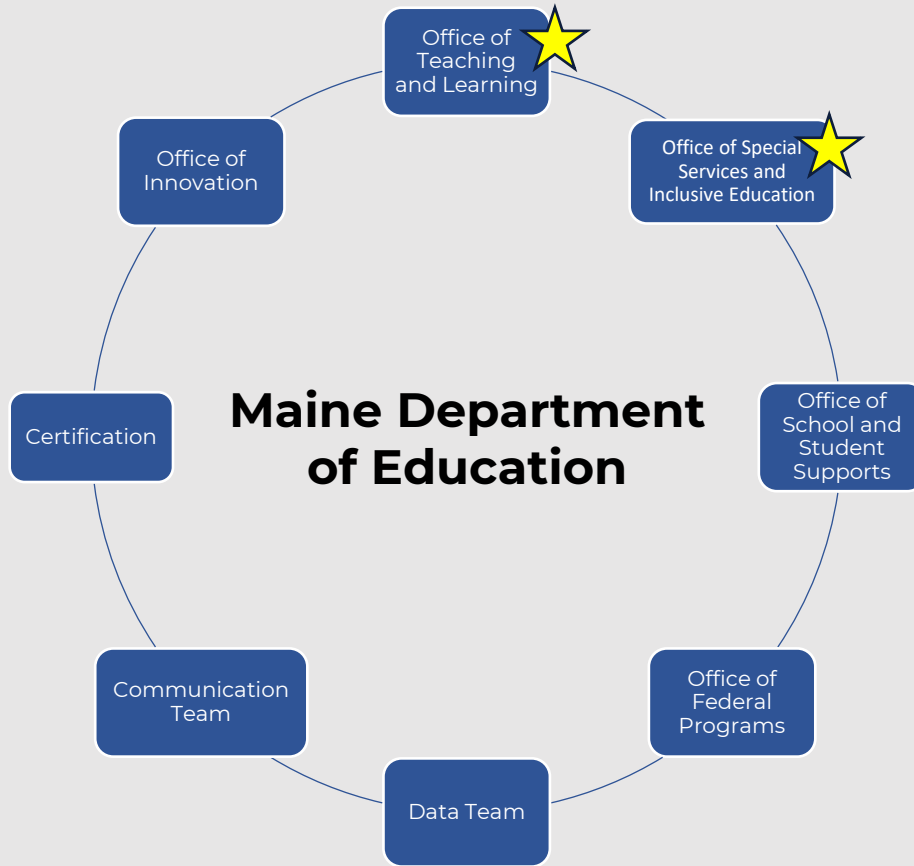
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Meet Our Team

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.



