

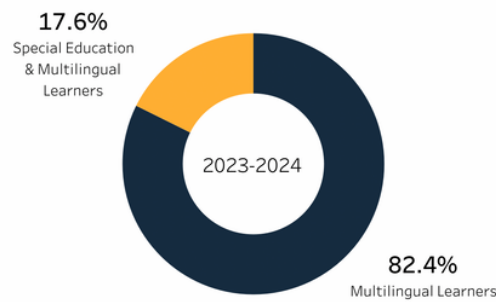
SERVING MULTILINGUAL LEARNERS WITH DISABILITIES

Maine DOE Policy and Resource Guide

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

2022

Multilingual Learners with Disabilities



Multilingual Learner Data Dashboard

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).

Policy & Resource Guide FAQ highlights

“Can students receive both ESOL services and special education services?”

Yes. The ML 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).

“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.

“...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

