



# Illinois State Board of Education

## Professional Development Modules: English Learner Tool Kit

### Chapter 6—English Learners With Disabilities

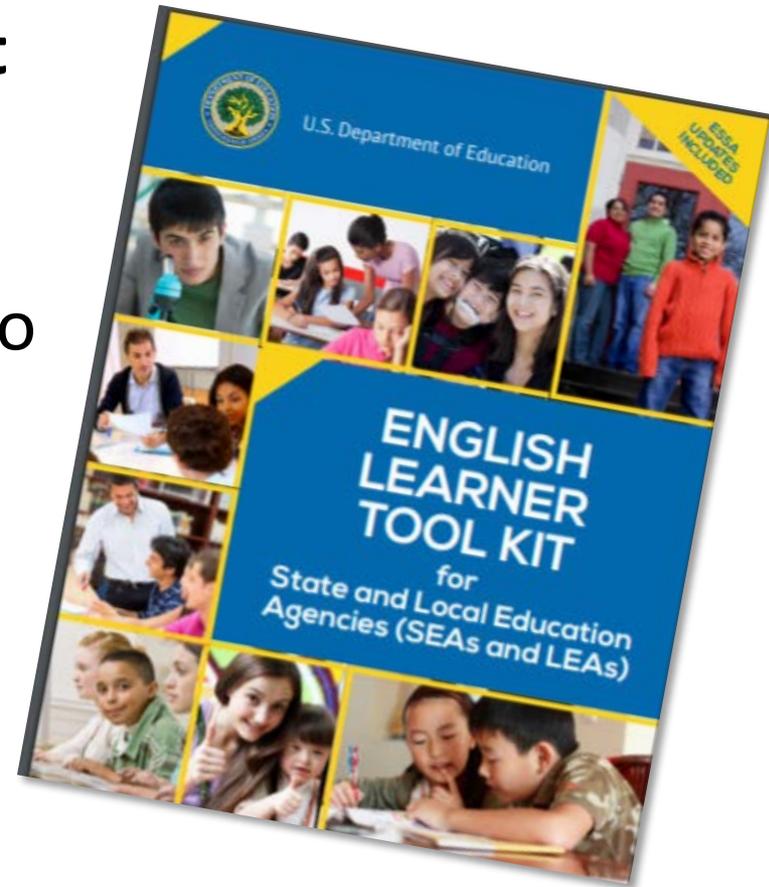
[presenter]

[date]



# Purpose

The **Professional Development Modules: English Learner Tool Kit** is a series of presentations intended to provide guidance to help local education leaders meet their legal obligations to English learners (ELs) and enhance existing EL practices to meet the needs of all EL students, parents, and families.





# English Learner Tool Kit Topics

1. Identifying All ELs
2. Language Assistance Programs
3. Staffing and Supports
4. Meaningful Access
5. Inclusive Environment
6. **ELs With Disabilities**
7. ELs Who Opt Out of Programs
8. Monitoring and Exiting EL Programs
9. Evaluation of EL Programs
10. Ensuring Meaningful Communication With Limited-English-Proficient Parents



# Significant Legal History

- [Title VI of the Civil Rights Act, 1964](#)
  - Prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance.
  - The Title VI regulatory requirements have been legally interpreted to prohibit **denial of equal access to education** because of a language minority student's limited proficiency in English.



# Significant Legal History

- [Lau v. Nichols Court Case, 1974](#)
  - Case dealt with San Francisco school system's failure to provide English language instruction to 1,800 students of Chinese ancestry.
  - U.S. Supreme Court unanimously ruled that a lack of supplemental instruction for ELs denies them a **meaningful** opportunity to participate in education programs, which violates the Civil Rights Act of 1964.



# Significant Legal History

- [Equal Educational Opportunities Act \(EEOA\), 1974](#)
  - Prohibits states from denying equal educational opportunity to an individual on account of his or her race, color, sex, or national origin.
  - The statute specifically prohibits states from **denying equal educational** opportunity by the failure of an education agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

“There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.”

—*Justice William Douglas*





# Legal Obligations

- U.S. Department of Education's Office of Civil Rights (OCR) and the U.S. Department of Justice (DOJ) share enforcement authority.
- Issued joint guidance in 2015 to help states, districts, and schools meet legal obligations to ELs.
- Guidance identifies [10 common civil rights issues for ELs.](#)





**Illinois  
State Board of  
Education**

# Addressing English Learners With Disabilities

**Whole Child • Whole School • Whole Community**



# English Learner Tool Kit

## Chapter 6: Tools and Resources for Addressing English Learners With Disabilities

### KEY POINTS:

- Local education agencies (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.





# English Learner Tool Kit

## Chapter 6: 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 distinguish students' language needs from disability-related needs.



# English Learner Tool Kit

## Chapter 6: Tools and Resources for Addressing English Learners With Disabilities

### KEY POINTS:

- LEAs must not determine that ELs have disabilities because of their limited English language proficiency.
- LEAs must provide ELs with **both the language assistance and disability-related services** they are entitled to under federal law.



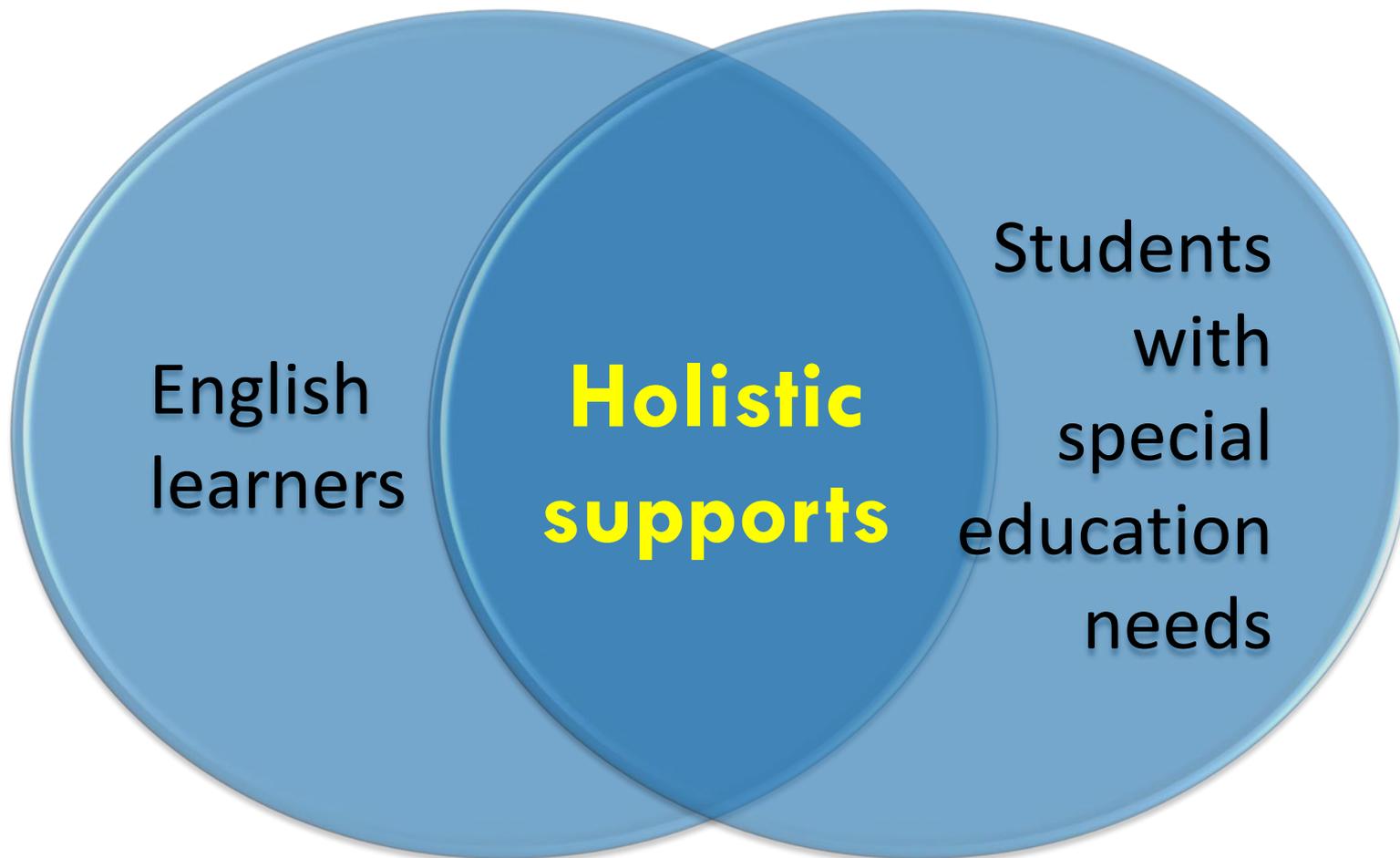
Illinois  
State Board of  
Education

# Illinois Requirements

**Whole Child • Whole School • Whole Community**



# Two Sets of Legal Requirements





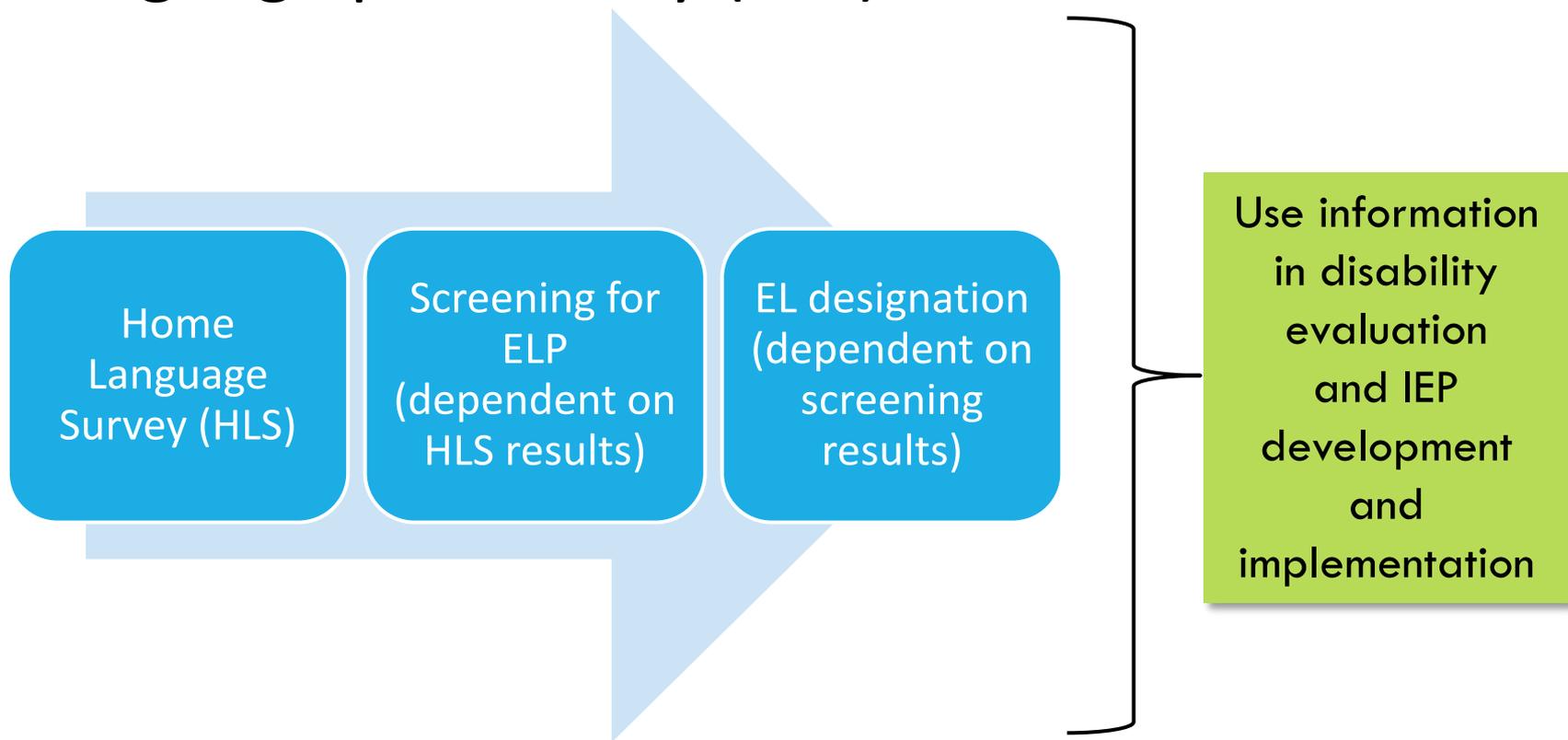
# Child Find Responsibility

- Districts must actively seek out all children birth–age 21 who may be eligible for special education.
- Procedures must include:
  - Annual and ongoing screenings of children under age 5.
  - Ongoing review of each child’s performance and progress by teachers or other professional personnel.
  - Ongoing coordination with early intervention programs to identify children birth–age 2 who might have disabilities.



# Before the Special Education Evaluation

Districts must determine the child's English language proficiency (ELP)





# Case Study Evaluation

- Disability evaluation must be:
  - ▣ **Nondiscriminatory** with respect to language, culture, race, and gender;
  - ▣ **Relevant** to students' culture and consistent with their primary language/mode of communication; and
  - ▣ Conducted by a **qualified bilingual specialist**.
- If conducted under nonstandard conditions, a description must be included in the evaluation report.

*An IEP shall be considered “linguistically and culturally appropriate” if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student’s education.*



(34 CFR 300.22)



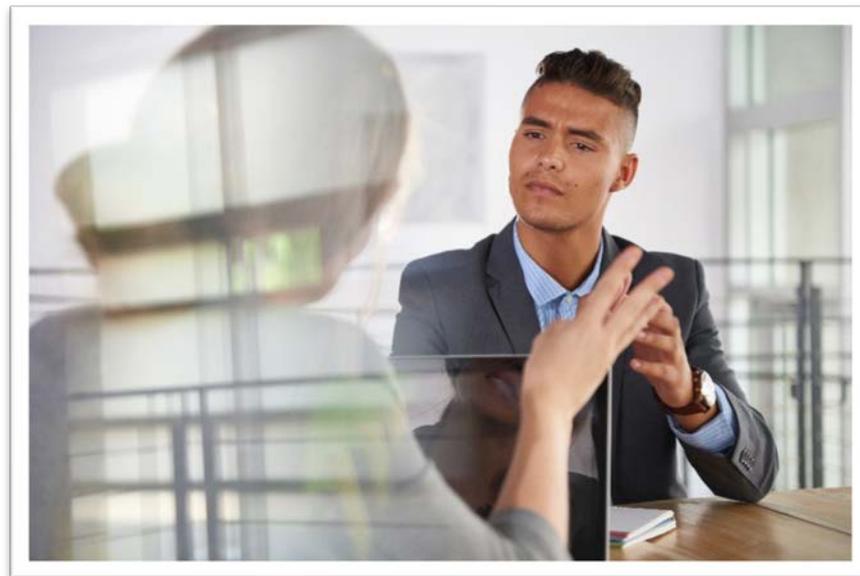
## IEPs for EL Students

- A **statement about the languages or modes of communication** in which special education and related services will be provided must be included.
- The language needs of the child must be considered, in particular the student's **English proficiency level**.
- The child is entitled to **both special education services and language development services**.
- Special education services may be provided in a **language other than English**.



# Parent Meeting Participation

- Districts must facilitate parent understanding of and participation in IEP meetings.
- This includes interpretation for parents whose native language is not English.





## Parent Meeting Participation

- School districts can employ personnel who speak languages common in their student populations, provide interpreter training, and develop a list of interpretation and translation services.





## Pause and Reflect

- In our district/school, are needs evaluations based on students' suspected need rather than their ELP?
- How do we ensure that our IEP teams include participants who:
  - ▣ Have knowledge of students' language needs?
  - ▣ Have training in special education and related services?
  - ▣ Have training in second language acquisition and EL services?
  - ▣ Understand cultural differences?





## Pause and Reflect

- How do we involve parents in the IEP process in a language they understand?
- Beyond the legal requirements, how might our processes be made more clear and supportive for students and families?