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

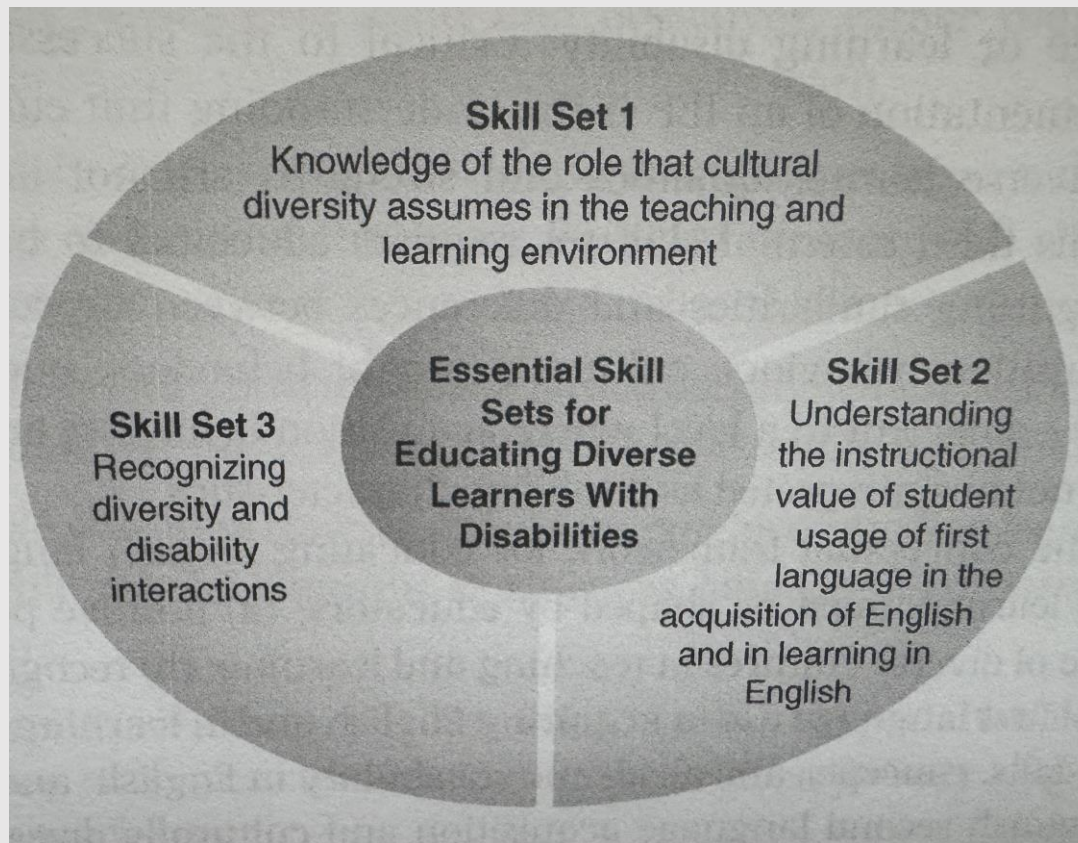
Today's Focus:

IEPs for MLs: Section 3 Special Factors

- Presentation
- Workshop
- Discussion
- Wrap Up

Figure 1.1 Conceptualizing the Education of Diverse Learners with Disabilities

Hoover, J. J., & Patton, J. R.
(2017). IEPs for ELs: And
Other Diverse Learners.
Corwin.

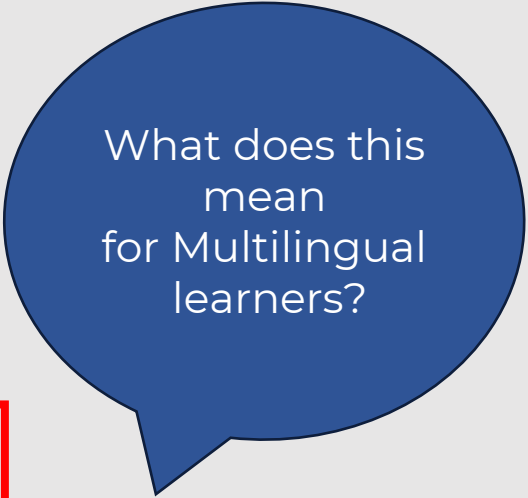


IEPs for ELs: And Other Diverse Learners (Hoover & Patton) is based on these **underlying assumptions** relative to the referral, assessment, eligibility decision making, and placement of English learners and other diverse learners for special education services (*summarized*):

1. Referral and assessment consistent with mandated procedures in the IDEA
2. English language proficiency (ELP) properly identified with results embedded in special education assessment process to reduce bias
3. Multiple forms of assessment used in evaluation to ensure a culturally and linguistically responsive process framed the eligibility and placement decision
4. The IEP team includes member(s) with expertise in educating English learners and other diverse learners

The U.S. Supreme Court's ruling in [Endrew vs. Douglas County School District](#) (2017), highlighted the fact that IEP teams must discuss and develop IEP goals for students that are “**appropriately ambitious**” and that “to meet its substantive obligation under the IDEA, a school must offer an

IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.”



What does this mean for Multilingual learners?

"Diminished emphasis on ELD once delivery of an IEP begins may situate the learner to fail – lack of English development directly influences lack of academic progress expected from delivery of the IEP."

Hoover, J. J., & Patton, J. R. (2017). IEPs for ELs: And Other Diverse Learners. Corwin.

