MTSS/RTI Checklist for MLs:

Distinguishing Language Difference from Disability

- ❑ Choose assessments needed to collect data that helps the team better understand the student, guide instruction and design strategies to support their learning.
- ❑ Develop a student profile capturing strengths, funds of knowledge and linguistic and cultural assets.
- ❑ Review all progress considering the student's primary/home language proficiency, language acquisition process, prior educational experience, cultural and linguistic background, learning style, instruction received and current English language development goals and programming recommendations (see student's Individual Language Acquisition Plan-ILAP).
- ❑ Determine next steps, including additional supports or if a special education referral is recommended, after considering the impact of extrinsic factors on the student's language acquisition and academic achievement.
- ❑ See the following excerpt from Maine Department of Education *Identifying and Serving Students who are Multilingual Learners with Disabilities: Policy and Resource Guide*, 2025 (page 8):

> 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.
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> > 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.

ASSESSMENT TOOLS See US DOE EL Toolkit Chapter 6 Tool #2: Comparison of Language Differences vs. Disabilities.	**WHO WILL COLLECT DATA?** Identify culturally and linguistically appropriate tools for assessment and data collection.	**COMPLETED? DATE?** Summarize data results and identify additional student supports.
Education and Achievement ✓ Review student's cumulative file and Individual Language Access Plan (ILAP) ? Guiding questions: Are there gaps in the student's education experiences? Have they repeated any grades? Why? Have parents expressed concerns or shared information regarding their child's learning progress? What is the student's English language proficiency level? What do they receive for ELD services (program model, time, frequency) and for literacy instruction? Has there been sufficient intensity of ELD	➢ See intake and enrollment paperwork, family education history form, health records (vision, hearing, health, etc.), WIDA assessments (Screener, ACCESS, ALT ACCESS, MODEL) and tools (Can Do Descriptors, English Language Development Standards, Proficiency Level Descriptors, Key Language uses, language domain rubrics), English language development goals and services, classroom observations, work samples and other curriculum-based measures.	❑ Yes ❑ No ❑ N/A Comments:

instruction and accommodations provided to access the core curriculum? Is the student acquiring English at a typical rate compared to *true peers* (peers with similar language proficiency, culture, and experiential backgrounds)? What is the student's level and rate of academic achievement? Is this rate typical for the general and specific population of the student in the district/school?		
Language Proficiency and Developmental History ✓ Establish partnership with parents/guardians ? Guiding questions: Are languages other than English spoken in the student's home? What languages other than English does the student speak? Is the student maintaining an ability to communicate with his/her family members? What is the student's primary/home language(s) proficiency and literacy levels? Is the student developing the home language at a typical rate? Did the student learn to read and write at the expected grade level? Has the student reached typical milestones as expected from the parent's perspective? Are there any concerns in communication and learning?	➢ Identify home language(s) and interpretation needs and complete an extended student and family interview for additional background information about a student's developmental history to identify strengths, resiliency factors and specific learning needs. Gather information pertinent to all languages the student uses or is exposed to.	❑ Yes ❑ No ❑ N/A Comments:
Adaptation and Behavior ✓ Acculturation and Sociocultural Factors ? Guiding questions: What is the student's level of acculturation? Is the student at risk for culture shock? Is the student adapting to the school at a typical rate? Is the student's emotional stability developmentally and culturally appropriate? Are there extrinsic factors, individual or family circumstances that may explain the observed behavior?	➢ Identify culturally & linguistically responsive instructional strategies based on student's needs (behavior & academics).	❑ Yes ❑ No ❑ N/A Comments: