



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



April Perkins, ESOL
& Bilingual
Programs Specialist

Robin Fleck, ESOL
Consultant

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Identifying and Serving Multilingual Learners with Disabilities: Guidance Manual

Workshop 1 - Legal Requirements and Intervention Procedures

Learning Overview

Provide information regarding the legal requirements around identifying a multilingual learner (ML) with a disability

Dispel myths and provide facts regarding legal obligations and timelines

Provide concrete steps to be taken throughout the intervention process when an ML is suspected of having a disability

Guidance to determine if the student's challenges are related to the language acquisition process and/or a disability

A note on terminology

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

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



About the Manual

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

Contents

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

Legal Requirements

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

FACT

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.



Intervention Procedures for Suspected Disability, Evaluation, and Eligibility



MYTH

Students will acquire a language by just being exposed to it.



Factors in Misidentification

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

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

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

Indicators of a Student Experiencing Challenges

ML is not
acquiring English
at an expected
pace

ML is not making
academic progress

ML is regularly
exhibiting
inappropriate
behavior

The following questions should be examined and responded to before a referral for a special education evaluation is made:

Is the district ESOL plan (i.e., Lau Plan) being implemented within the school?

Is the student's ILAP inclusive of language goals and benchmarks and available to all educational staff?

Are the modifications, adaptations, or differentiation strategies within the ILAP being used in the classrooms?



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?

Is the student demonstrating progress on the annual English language proficiency assessment?

Have teachers been regularly meeting to discuss the student's progress and implementing specific interventions to target identified areas of need?

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.

Review of medical records. Has there been a recent screening for hearing and vision?

Consideration of cultural factors. Where is the student in their acculturation process? Are they being taught in a culturally-responsive environment?

Have student assets been identified based on progress monitoring and informal observations and assessments?



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.

Intervention Procedures Flow Chart for Multilingual Learners

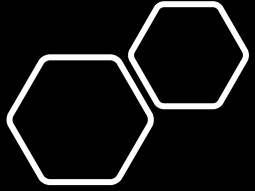
Step One:

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.

Step Two

The teacher requests assistance from a school team.





Step Three

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.



Step Four

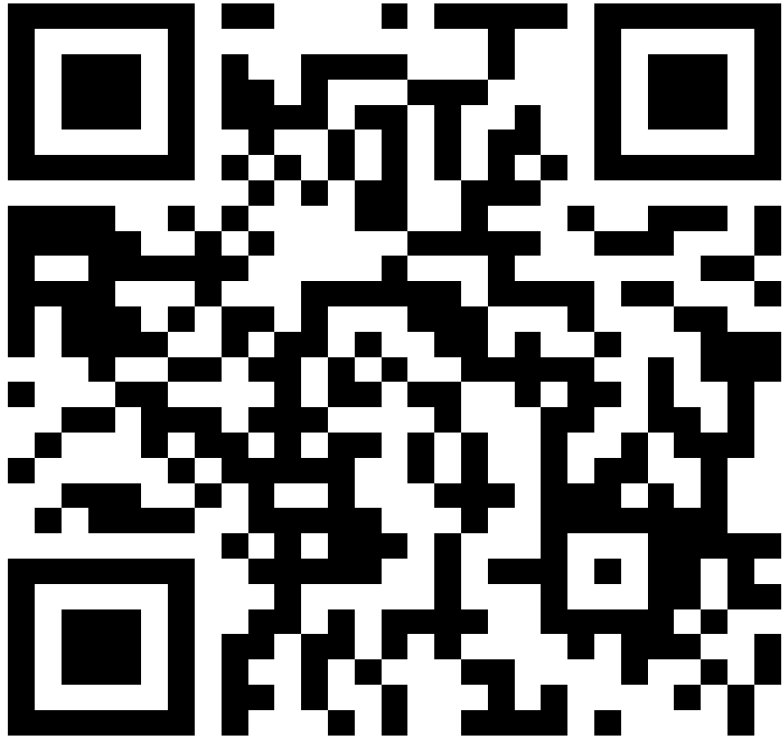
The school team
suspects a disability.



Questions?



Feedback & Contact Hour Request



<https://forms.office.com/g/6nCQtuRPTu>

april.perkins@maine.gov

robin.fleck@maine.gov

leora.byras@maine.gov



Contact
US