Examining IEPs of English Learners with Learning Disabilities for Cultural and Linguistic Responsiveness



Red Flag Indicator 1:

"IEPs for ELs that address only factors typically documented for non-ELs relative to cultural background, heritage, and prior experiences;"



Red Flag Indicator 3:

"IEPs for ELs that lack reference to research-based bilingual/ESL teaching practices found effective at helping ELs properly access curriculum in both general and special education settings;"



Red Flag Indicator 2:

"IEPs for ELs that contain little or no equitable attention to language;"



Red Flag Indicator 4:

"Upon reading an EL's completed IEP, it is unclear to another professional not involved in its development that the student is an English-as-a-second-language learner with a disability."

Section 3. Considerations – Including Special Factors



| | |
|--|---|
| C. Is the child identified as a student who is an English learner? (MUSER IX.3.C.(2)(b)) | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| i. Does the child have language needs, due to his/her English language proficiency level, which need to be addressed in the IEP? | <input type="checkbox"/> YES <input type="checkbox"/> NO |




6. SUPPLEMENTARY AIDS, SERVICES, MODIFICATIONS, AND/OR SUPPORTS (MUSER IX.3.A.(1)(d) & (g))

In addition to ongoing classroom supports and services, supplemental aids, and modifications, include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide and classroom assessments (MUSER IX.3.A.(1)(f)(i)).

| A. Supplementary aids, modifications, accommodations, services, and/or supports for SAU personnel | Location | Frequency | Duration Beginning/End Date |
|---|---|--|---|
| ILAP: Individual Language Acquisition Plan | <input checked="" type="checkbox"/> Classroom Instruction <input checked="" type="checkbox"/> Classroom Assessment <input checked="" type="checkbox"/> District-wide Assessment <input checked="" type="checkbox"/> State Assessment | Special Education and General Education | As Needed 10/15/2024- 10/14/2025 |

Documentation of the ILAP in section 6 of the IEP ensures that all members of the student's team are aware of the plan and emphasizes its importance to the child's access to FAPE.

Section 3. Considerations – Including Special Factors

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|--|--|
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Under IDEA, the IEP Team must consider a number of special factors in developing, reviewing, or revising a child's IEP. See 34 C.F.R. § 300.324(a)(2) and (b)(2). Specifically, under 34 C.F.R. § 300.324(a)(2)(ii), the IEP Team must “[i]n the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child’s IEP.”

| | |
|--|--|
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*"Whether the child's IEP needs to include a language development goal in order for the child to be involved in and make progress in the general education curriculum is a **determination that must be made on an individual basis by the participants on the child's IEP Team in light of the particular disability-related needs of the child.***

Therefore, decisions regarding the extent to which an English learner's disability affects the student's participation in the general curriculum or whether the child needs interventions related to the student's disability that impact the child's developing English language proficiency are matters that should be addressed in the child's IEP in light of the individual needs of the child. In addition, regardless of whether goals for English language development are included in a student's IEP, an English learner must receive needed English language services as a matter of civil rights law." [OSEP Policy Letter 21-03](#)

IEPs and Cultural and Linguistic Responsive (CLR) Instruction

"Foundational to effective special education of ELs with a disability is the need to deliver special services within the context of culturally [and] linguistically responsive instruction. Consideration of English proficiency, as mandated by IDEA, and recognition of cultural factors that affect successful learning outcomes is essential to accomplishing the goal of properly developing IEPs for diverse learners."

Hoover, J., Erickson, J., Patton, J., Sacco, D., & Tran, L. (2019). Examining IEPs of English Learners with Learning Disabilities for Cultural and Linguistic Responsiveness. Learning Disabilities Research & Practice, 34(1), 14-22.

CCSSO English Learners with Disabilities Guide (2017)

Cultural competence when working with English learners with disabilities includes...

- Building trust with students and families
- Becoming culturally literate
- Using assessments and diagnostic measures that produce valid results
- Analyzing instructional content and materials for relevance to student backgrounds
- Establishing positive home-school relationships, engaging parents and ensuring their participation in their child's education is valued
- Taking into account students' language proficiencies in English and their native languages
- Supporting both language acquisition and content learning

(García & Tyler, 2010; Utey, Obiakor, & Bakken, 2011)

Culturally and linguistically responsive pedagogy starts with the premise that

“all culturally and linguistically diverse

students can excel in academic

endeavors when their culture, language,

heritage, and experiences are valued and

used to facilitate their learning and

development”.