**Illinois  
State Board of  
Education**

# **Additional Resources to Consider From the EL Tool Kit**

**Whole Child • Whole School • Whole Community**



## Resources on ELs With Disabilities

- In the EL tool kit (<https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf>):
  - Tool #1: Policy Recommendations for Referral, Identification, Assessment, and Service Delivery to ELs With Disabilities
  - Tool #2: Language Differences Versus Disabilities Matrix
  - Tool #3: Developing an IEP for an English Learner With a Disability Checklist
  - Tool #4: How to Use Data From the Office for Civil Rights
  - Tool #5: “Dos” and “Don’ts” for Selecting Appropriate Accommodations for Students With Disabilities
- Illinois special education notice and consent forms and translations: <https://www.isbe.net/Pages/Special-Education-Required-Notice-and-Consent-Forms.aspx>



# Tools for Addressing English Learners With Disabilities

## Tool #1

### ***Referral, Identification, Assessment, and Service Delivery to ELs With Disabilities***

Includes recommendations about ELs with disabilities from states with large or rapidly growing EL student populations.



# Tools for Addressing English Learners With Disabilities

## Tool #2

### ***Considering the Influence of Language Differences and Disability on Learning Behaviors***

Offers a matrix of learning behaviors organized by skill area (e.g., listening, speaking, reading) and the varying roles that language difference or disability can play in those behaviors.



# Tools for Addressing English Learners With Disabilities

## Tool #3

### ***Developing an IEP for an English Learner With a Disability***

This checklist of questions contain considerations for ELs during the IEP-writing process.



# Tools for Addressing English Learners With Disabilities

## Tool #4

### ***How to Use Data From the Office for Civil Rights' Civil Rights Data Collection (CRDC)***

This tool provides instructions about how to access EL data at the district level, including data about ELs with disabilities.



# Tools for Addressing English Learners With Disabilities

## Tool #5

### ***Selecting Appropriate Accommodations for Students With Disabilities***

This list of “dos” and “don’ts” will provide guidance when choosing accommodations for students with disabilities.



# Background Resources

- Fact sheet on the responsibilities of school districts
- Fact sheet answering common questions about the rights of limited-English-proficient parents and guardians
- Original OCR/DOJ guidance in the “Dear Colleague” letter
- Translations into multiple languages
- All available at:  
<https://www2.ed.gov/about/offices/list/ocr/ellresources.html>
- Companion tool kit from the U.S. Department of Education’s Office of English Language Acquisition:  
<https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>



## Further Reading

- Abadeh, H. (2015). Home-school communications: Multicultural parents of children with disabilities. *NABE Journal of Research and Practice*, 6. Retrieved from <https://www2.nau.edu/nabej-p/ojs/index.php/njrp/article/view/91/73>
- Abedi, J. (2006). Psychometric issues in the ELL assessment and special education eligibility. *Teachers College Record*, 108(11), 2282–2303. Retrieved from [http://www.ncaase.com/docs/Abedi\\_TCRE782\\_2006.pdf](http://www.ncaase.com/docs/Abedi_TCRE782_2006.pdf)
- Adelson, V., Geva, E., & Fraser, C. (2014). *Identification, assessment, and instruction of English language learners with learning difficulties in the elementary and intermediate grades*. Toronto, Ontario, Canada: University of Toronto, Ontario Institute for Studies in Education, Applied Psychology and Human Development. Retrieved from <http://www.ctserc.org/assets/documents/initiatives/specific-learning-disabilities-dyslexia/archive/ELLs-with-special-needs.pdf>
- Albus, D., Thurlow, M., & Clapper, A. (2007). *Standards-based instructional strategies for English language learners with disabilities*. Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes. Retrieved from <http://www.cehd.umn.edu/NCEO/Onlinepubs/ELLsDis18/ELLsDisRpt18.pdf>
- Burr, E., Haas, E., & Ferriere, K. (2015, July). *Identifying and supporting English learner students with learning disabilities: Key issues in the literature and state practice*. U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory West. Retrieved from [http://ies.ed.gov/ncee/edlabs/regions/west/pdf/REL\\_2015086.pdf](http://ies.ed.gov/ncee/edlabs/regions/west/pdf/REL_2015086.pdf)