What Makes an IEP Culturally and Linguistically Responsive? (p. 13)

"It must include documented practical considerations and instructional suggestions for meeting diverse culture and language needs within several IEP component areas:

- (a) present level of performance statement(s)
- (b) measurable annual goals and short-term objectives
- (c) instructional and assessment accommodations
- (d) progress monitoring devices and procedures
- (e) special considerations, related services, and supplemental aids"

"Cultural and linguistic diversity does not cease to be integral to diverse students' teaching and learning once they are placed in special education" (p. 12).

Hoover, J. J., & Patton, J. R. (2017). IEPs for ELs: And Other Diverse Learners. Corwin.

IEPs for ELs: And Other Diverse Learners by Hoover & Patton, (2017)

Highlights from **Present Performance Levels** (p. 18-19): "Present levels of academic achievement and functional performance (PLAAFP) specify current strengths and needs, while also reflecting cultural and linguistic considerations that support diverse learning."

- "academic performance statements should reflect cultural and linguistic qualities"
- "similar to academic achievement performance, culturally and linguistically diverse values and norms affect functional performance"
- "family input and cultural knowledge are essential"

TABLE 2
IEP Features to Address Mandated Components for ELs

| <i>Mandated IEP Component</i> | <i>IEP Features to Include in Component</i> | <i>IEP Sample Statements</i> |
|-------------------------------|--|--|
| PLAAFP | Contributions of first and second languages Cultural teachings/values supporting instruction Language development best practices based on learner's stage of second language acquisition (e.g., WIDA Can-Do Descriptors) Use of evidence-based ESL and/or bilingual instructional practices | "Student responds best to directions when provided in native and English languages" "Student's academic progress improves when paired with a Spanish speaking peer during reading instruction" "Student is in stage of second language acquisition that requires extended wait time to process English vocabulary" |
| Measurable Annual Goals | Description of cultural/linguistic conditions under which the student best learns framing the annual goal statement | "Using a Spanish-speaking peer the student will . . .," "When provided vocabulary in both English and Spanish student will . . ." |
| Special Factors/Delivery | Statement about required English language development (ELD) showing that ELD is maintained during delivery of special education Statement detailing how collaboration among educators should occur to address culturally and linguistically diverse qualities and instructional features in the delivery of special services Consideration of Behavior Intervention Plan (BIP) content and assistive technology (AT) needs | "Learner receives 30 minutes per day of ELD" "Special Educator and ESL educator collaborate to include English language supports in the delivery of special services" "Use computerized translation software to support English language vocabulary in content instruction" |
| Accommodations | Identify select cultural instructional features of benefit to the learner for accommodating diverse learning qualities and needs Provide supports to accommodate English development | "Cooperative learning rather than competitive learning" "Increase wait time to allow time to process complex vocabulary" "Initially accept accurate approximations to correct answers to build confidence" |

IEPs for ELs: And Other Diverse Learners by Hoover & Patton, (2017)

Highlights from **Meaningful Family Involvement (p. 89-90)**:

"A culturally and linguistically responsive IEP takes into account the family's cultural norms, particularly the academic, behavioral, and social skills valued by their community".

- "educators [must] recognize their own cultural belief and biases in these interactions rather than adopting a deficit view of families with different beliefs and values"
- "different cultures have different views of disability and treat children with developmental disabilities in different ways"
- "crucial for school professionals to keep in mind that their status as professionals does not mean that their perspective is objectively correct"

"How are family and community involved in the education of English language and other diverse learners at your school?" (p. 11).

Diversity Considerations

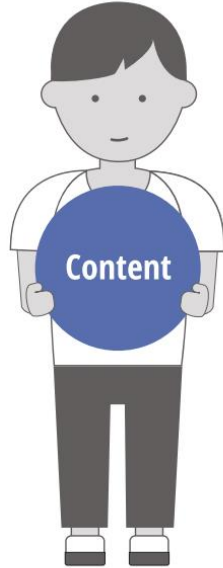
Cultural teachings, values, and heritage shape a student's perspectives toward learning, which in turn shape the value of the IEP for diverse families.

Second language acquisition development frames success with meeting IEP annual goals and must be integral to implementation for an English learner.

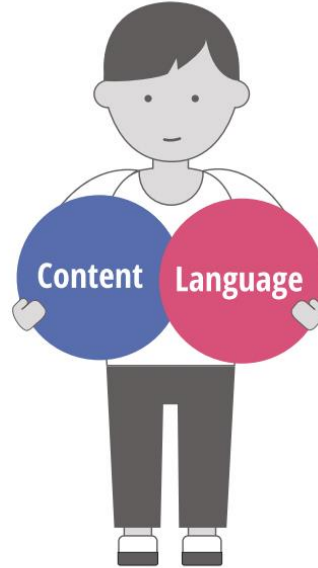
Parental input and support are essential to generating and delivering a culturally and linguistically responsive IEP.

Table 2.5 Other Mandated IEP Instructional Factors, p. 28

ALTELLA: A Framework for Understanding English Learners With Disabilities: Triple the Work



Native English speakers
without disabilities



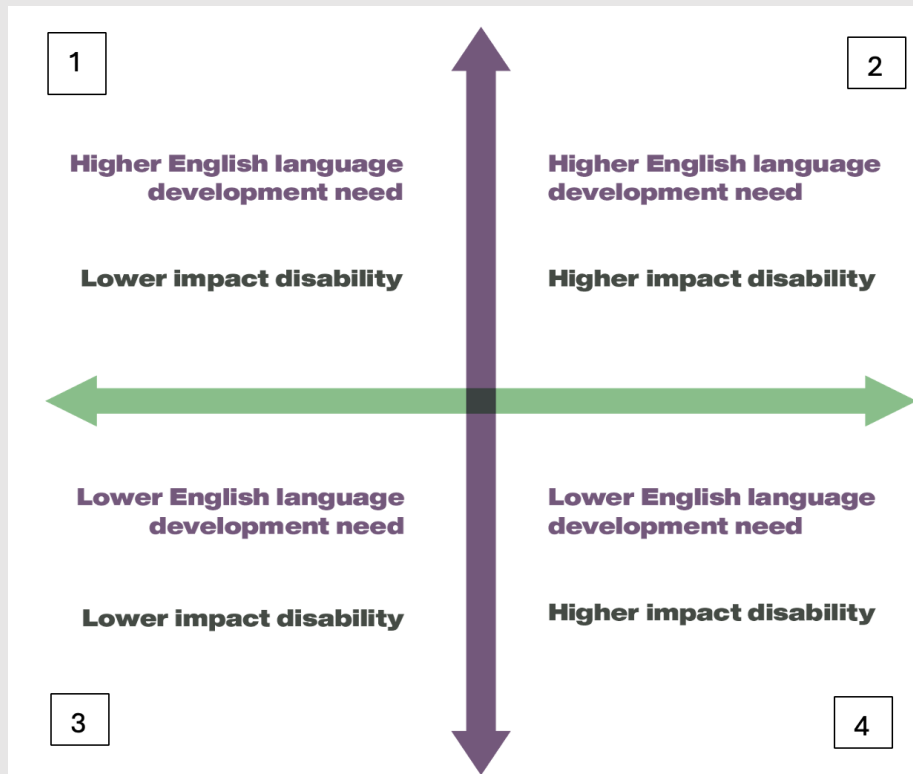
English learners
without disabilities



English learners
with disabilities

Continuum of English Language Proficiency and Exceptional Learning Needs

"Using the two lenses of language and disability should result in goals that consider the levels of both language and disability. Identifying which quadrant is the most appropriate description of their needs will help the team address academics, behavior, and language development in the linguistically appropriate goals and objectives."



Questions to Consider for Individual Students. Consider the following questions when using the framework with individual students:

1. Where can the student be placed on the language and disability grid?
2. What disability-related challenges are apparent for this student?
3. What instructional and assessment supports would meet the student's disability-related needs?
4. What language- and culture-related challenges is this student facing?
5. What linguo-cultural supports would be beneficial for the student in instruction? Is the student able to receive these supports during assessments?
6. What instruction and assessment accommodations would benefit this student?
7. Are special education teachers and language acquisition professionals involved in making instructional and assessment decisions for the student?
8. Has the student's placement changed since the previous evaluation period? If the student shifted from higher-needs to lower-needs quadrants, what strategies worked well to assist this student in the classroom? If the student shifted from lower-needs to higher-needs quadrants, what additional instructional and assessment supports are required?

Home and Community

Community and education are prioritized.
The student's family values honesty and respect.
Parents provided valuable insight and were very supportive.

Disability

Identified in early childhood as having a developmental delay, then later autism.
Working on boundaries and controlling verbal outbursts.
An area for growth is inferential thinking.
This is largely tied to his primary disability (autism), but it is unclear how much their language needs contribute.

Language

Primary language was Telugu until student started attending preschool at age 3.
Speaks Telugu at home and can read and write simple words.
Produces phrases in English rather than complete sentences.
Developing writing with clear and coherent sentences.

ACCESS Scores:
Listening 3.2, Speaking 2.9,
Reading 2.0, Writing 3.0

Very literal.

Loses focus while reading (or listening to texts being read aloud).
Can generally answer simple, recall questions with acceptable accuracy.
Inferring and predicting are significant areas of need.

Benefits from extra prompting by an adult to clarify what he intends to say or write.

Is in a modified literacy classroom.

Academic

Most engaged in math and science.
Can pick up on numerical patterns quickly.
Can initiate tasks and, in math, complete assignments relatively independently and accurately.
Can work independently given a high interest activity or gamified, computer-based learning.

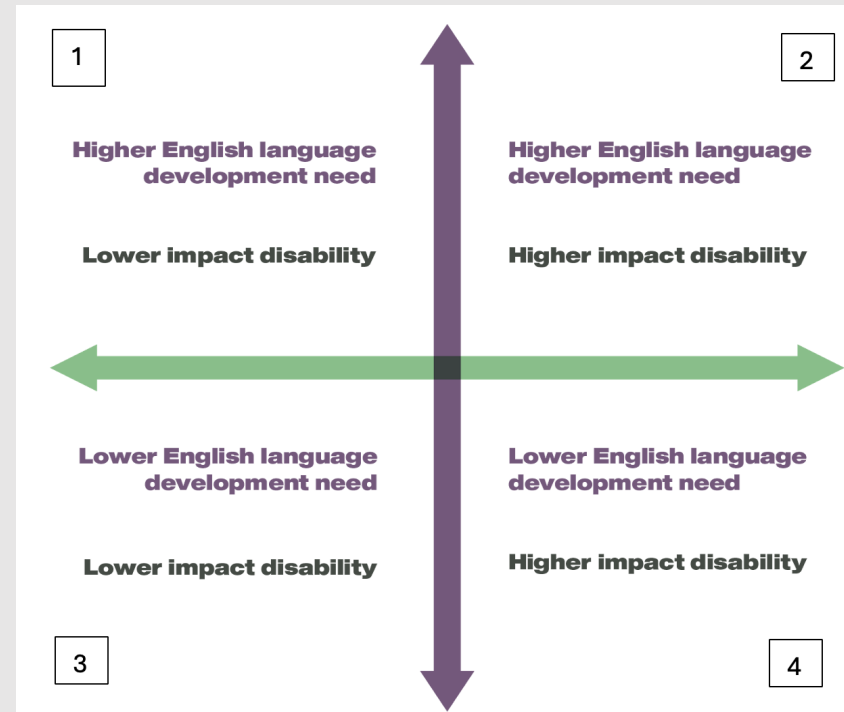
WIDA: When Language and Disability Meet

Information Collection Tool:

Sample Student (Navin)

Where do Navin's disability and language related needs fall on the continuum?

1. Where can the student be placed on the language and disability grid?
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4. What language and culture related challenges is this student facing?
5. What linguo-cultural supports would be beneficial for the student in instruction?
6. What instruction accommodations would benefit this student?



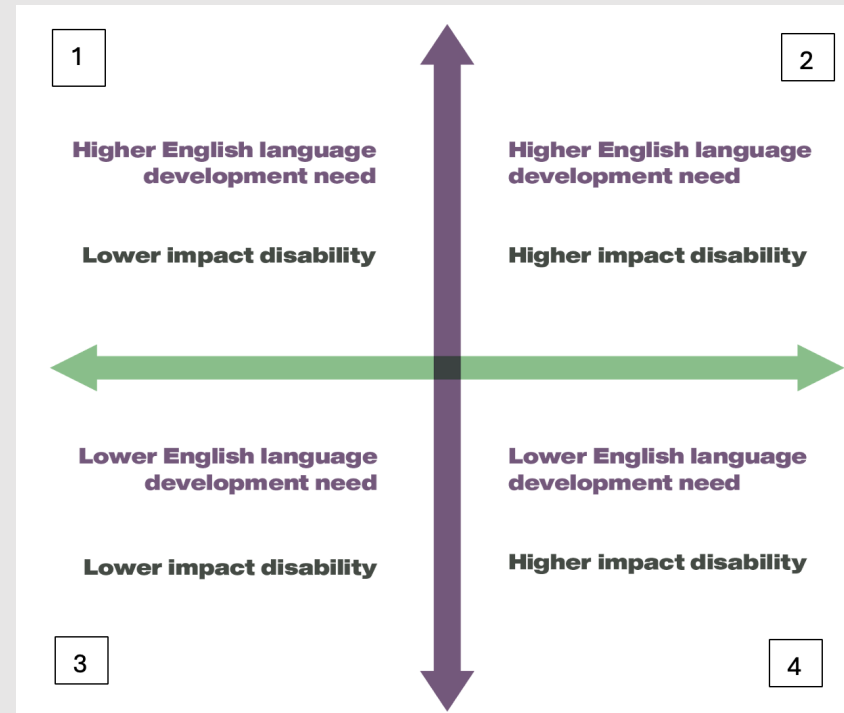
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Here we will stop the
recording and move to
break out rooms for
small group work.



Where do Navin's disability and language related needs fall on the continuum?

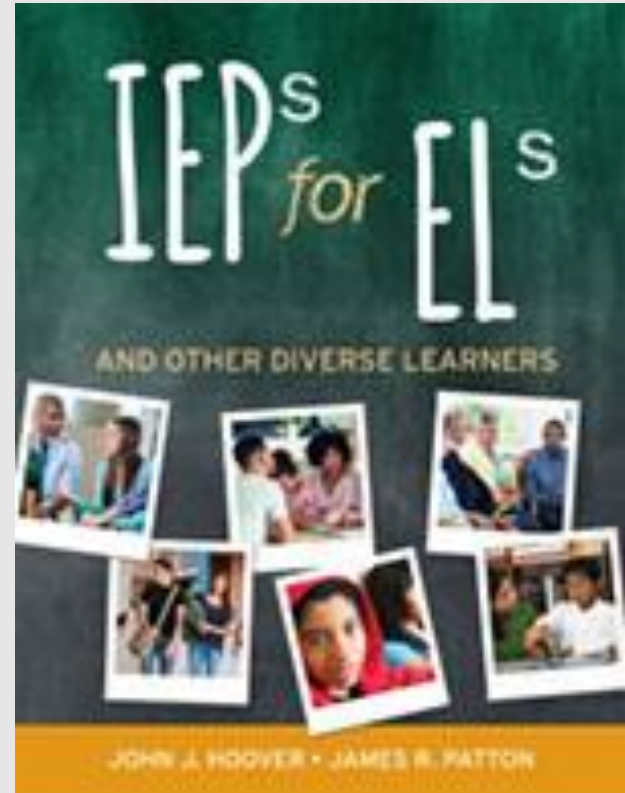
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Resources

- [Examining IEPs of English Learners with Learning Disabilities for Cultural and Linguistic Responsiveness](#) (Hoover, J., Erickson, J., Patton, J., Sacco, D., & Tran, L., 2018)
- [Multilingual Learners with Disabilities Resources Padlet](#)
 - Culturally and Linguistically Appropriate IEPs
 - Guidance & Tools
 - Culturally Responsive Practices



| 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 |



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